

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

5:30 P.M.

AGENDA

Tuesday, August 4, 2015

REGULAR MEETING

CALL TO ORDER & ROLL CALL

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

The Regular Meeting minutes of July 21, 2015

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.**

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.**

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.**

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.**

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.**

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.**

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.**

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.

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.**

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.**

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.**

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.**

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.**

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.

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.

Brown v. City of Kingman

Blaschak v. City of Kingman

ADJOURNMENT

Posted _____ by _____

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

5:30 P.M.

MINUTES

Tuesday, July 21, 2015

REGULAR MEETING

Members	Officers	Visitors Signing in
Richard Anderson – Mayor	John Dougherty, City Manager	See attached list
Mark Wimpee, Sr. – Vice-Mayor - EXCUSED	Jackie Walker, Human Resources Director	
Mark Abram	Carl Cooper, City Attorney	
Larry Carver	Keith Eaton, Assistant Fire Chief	
Jen Miles	Greg Henry, City Engineer	
Stuart Yocum	Robert DeVries, Chief of Police	
Carole Young	Mike Meersman, Parks and Recreation Director	
	Tina Moline, Finance Director	
	Gary Jeppson, Development Services Director	
	Rob Owen, Public Works Director	
	Joe Clos, Information Services Director	
	Sydney Muhle, City Clerk and Recording Secretary	
	Erin Roper, Deputy City Clerk	

CALL TO ORDER & ROLL CALL

Mayor Anderson called the meeting to order at 5:29 P.M. and roll call was taken. All councilmembers were present except for Vice-Mayor Wimpee, Sr. who was excused. The invocation was given by Jerry Dunn of Oak Street Baptist 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. APPROVAL OF MINUTES

The Regular Meeting and Executive Session minutes of July 7, 2015 cy/sy 5-0

Councilmember Abram stated he would abstain as he was excused from the meeting.

Councilmember Young made a MOTION to APPROVE the Regular Meeting and Executive Session minutes of July 7, 2015. Councilmember Yocum SECONDED and it was APPROVED by a vote of 5-0 with Councilmember Abram ABSTAINING.

2. **APPOINTMENTS**

a. Appointment to the Local Public Safety Personnel Retirement System (PSPRS)

With the retirement of Sergeant Lyman Watson there is a vacancy on the PSPRS Board. Sergeant Michael Godfrey has volunteered to represent police personnel with the City of Kingman on this board. At their meeting of July 10, 2015 the PSPRS Board voted 5-0 to recommend appointment of Sergeant Godfrey. **Staff recommends approval.**

Councilmember Miles made a MOTION to APPOINT Michael Godfrey to the Local Public Safety Personnel Retirement Board. Councilmember Young SECONDED and it was APPROVED by a vote of 6-0.

b. Reappointment of members to the Youth Advisory Commission (YAC)

Appointments to YAC are made for one year terms. There are currently four members: Angelique Shumway, Donovan Shumway, Robert Trujillo and Holland McLean. All four members have expressed interest in being reappointed to the commission. **Staff recommends reappointment.**

Councilmember Abram made a MOTION to REAPPOINT Angelique Shumway, Donovan Shumway, Robert Trujillo and Holland McLean to the Youth Advisory Commission. Councilmember Young SECONDED and it was APPROVED by a vote of 6-0.

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.

Citizen Harley Petit addressed the Council and said that he would like to know the time, place, and dates of the meetings concerning Kingman Crossing.

Mayor Anderson said that the Council would have a work session on this topic on Monday, July 27th, at 3:30 P.M. and the dates for the town hall meetings would be set then.

Citizen Joe Longoria addressed the Council and said that a lot of people come to the Council to complain, but he wanted to give thanks to Councilmembers Yocum and Miles and City Manager John A. Dougherty for their help with project in the community. He said that Kingman has been awarded hosting the state Democratic Convention in 2016 and wanted to thank Mr. Dougherty for his assistance on a project that helped with this. He said that this is a nice Council who is always accessible and appreciation doesn't come often enough.

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. Transfer ownership of a 2014 Dodge Caravan from the Kingman Police Department to the Mohave County Attorney's Office

On January 15, 2015 a 2014 Dodge Caravan (VIN #2C4RDDG1ER406770) was forfeited to the

State of Arizona and allocated to the Kingman Police Department/M.A.G.N.E.T. The vehicle was seized for forfeiture as a result of a criminal investigation by the M.A.G.N.E.T. Task Force. The City of Kingman serves as the fiduciary for M.A.G.N.E.T. and was therefore awarded the forfeiture on behalf of the task force. The M.A.G.N.E.T. Board of Directors voted unanimously to approve a request to transfer ownership of the above listed vehicle from the Kingman Police Department to the Mohave County Attorney's Office. Upon approval of the City of Kingman Council the vehicle will be transferred to the Mohave County Attorney's Office. **Staff recommends approval.**

b. Grant of Utility Easement for UniSource Electric, Inc. at the Mohave Museum of History and Arts located at 400 Beale Street (Project No. ENG15-044)

The City of Kingman is the owner of a 1.76 acre parcel (Parcel 304-18-007) which is the location of the Mohave Museum of History and Arts. The parcel is located south of the intersection of Grandview Avenue and Beale Street at 400 Beale Street. The proposed easement will make it possible for UniSource Electric, Inc. to relocate an existing power pole and accompanying guide-wires and anchors southward to the boundary of this parcel to an open location and out from the Mohave Museum parking lot. The relocation will provide for additional parking spaces, allow for more flexibility in the parking lot layout, and reduce the risk of the power pole and guide-wires from being hit by vehicles. The easement request has been sent out for Staff review with no objections or comments received. The easement request was presented to the Mohave Museum Board of Trustees by the Museum Director at their June 18th meeting with no objections to the granting of the easement. **Staff recommends granting the utility easement for UniSource Electric, Inc.**

c. Resolution 4963 accepting certain completed improvements in Walleck Ranch, Tract 1961-H, releasing property escrow assurance, and accepting new cash escrow assurance for uncompleted sidewalks

Walleck Ranch, Tract 1961-H, recorded on September 20, 2010 included two property escrow assurance agreements. One agreement was released in November 2010 and a separate sidewalk cash escrow assurance was accepted along Alan Ladd Drive. On March 5, 2013 the Council passed Resolution 4828 which released the other property escrow assurance on the balance of the subdivision, accepted a cash assurance for sidewalks along Robert Mitchum Drive, and accepted a new property escrow assurance for the lots adjoining Rex Allen Drive and Brown Way. All subdivision improvements, except for sidewalks and four street signs, have been completed along Rex Allen Drive and Brown Way. A sidewalk cash assurance has been offered by Pioneer Title for the completion of sidewalks and street signs along Rex Allen Drive and Brown Way in the amount of \$25,334.40. The amount, including a required 30% contingency, was approved by the City Engineer. This resolution will authorize the City Engineer to release portions of the cash escrow account in an amount equal to 90% of the per foot cost of the sidewalk in front of the constructed homes; however, all sidewalks must be completed within 18 months or when 80% of the lots are built upon and six months lapses between the last certificate of occupancy and the issuance of a new building permit unless an extension of time is granted by the Kingman Common Council. Final release of the remaining cash assurance will occur after the completion of a 12-month guarantee period after all sidewalks are completed and the Council authorizes their conditional acceptance into the City's maintenance system. **Staff recommends approval.**

d. Resolution 4964 approving the final subdivision plat, improvement plans, and a cash escrow assurance for Sunrise Business Park, Tract 6037

A request was received from Pioneer Title Agency, Inc., under Lingenfelter Family Trust, property owner, and Mohave Engineering Associates, engineer, for the approval of a final subdivision plat,

improvement plans and cash escrow assurance for Sunrise Business Park, Tract 6037. The subject property is zoned C-3: Commercial, Service Business and is located along the north side of Detroit Avenue and east of Western Avenue. The subdivision is proposed to have five commercial lots on 10.74 acres. The subdivision will consist of two public streets - Sunrise Avenue and La Salle Street. The eastern half of the right-of-way for La Salle Street is being dedicated by the Mohave Community College Foundation. It should be noted that the proposed right-of-way will encroach about 10-feet on an existing 15-foot wide electrical easement. This easement provides prior rights to the utility, meaning they will likely not have to conform to the City franchise agreement with respect to repairs and maintenance of this facility. The final plat, final drainage report, improvement plans, traffic impact analysis, and engineer's opinion of probable cost have been reviewed. There were a number of issues to be resolved regarding the improvement plans. The final plat is in accordance with the requirements of Resolution 4917 which approved the preliminary plat for Sunrise Business Park, Tract 6037 on November 4, 2014. A cash escrow assurance is proposed to be offered by the property owner to assure the completion of all off-site subdivision improvements. The amount is required to be 130% of the approved engineer's cost estimate as required by the Subdivision Ordinance. **Staff recommends approving Resolution 4964 if remaining issues with the improvement plans are addressed and cash escrow assurance equal to 130% of the engineer's cost estimate is submitted.**

e. Resolution 4962 approving an Arizona State Forestry Division Cooperative Intergovernmental Agreement

The City of Kingman and the State of Arizona have a Cooperative Intergovernmental Agreement currently in force effective 2003 along with the State Foresters Cooperative Fire Rate Agreement. These agreements are being revised based upon the new rates contained within the Cooperative Fire Rate Agreement. **Staff recommends approval.** **** Removed at the request of the attorney

Mayor Anderson said that Item "4e" had been removed from the Consent Agenda and would not be discussed as it was not ready to be approved.

Councilmember Young made a MOTION to APPROVE the Consent Agenda, Items "4a" through "4d", as presented. Councilmember Miles SECONDED and it was APPROVED by a vote of 6-0.

5. OLD BUSINESS

WIFA loan consolidation and extension of repayment information

On June 16, 2015, Council gave staff direction to research the possibility of consolidating and extending repayment of the loans obtained from the Water Infrastructure Finance Authority (WIFA) for the upgrades to the Downtown and Hilltop Wastewater Treatment Plants. Staff will provide Council with the following information as it relates to the City's existing WIFA loans and the City obtaining additional funding from WIFA for water and sewer infrastructure improvements: 1. Restructuring existing loans; 2. Consolidating new and existing loans; 3. Water and sewer infrastructure loan qualifications, terms, and reserve requirements; 4. Pre-payment policy.

Finance Director Tina Moline said that staff was given direction to research the possibility of restructuring, consolidating, and looking for new resources on loans.

Slide 1 – Ms. Moline gave an overview of the loans the City currently has. She said both loans are for the wastewater treatment plants. She said that WIFA forgave the engineering and design portion of the loans. She then gave a summary of the slide.

Slide 2 – Ms. Moline said that WIFA does not charge to restructure loans and the only cost is the interest on the loans. She said that traditionally they will not restructure a loan, especially after receiving the benefit of forgiving a portion of the loan. She then gave the options for the loan on the Hilltop Treatment Plant. She said that interest and payments will be the defining factors.

Slide 3 – Ms. Moline gave a synopsis of the WIFA loan qualifications.

Slide 4 – Ms. Moline gave a synopsis of the eligibility requirements. She said that this may be allowed if future growth will impact the growing population.

Slide 5 – Ms. Moline gave a synopsis of this slide.

Mayor Anderson said that the wastewater plants are hard to reach to move the effluent they produce. He asked for clarification that it would not be possible to obtain a loan for bringing wastewater to a separate location.

Ms. Moline said that it would be possible to set up a separate enterprise fund for this. She said that based on what she has seen it does not appear that WIFA would cover that.

Mayor Anderson asked if there is any way to receive funding to use the effluent.

City Engineer Greg Henry said that there may be grants available for the design of this, but construction would have to be on a loan.

Slide 6 – Ms. Moline gave a synopsis of the examples for water fund debt. She said that for the loan coverage calculation the City would not have to meet the debt service requirement. She said that example number one would allow the funds to be put back in for future use. She said that in example number two the debt service would probably be waived, but there would not be a lot to absorb for future expenditures.

Slide 7 – Ms. Moline gave a synopsis of the examples for the wastewater fund. She said that example number one would waive the debt service and have a nice end balance. She said that calculated debt service requirement is included with this. She said that example number two would not allow a lot to absorb decreases or expenditures.

Slide 8 – Ms. Moline gave a synopsis of the process to consolidate loans. She said that it could be beneficial to consolidate the loans if WIFA will allow it.

Slide 9 – Ms. Moline gave a synopsis of the WIFA prepayment policy. She said that there is no penalty listed in the loan documents and WIFA has a policy in place. She said that the final loan draws were in 2012 and 2013, meaning that it would be many years before consent is granted by WIFA.

Councilmember Carver asked about the additional \$5 million noted in one of the slides.

Ms. Moline said that this is an example of an option to fund future projects.

Mayor Anderson said that he wanted to look at the options for construction and potential alternatives. He said that it may not make sense to move forward with but he felt it was good to have the information.

Councilmember Miles said that there is no reason to think about extending or expanding these. She said that any option that would decrease interest is worth looking at. She said that she appreciated the analysis and would like to look at Ms. Moline's PowerPoint further.

Citizen Herberta Schroeder addressed the Council and said that whenever the City can lower its interest rate that's a good thing. She said that it appears this would be a significant decrease. She said that the Council should look into the requirements for hooking on to the sewer system when a property has a septic tank failure. She said that right now property owners are required to bring the sewer line to and beyond their property to connect. She said that the additional sewer line draws on the system and makes it inefficient. She said that the cost to a homeowner could be \$30,000 and asked that the Council direct staff to look into this. She said that a lot of people can't afford to do this, sell their home, and move.

Mayor Anderson said that this does get complicated and Ms. Schroeder makes a very good point to look into.

Ms. Schroeder said that there is a property facing this right now at Hodges Road and Sycamore Avenue in which the cost would be \$32,000.

6. **NEW BUSINESS**

a. Acceptance of parcel plat for lot line adjustment for City of Kingman property at Andy Devine Avenue and Fairgrounds Boulevard

Staff has prepared a parcel plat for City of Kingman property located at the intersection of Andy Devine Avenue and Fairgrounds Boulevard. The plat adjusts the lot lines for the purpose of establishing the Fairgrounds Boulevard right of way (Parcel A). It also establishes a drainage parcel (Parcel C) for the existing channel and drainage improvements on the north side of the property. Parcel B, the commercial property, will be adjusted to include the excess portion of the Fairgrounds Boulevard right of way. The City Surveyor has prepared the plat to conform to all City/County requirements. The establishment of the Roadway and Drainage parcels will allow the City to maintain such facilities in the future. **Staff recommends approval of the parcel plat.**

Mr. Henry gave a slide presentation, a copy of which has been attached to these minutes.

Slide 1 – Mr. Henry said that the proposed parcel plat creates a new parcel for drainage. He said that this property was acquired from the railroad a year ago. He said that this also allows proper right of way along Fairgrounds Boulevard. He said that the other parcel is vacant. He noted that there is a drainage channel to the north.

Slide 2 – This slide showed a graphical representation. Mr. Henry said that the total property is 6.25 acres. He said that staff is proposing to reduce the roadway parcel to 60 feet. He said that the other end of the property would be for drainage. He said that Council has to approve the plan as the City owns the property. He said that the right of way would be redefined to fit and the plot would adjust the lot line. He also gave the size of each proposed parcel.

Councilmember Abram asked if “Parcel A” allowed for enough room to expand Fairgrounds Boulevard or to make adjustments for new Americans with Disabilities Act (ADA) requirements.

Mr. Henry said that it would leave room for a new driveway.

Councilmember Yocum made a MOTION to APPROVE the Parcel Plat as presented. Councilmember Miles SECONDED and it was APPROVED by a vote of 6-0.

b. Discussion and direction on proposal from the ABC Team for a welcoming arch across Beale Street in Downtown Kingman

The ABC Team is in the process of working on a welcome arch across Beale Street. Doug Adams of Nucor Steel is looking into the cost of having design work and fabrication done by Nucor. The City Manager is meeting with City Staff (Engineering, Public Works, Developmental Services, Parks and Risk Management) next week to discuss what would be required, should Council approve, to accept this gift. **Staff is looking for guidance on whether Council thinks this is something the City would be interested in pursuing.**

Mr. Dougherty said that he was presenting this as a member of the America’s Best Communities (ABC) team. He said that the team has been discussing the possibility of a welcome arch. He said that he suggested bringing this to Council to get initial approval before proceeding with what the Council may not find acceptable. He said that the team has talked to Nucor Steel about engineering for the project and a color sketch of the proposed arch has been provided to the Council. He said that staff would eventually like the sides to be a little different to prevent people from climbing on them, but approved the concept. He said that the group wants to bring this back to the Council for final approval. He said that the welcome sign has not been finalized. He said that Nucor has measured where the arch will be and it will be located on Beale Street between Metcalf and Veteran’s parks.

Councilmember Young said that a study conducted previously recommended this and the City never had the money to do it. She said that it is a good idea and that other things were recommended in the study that it may be good to look at.

Mayor Anderson said that he believed the funding for this would come out of what was received for the quarterfinal round to go into the next round.

Councilmember Abram said that the \$35,000 received for the quarterfinal round is for planning to get into the next stage. He said that the funding for this will need to come from the next round. He said that Council approval for this is needed to push through to the next round.

Councilmember Yocum said that is it very aesthetic to which Councilmember Miles agreed.

Citizen Ron Geisbreich addressed the Council and said that he also represents Chillin’ on Beale Street. He said that a welcome sign would be a great benefit to Kingman and he was here to support the idea. He said that it would also direct locals and tourists to the entertainment district downtown and would be beneficial to the City of Kingman.

Citizen Carol Decker-Noli addressed the Council and said that she likes the idea. She said that it helps businesses downtown and asked about solar lights and reflectors for the sign. She thanked Nucor Steel for participating and being a part of the community. She also thanked Mr. Dougherty for

bringing this to the Council and everything else he does in the community. She said that he is always present and working with the community.

Mayor Anderson said that staff is looking for guidance on whether this is something the Council is interested in pursuing which the Council agreed that it was.

Councilmember Young said that the study had recommended utilizing the Route 66 theme for the sign and said that the City should stick with this.

7. **REPORTS**

Board, Commission and Committee Reports by Council Liaisons

Councilmember Yocum said that the Clean City Commission met on July 16th and acknowledged several groups. He said there will be a city wide clean up a couple of weeks before the Best of the West festival sponsored by the United Way. He said that the commission also welcomed their new commissioners.

Councilmember Young said that she attended the Transit Advisory Commission meeting. She said that the commission is reevaluating the advertising program and has set up a work group to make a recommendation on the rates.

Mayor Anderson said that he attended the Kingman Airport Authority meeting and the group swore in their new officers. He said that the board gave approval of the tentative agreement on the dross site to send on to the Department of Justice. He said that they have received an application for the sale of raw land and were supposed to get the appraisal that week.

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.

Councilmember Carver said that there was a baseball tournament at Southside Park that night and the following night. He said that the kids were playing great ball and recommend the community attend.

Councilmember Yocum acknowledged the Public Works department for street repairs in the Walleck Ranch area. He said that the department did a fantastic job and everyone is pleased with how it turned out.

Councilmember Abram said that the Salvation Army would be holding a back to school drive in the Frontier Building from 11:00 A.M. to 1:00 P.M. on July 22nd. He said that this will help a lot of people in the community who can't afford what's required for school.

Mayor Anderson said that he attended a walk of fame ceremony to acknowledge a tour guide from Australia. He said that the gentleman was presented with a brick for bringing people to the Kingman area.

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

ADJOURNMENT – 6:18 P.M.

ATTEST:

APPROVED:

Sydney Muhle
City Clerk

Richard Anderson
Mayor

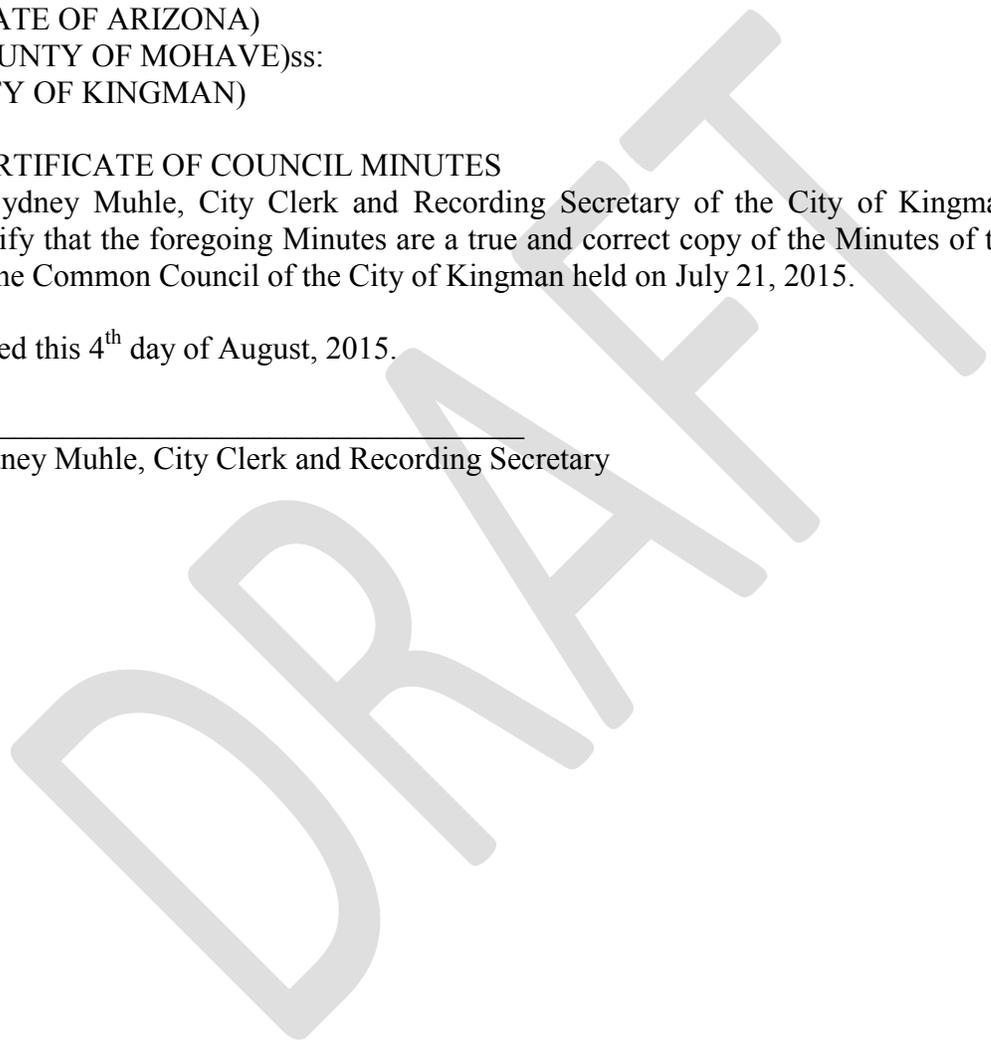
STATE OF ARIZONA)
COUNTY OF MOHAVE)ss:
CITY OF KINGMAN)

CERTIFICATE OF COUNCIL MINUTES

I, Sydney Muhle, 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 July 21, 2015.

Dated this 4th day of August, 2015.

Sydney Muhle, City Clerk and Recording Secretary





Existing
Drainage
Channel &
Culvert

Existing Vacant
City Property

Existing Road
Parcel
Fairgrounds
Boulevard



Existing Parcels

Parcel A (Road)
0.87 Acres

Parcel B
5.38 Acres

CITY OF KINGMAN COMMUNICATION TO COUNCIL



TO: Honorable Mayor and Council Members
FROM: Development Services Department
MEETING DATE: August 4, 2015
AGENDA SUBJECT: Recognition of Jim McErlean as the 2014/2015 Building Official of the Year by the Arizona Building Officials

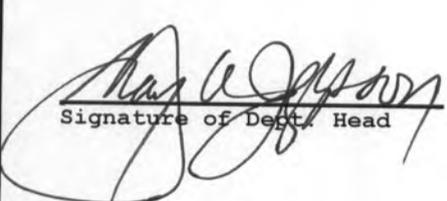
SUMMARY: Jim McErlean has served as the building official for the City of Kingman since February 27, 2014. In this short time, Mr. McErlean has been recognized by his peers as the Arizona Building Official of the Year. Jim was awarded this award on July 22, 2015 by the Arizona Building Officials. The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

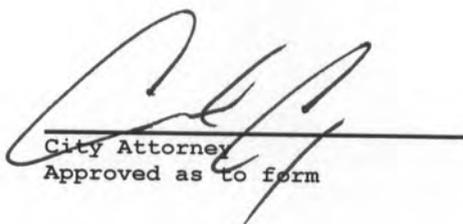
Since Jim has become the building official, he has received praise from the community for his competency, professional demeanor and progressiveness.

ATTACHMENT: None

FISCAL IMPACT: None.

RECOMMENDATION: Congratulate Jim McErlean.


Signature of Dept. Head


City Attorney
Approved as to form


City Manager's Review

AGENDA ITEM: 2

CITY OF KINGMAN COMMUNICATION TO COUNCIL



TO: Honorable Mayor and Council Members
FROM: Engineering Services
MEETING DATE: August 4, 2015
AGENDA SUBJECT: CONSIDERATION OF AMENDMENT NO. 2 TO ENGINEERING CONTRACT ENG14-001

SUMMARY: 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.

ATTACHMENTS: Amendment No. 2 with Attachments

FISCAL IMPACT: The cost will be \$58,968 and will be funded from the Sidewalk Replacement Fund (Account 201-3110-500-43-55). The Budget and Capital Improvements Plan identified \$60,000 for this work.

RECOMMENDATION: It is recommended that Amendment No. 2 to the May 7, 2014 Agreement with TR Orr, Inc. be approved and that the Mayor be authorized to sign on behalf of the City.


Signature of Dept. Head


City Attorney
Approved as to Form


City Manager's Review

AGENDA ITEM: 4a

AMENDMENT NO. 2

**BETWEEN THE CITY OF KINGMAN AND TR ORR, INC.
FOR CONSTRUCTION MANAGER AT RISK SERVICES RELATED TO
THE CONSTRUCTION OF STREET AND DRAINAGE WORK
ENGINEERING CONTRACT ENG14-001**

This Amendment shall be made to the Construction Services Agreement dated May 7, 2014 by and between the City of Kingman (City) and TR Orr, Inc. (Contractor).

The effective date of this Amendment is _____, 2015.

The undersigned agree to the following additions to the original scope of work as follows:

1. TR Orr agrees to remove two existing reinforced concrete panels at the Central Commercial Building on Fourth Street, and replace the same with glass block panels manufactured by Circle Redmont, Inc. The City agrees to pay TR Orr, Inc. a Not to Exceed sum of \$ 58,968 as compensation for this work.
2. The new completion date for all Work under the Agreement shall be February 12, 2016.
3. Both parties agree that the above described work shall be in accordance with the MAG Standards and Specifications, the 2012 International Building Code (IBC) and other applicable City Ordinances.

.....
CITY OF KINGMAN, ARIZONA

Attest:

RICHARD ANDERSON, MAYOR

SYDNEY MUHLE, CITY CLERK

.....
TR ORR, INC.

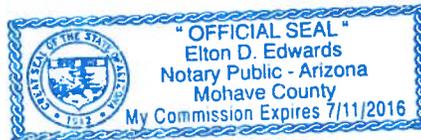


RANDY COOK, PRESIDENT

State of Arizona)

)ss.

County of Mohave)



Subscribed and Sworn to Before Me
This 23RD day of JULY, 2015.



Notary Public

My Commission Expires: 7/11/16

EXHIBIT A

TR ORR, INC.

GMP PROPOSAL

July 21, 2015

Greg T. Henry, P.E.
City Engineer
City of Kingman
310 N. 4th Street
Kingman, Arizona 86401

ghenry@cityofkingman.gov
Phone: 928-753-8329
Fax: 928-753-8118

**RE: Cost Adjustment for (2) Added Glass Block Panels for Central Commercial
Contract No. ENG 14-001**

Sir:

I am pleased to submit herein our bid for the cost adjustment for the Central Commercial Glass Block Panel for, Contract No. ENG 14-001. Please see the attached Exhibit "A" for a breakdown of all the costs. .

Total GMP to add (2) More Glass Panels to Central Commercial \$58,968.00

The estimated lead-time for the glass panels is 20 to 24 weeks. We have the resources to begin the project immediately and are looking forward to working with you on the project.

Sincerely,



Elton Edwards
Project Manager
T.R. Orr, Inc.

Central Commercial Glass Panel

Exhibit "A"

		One Panel
Repair Existing Glass Block	\$	-
Seal Glass Block	\$	-
Re caulk exterior of all Panels	\$	950.00
Removal of existing & Disposal	\$	1,780.00
Structural Concrete work	\$	-
6'x9' panel	\$	28,500.00
Structural Metal per Mansell	\$	-
Approx. Freight for one or three	\$	12,500.00
Installation	\$	2,880.00
	19990 \$	<u>46,610.00</u>
Profit	\$	4,661.00
Contingency	\$	4,661.00
	\$	<u>55,932.00</u>
Sales Tax	\$	3,035.71
Total Bid	\$	<u>58,967.71</u>

CITY OF KINGMAN COMMUNICATION TO COUNCIL



TO: Honorable Mayor and Council Members

FROM: Engineering Services

MEETING DATE: August 4, 2015

AGENDA SUBJECT: CONSIDERATION OF A PROFESSIONAL SERVICES AGREEMENT WITH SUNRISE ENGINEERING, INC FOR A RECLAIMED WATER REUSE STUDY, ENG15-047

SUMMARY: 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 plus reclaimed water, and up to 5.1 million gallons per day of B plus reclaimed water. The Study will review the allowable uses and requirements for each category of reclaimed water. At this point the City does not have a pumping system or pipes in place to deliver reclaimed water, but the study will provide costs estimates for such facilities.

The Evaluation will specifically look at the following options for reuse: (1) Groundwater Injection, (2) Airport Industrial Use and (3) City Golf Course and Parks Reuse. The Consultant will analyze each option and identify the requirements, concept designs, cost estimates and benefits in detail. A powerpoint of the options will be presented to the City for further analysis and possible selection.

Staff has been in negotiations with Sunrise Engineering, Inc. regarding a proposal for the work. Sunrise has provided a scope and fee of \$97,500 to complete this work. Staff recommends approving the Agreement with Sunrise Engineering for the Reuse Study.

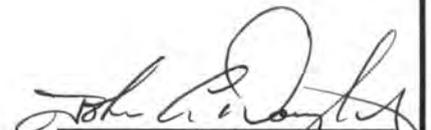
ATTACHMENTS: Professional Services Agreement with Sunrise proposal dated July 23, 2015

FISCAL IMPACT: The cost for this work will be \$97,500 from the Water Capital Projects Fund. The Budget includes \$100,000 for this project.

RECOMMENDATION: Staff recommends that Council approve the Professional Services Agreement with Sunrise Engineering and authorize the Mayor to sign the Agreement on behalf of the City.


Signature of Dept. Head


City Attorney
Approved as to Form


City Manager's Review

AGENDA ITEM: 4b

**AGREEMENT FOR
ENGINEERING SERVICES FOR A RECLAIMED WATER REUSE STUDY
CITY OF KINGMAN PROJECT ENG15-047**

THIS AGREEMENT is made and entered into this ____ day of _____, 2015, by and between the City of Kingman, an Arizona municipal corporation, hereinafter called "CITY" and SUNRISE ENGINEERING, INC., hereinafter called "ENGINEER".

WITNESSETH

WHEREAS, the CITY wishes to obtain engineering services for the preparation of a Reclaimed Water Reuse Study; and

WHEREAS, ENGINEER has submitted a Detailed Scope of Services dated July 21, 2015, attached hereto and made a part hereof as Exhibit A, offering to perform engineering services for the Reclaimed Water Reuse Study; and

WHEREAS, ENGINEER has agreed to complete the work for a fee not to exceed \$97,500.00 as detailed in Exhibit A; and

WHEREAS, it has been determined that ENGINEER is qualified and ready to perform the services as required by this Agreement;

NOW THEREFORE, it is mutually agreed as follows:

I. ENGINEER'S DUTIES

- A. ENGINEER shall provide all labor, materials and equipment and complete all tasks necessary for the completion of the Reclaimed Water Reuse Study as outlined in Exhibit A.
- B. ENGINEER shall provide electronic and, as applicable, hard copies of all reports, models, plans, drawings and other materials prepared under this Agreement.

II. CITY DUTIES

The CITY agrees to provide information and make payment for the work covered under this Agreement in accordance with the following:

- A. The CITY shall provide ENGINEER with copies of plans, reports, drawings or other information of record applicable to this project.
- B. The CITY shall pay ENGINEER for the work performed on a monthly basis, upon receipt of a progress report that coincides with the hours completed for a given phase of work during the preceding month. The final payment will be paid after the project is complete and the work is accepted by the City Council.

III. GENERAL COVENANTS

It is further agreed by the CITY and ENGINEER as follows:

- A. **TERMINATION OF CONTRACT FOR CAUSE.** If through any cause, and after reasonable opportunity to commence a remedy, ENGINEER shall fail to fulfill in a timely and proper manner the obligations under the Agreement, or if ENGINEER shall violate any of the covenants, agreements, or stipulations of this Agreement, the CITY shall thereupon have the right to terminate this Agreement by giving written notice to ENGINEER of such termination and specifying the effective date thereof, at least five days before the effective date of such termination. In such event, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs and reports prepared by ENGINEER under this Agreement shall at the option of the CITY, become its property and ENGINEER shall be entitled to receive compensation for any work satisfactorily completed on the date of termination.
- Notwithstanding the above, ENGINEER shall not be relieved of liability to the CITY for damages sustained by the CITY by virtue of any breach of the Agreement by ENGINEER.
- B. **CHANGES.** The CITY may, from time to time, request changes in the scope of the services of ENGINEER to be performed hereunder. Such changes, including any increase or decrease in the amount of ENGINEER compensation, which are mutually agreed upon by and between the CITY and ENGINEER, shall be incorporated in written amendments to this Agreement.
- C. **PERSONNEL.** ENGINEER represents that he has or will secure at his expense, all personnel required in performing the services under this Agreement. Such personnel shall not be employees of or have contractual relationship with the CITY. All personnel engaged in the work shall be fully qualified and shall be authorized or permitted under State and Local law to perform such services.
- D. **ASSIGNABILITY.** Neither party shall assign, subcontract or transfer their interests, rights or obligations in this Agreement without prior written consent of the other party.
- E. **RECORDS AND AUDITS (Maintenance and Retention).** ENGINEER shall maintain accounts and records, including personnel, property and financial records, adequate to identify and account for all costs pertaining to the Agreement to assure proper accounting for all project funds. A monthly summary of these records will be maintained by ENGINEER at the completion of the Agreement for retention for five years. Said records shall be made available for Inspection at ENGINEER's offices during normal business hours, upon request, to the CITY and any other body authorized in writing by the CITY.
- F. **FINDINGS CONFIDENTIAL.** All of the reports, data, information, etc., prepared or assembled by ENGINEER under this Agreement are confidential and shall not be made available to any individual or organization without the prior written approval of the CITY, with the exception of any recording of survey information required by law and with respect to information that:

- 1) becomes generally available to the public other than as a result of disclosure by ENGINEER or its agents or employees;
- 2) was available to ENGINEER on a non-confidential basis prior to its disclosure by City;
- 3) becomes available to ENGINEER from a third party who is not, to the knowledge of ENGINEER, bound to retain such information in confidence.

In the event ENGINEER is compelled by subpoena, court order, or administrative order to disclose any confidential information, ENGINEER shall promptly notify CITY and shall cooperate with CITY prior disclosure so that CITY may take necessary actions to protect such confidential information from disclosure.

- G. **COPYRIGHT**. No report, maps, or other documents produced in whole or in part under this Agreement shall be the subject of an application for copyright by or on behalf of ENGINEER.
- H. **DELAYS**. ENGINEER shall not be responsible for damages or be deemed to be in default by reason of delays in performance by reason of strikes, lockouts, accidents, acts of God, shortages of materials, delays caused by failure of CITY or CITY's agents to furnish information or to approve or disapprove work promptly or any other event beyond the control of ENGINEER. In the case of the happening of any such cause of delay, the time of completion shall be extended accordingly.
- I. **CONFLICT OR DISPUTE**. In the event of a conflict or dispute as to the interpretation, application or implementation of this Agreement, either party shall have the right to submit the conflict or dispute to mediation in accordance with the rules of the American Arbitration Association then in effect. Any disputes arising from this Agreement in any way and involving an amount of less than \$50,000 shall be settled by arbitration.
- J. **STANDARD OF CARE – PROFESSIONAL SERVICES**. Subject to limitations inherent in the agreed scope of work as to the degree of care, amount of time and expenses to be incurred, and subject to any other limitations contained in this Agreement, ENGINEER shall perform its services in accordance with generally accepted standards and practices customarily utilized by competent engineering firms in effect at the time ENGINEER's services are rendered. ENGINEER does not expressly or impliedly warrant or guarantee its services.
- K. **RELIANCE UPON INFORMATION PROVIDED BY OTHERS**. If ENGINEER's performance of services hereunder requires ENGINEER to rely on information provided by other parties (excepting ENGINEER's subcontractors) ENGINEER shall not independently verify the validity, completeness, or accuracy of such information unless expressly engaged to do so by CITY.
- L. **SEPARABILITY**. In the event any term or provision of this Agreement is held to be invalid and unenforceable, the validity of the other provisions shall not be affected, and this Agreement shall be construed and enforced as if it did not contain the particular term

or provision that is invalid or unenforceable.

- M. **COMPLETION TIME.** The ENGINEER shall complete the work per the schedule outlined in Exhibit A.
- N. **INDEMNIFICATION.** The ENGINEER shall indemnify and hold harmless the CITY, and its agents, representatives, officers, directors, officials and employees, from liabilities, damages, losses and costs, including reasonable attorney fees, but only to the extent caused by the negligence, recklessness or intentional wrongful conduct of the ENGINEER or other persons employed or used by the ENGINEER in the performance of the contract.
- O. **INSURANCE REQUIREMENTS.** The ENGINEER retained by the City to provide the work or service required by this contract will maintain Professional Liability insurance covering ENGINEER's negligent acts, errors, mistakes and omissions arising out of the work or services performed by the ENGINEER, or any person employed by the ENGINEER, with a limit of not less than \$1,000,000 each claim. Proof of such insurance shall be provided to the CITY.

The amount and type of insurance coverage as required herein will in no way be construed as limiting the scope of the indemnity in this paragraph.

- P. **COMPLIANCE WITH FEDERAL AND STATE LAWS.** The Consultant understands and acknowledges the applicability to it of the American with Disabilities Act, the Immigration Reform and Control Act of 1986 and the Drug Free Workplace Act of 1989. The Consultant must also comply with A.R.S. § 34-301, "Employment of Aliens on Public Works Prohibited", and A.R.S. § 34-302, as amended, "Residence Requirements for Employees".

Under the provisions of A.R.S. §41-4401, Consultant hereby warrants to the City that the Consultant and each of its subconsultants ("Subconsultants") will comply with, and are contractually obligated to comply with, all Federal Immigration laws and regulations that relate to their employees and A.R.S. §23-214(A) (hereinafter "Consultant Immigration Warranty").

A breach of the Consultant Immigration Warranty shall constitute a material breach of this Contract and shall subject the Consultant to penalties up to and including termination of this Contract at the sole discretion of the City.

The City retains the legal right to inspect the papers of any Consultant or Subconsultant's employee who works on this Contract to ensure that the Consultant or Subconsultant is complying with the Consultant Immigration Warranty. The City may, at its sole discretion, conduct random verification of the employment records of the Consultant and any of Subconsultants to ensure compliance with Consultant's Immigration Warranty. Consultant agrees to assist the City in regard to any such inspections. The Consultant and its Subconsultants warrant to keep the papers and records open for random inspection during normal business hours by the City. The Consultant and its Subconsultants shall cooperate with the City's random inspections including granting the City entry rights onto its property to perform the random inspections and waiving their respective rights to keep

such papers and records confidential.

Neither the Consultant nor any of Subconsultants shall be deemed to have materially breached the Consultant Immigration Warranty if the Consultant or Subconsultant establishes that it has complied with the employment verification provisions prescribed by sections 274A and 274B of the Federal Immigration and Nationality Act and the E-Verify requirements prescribed by A.R.S. §23-214, Subsection A.

IN WITNESS WHEREOF, we have set our hands and seal the day, month and year first above written.

SUNRISE ENGINEERING, INC.

Gregory D. Potter, P.E.
Principal/Vice President

State of Arizona)
)ss.
County of _____)

Subscribed and Sworn to
Before Me This _____ day of
_____, 20__.

Notary Public

My Commission Expires: _____

.....
CITY OF KINGMAN, ARIZONA

RICHARD ANDERSON, MAYOR

Attest:

SYDNEY MUHLE, CITY CLERK



EXHIBIT A

Date: July 21, 2015

To: Gregory T. Henry, P.E.
City Engineer
City of Kingman
310 N. 4th Street
Kingman, AZ 86401
Phone: 928-753-8122
Email: ghenry@cityofkingman.gov

Subject: **CONTRACT for Engineering Services
Reclaimed Water Reuse Study**

Dear Mr. Henry,

Sunrise Engineering, Inc. (SEI) is pleased to provide the following proposal and agreement to provide Professional Engineering Services for the above referenced project. SEI agrees, upon receipt of your acceptance to this agreement, to perform the following identified services in accordance and the terms and conditions contained herein.

Scope of Services

The City of Kingman is in need of study to determine the most beneficial and effective way to use the City's reclaimed water from the Hilltop Water Reclamation Facility. The City's WRF has the ability to produce both B+ and A+ water. The goal of this study is to evaluate three different options for the City to utilize this reclaimed water.

Based on the conditions described above the scope of services for this project has been divided into separate phases and tasks are as follows:

Phase 1: EXISTING DATA COLLECTION & EVALUATION

Task 1 - Kick-off Meeting & Site Visit: SEI will attend a team meeting with the City of Kingman staff to review the overall scope of work, develop the design criteria for the evaluation of each reuse option, develop a project schedule and perform a site visit of the Hilltop WRF.

Task 2 - Data Collection & Evaluation: SEI will work with City staff to obtain the most recent existing files from the City's records to support the reuse study. These files are anticipated to include:

- a. Hilltop WRF As-builts of tertiary treatment equipment
- b. Hilltop WRF flow records
- c. Water Rate Information
- d. Hilltop WRF Permit Information
- e. Hualapai Geologic and Groundwater Studies
- f. City Reuse Rules & Requirements

Phase 2: OPTION 1 ANALYSIS – GROUNDWATER INJECTION: This option includes an analysis of the potential to reuse reclaimed water by injecting it into the aquifer.

Task 1 – Aquifer Analysis: This task includes an analysis of the existing geologic and groundwater studies of the Hualapai Basin to determine the feasibility of groundwater injection. This would also include an estimation of the number, size and locations of recharge wells to introduce the volume/flow of A+ reclaimed water from the Hilltop WRF.

Task 2 – Conceptual Design: This task includes preparing the calculations and conceptual design for the improvements (wells, pumps, piping, etc.) required to implement this proposed option. The conceptual design will also include a summary of the permitting and sampling required to implement this option.

Task 3 – Capital Cost Estimate: Based on the improvements outlined in the conceptual design outlined above a preliminary engineer’s opinion of cost will be prepared to estimate the capital cost of implementing this option.

Task 4 – Long Term Operation & Maintenance Cost: Based on the improvements outlined in the conceptual design outlined above a long term operation & maintenance cost will be prepared to estimate the City’s required on-going investment of implementing this option. This includes an evaluation of the necessary staffing and qualifications.

Task 5 – Benefits Analysis: This task will include developing a list, in conjunction with the City, of selection criteria that can be used to evaluate the pros and cons of the option outlined above. This selection criteria will include assigning a level of importance (total score) for each selection criteria along with how the option scores within each selection criteria.

Phase 3: OPTION #2 ANALYSIS – AIRPORT INDUSTRIAL REUSE: This option includes an analysis of the potential to reuse A+ reclaimed water by delivering it to existing or new customers within the Airport Industrial Park.

Task 1 – Conceptual Design: This task includes preparing the calculations and conceptual design for the improvements (pumps, piping, etc.) required to implement this proposed option. The conceptual design will also include a summary of the permitting and sampling required.

Task 2 – Capital Cost Estimate: Based on the improvements outlined in the conceptual design outlined above a preliminary engineer’s opinion of cost will be prepared to estimate the capital cost of implementing this option.

Task 3 – Long Term Operation & Maintenance Cost: Based on the improvements outlined in the conceptual design outlined above a long term operation & maintenance cost will be prepared to estimate the City’s required on-going investment of implementing this option. This includes an evaluation of the necessary staffing and qualifications.

Task 4 –Rate Analysis & Capital Savings: Based on the conceptual design and cost estimates (capital repayment and O&M) outlined above this task will include a preliminary determination of a reuse rate that would have charged to customers for using the reclaimed water. In addition, the implementation of this reuse option might reduce the amount of drinking water use (current and future) at the Airport Industrial Park. If this is the case an estimate of the drinking water facilities saved (which could be used for other growth without adding to the system) will be performed to assign a value of this option to the City’s drinking water system.

Task 5 – Benefits Analysis: This task will include developing a list, in conjunction with the City, of selection criteria that can be used to evaluate the pros and cons of the option outlined above. This selection criteria will include assigning a level of importance (total score) for each selection criteria along with how the option scores within each selection criteria.

Task 6 – Water Reuse Survey: This task will include the development of a survey questionnaire for high water use businesses within the City of Kingman to gauge interest in using reclaimed water in lieu of drinking water in their business operations. The City will provide the businesses names and contact information, including a valid email address. Survey will be performed using an internet based provider such as Survey Monkey. Task will include the analysis of the survey and summarizing results for the City.

Phase 4: OPTION #3 ANALYSIS – GOLF COURSE, PARKS & FARMING REUSE: The City’s golf course currently uses 1M gallons per day (in the summer months) of drinking water for irrigation. It is our understanding that the City does not internally charge for water use for City facilities. This option (3A) includes an analysis of the potential to reuse A+ reclaimed water by delivering it to the golf course and other City facilities such as parks and schools to replace the drinking water used with reclaimed water. In addition, this option (3B) will include an analysis of the potential to reuse B+ reclaimed water by delivering it for farming purposes to land nearby the WRF.

Task 1 – Conceptual Design: This task includes preparing the calculations and conceptual design for the improvements (pumps, piping, etc.) required to implement this proposed option(s). The conceptual design will also include a summary of the permitting and sampling required.

Task 2 – Capital Cost Estimate: Based on the improvements outlined in the conceptual design outlined above a preliminary engineer’s opinion of cost will be prepared to estimate the capital cost of implementing these option.

Task 3 – Long Term Operation & Maintenance Cost: Based on the improvements outlined in the conceptual design outlined above a long term operation & maintenance cost will be prepared to estimate the City’s required on-going investment of implementing this option. This will include an evaluation of the necessary staffing and qualifications.

Task 4 – Capital Savings Analysis: The implementation of this reuse option will reduce the amount of drinking water use within the City’s drinking water system. An estimate of the drinking water facilities saved (which could be used for other growth without adding to the system) will be performed to assign a value of this option to the City’s drinking water system.

Task 5 – Benefits Analysis: This task will include developing a list, in conjunction with the City, of selection criteria that can be used to evaluate the pros and cons of the option outlined above. This selection criteria will include assigning a level of importance (total score) for each selection criteria along with how the option scores within each selection criteria.

Phase 5: PROJECT MANAGEMENT and FINAL DELIVERABLES

Task 1 - Meetings & Project Management: The scope of work included in this task is for the project meetings and management, which is as follows:

- Attend up to 2 meetings with the client for the project at the City. Attend up to 3 meetings with the client for the project at SEP’s office.
- Prepare and maintain project schedule.
- Prepare written monthly project progress update for the scope of work outlined within this contract.
- Coordinate activities of the project team.

Task 2 – Study Presentation to City: A power point presentation will be prepared showing a summary of the 3 options analyzed for water reuse. This presentation will be shown so the City can become familiar with the results of the Study and allow the City to make a selection for further analysis. This task is in addition to the meetings outlined in the Meetings & Project Management task shown above.

Task 3 – Prepare Final Study: This scope of work includes the preparation of a “Reclaimed Water Use Evaluation Study” based on the scope of work shown above. This document will summarize the reclaimed water use options analyzed. This study shall contain a summary of each option, conceptual design, cost estimates, benefits analysis and provided a recommended option for further study/design to the City.



Scope of Work Exclusions & Conditions

1. This proposal has been prepared with the assumption that the City will provide copies of the items outlined in the data collection task.
2. Any additional services, not outlined above, shall be performed at our hourly rates shown in Item 2 in addition to the contract cost.
3. Reproduction costs shall be billed as a reimbursable expense in addition to the project cost.

The scope of work for the engineering services to be performed as part of this contract will be provided on a lump sum basis as shown in Item 1. Any further services requested in excess of those listed above will be performed at the rates and fees shown in Item 2.

Please execute the agreement below with all signatures, and return it to our office. If you have any questions regarding this proposal please contact our office at (480) 768-8600. We look forward to working with you.

Sincerely,
SUNRISE ENGINEERING, INC.

Gregory D. Potter, P.E.
Principal/Vice President



ITEM 1 – Fees

Cost Summary					
Reclaimed Water Reuse Study					
Phase	Task	Work Task Description	(\$)	Fee Type	Manhours
0001		Existing Data Collection & Evaluation			
	001	Kickoff Meeting & Site Visit	\$3,500		24
	002	Data Collection & Evaluation	\$2,500		24
		Subtotal	\$6,000	Lump Sum	
0002		Option #1 Analysis - Groundwater Injection			
	001	Aquifer Analysis	\$4,800		30
	002	Conceptual Design	\$5,400		50
	003	Capital Cost Estimate	\$2,500		24
	004	Long Term Operation & Maintenance Cost	\$4,700		42
	005	Benefits Analysis	\$2,400		18
		Subtotal	\$19,800	Lump Sum	
0003		Option #2 Analysis - Airport Industrial Reuse			
	001	Conceptual Design	\$6,100		58
	002	Capital Cost Estimate	\$2,500		24
	003	Long Term Operation & Maintenance Cost	\$4,300		40
	004	Rate Analysis & Capital Savings	\$4,700		42
	005	Benefits Analysis	\$2,400		18
	006	Water Reuse Survey	\$2,400		18
		Subtotal	\$22,400	Lump Sum	
0004		Option #3 Analysis - City Golf Course & Parks Reuse			
	001	Conceptual Design	\$7,800		74
	002	Capital Cost Estimate	\$2,500		24
	003	Long Term Operation & Maintenance Cost	\$4,300		40
	004	Capital Savings Analysis	\$2,900		26
	005	Benefits Analysis	\$2,400		18
		Subtotal	\$19,900	Lump Sum	
0005		Project Management & Final Deliverables			
	001	Meetings & Project Management	\$8,000		56
	002	Study Presentation to City	\$4,500		32
	003	Prepare Final Study	\$16,900		164
		Subtotal	\$29,400	Lump Sum	
		TOTAL	\$97,500		846



ITEM 2 – Fee Schedule

SUNRISE ENGINEERING, INC.

Arizona Offices 2015 Fee Schedule

<u>CODE</u>	<u>CLASSIFICATION</u>	<u>RATE</u>	<u>CODE</u>	<u>CLASSIFICATION</u>	<u>RATE</u>
101	Engineer (E.I.T.) I	\$85 <i>per hour</i>	051	Administrative I	\$40 <i>per hour</i>
102	Engineer (E.I.T.) II	\$95	052	Administrative II	\$49
103	Engineer III	\$125	053	Administrative III	\$59
104	Engineer IV	\$139	922	Survey Tech	\$60
105	Engineer V	\$159	930	Survey CAD Tech	\$85
110	Principal Engineer	\$189	935	Survey Crew Chief	\$110
711	Project Manager I	\$110	940	Survey Manager	\$115
712	Project Manager II	\$150	945	Registered Surveyor	\$125
301	Engineering Tech I	\$69	950	Principal Surveyor	\$160
302	Engineering Tech II	\$85	106	Construction Manager I	\$ 119
303	Engineering Tech III	\$95	107	Construction Manager II	\$ 139
304	Engineering Tech IV	\$105	108	Sr. Construction Manager	\$ 159
401	CAD Technician I	\$59	306	Field Technician I	\$ 59
402	CAD Technician II	\$69	307	Field Technician II	\$ 69
403	CAD Technician III	\$79	308	Field Technician III	\$ 79
404	CAD Technician IV	\$89	MILE	Mileage	\$0.59 <i>per mile</i>

Subconsultants and other direct expenses as incurred plus 10% handling fee

CITY OF KINGMAN COMMUNICATION TO COUNCIL



TO: Honorable Mayor and Council Members

FROM: Engineering Services

MEETING DATE: August 4, 2015

AGENDA SUBJECT: CONSIDERATION OF A PROFESSIONAL SERVICES AGREEMENT WITH AECOM TECHNICAL SERVICES INC., FOR THE INTERSTATE 40 CROSSING FEASIBILITY STUDY, ENG15-042

SUMMARY: The Adopted Budget includes a project for a Feasibility Study to evaluate potential crossings of Interstate 40 (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. Staff has received complaints from residents living on the south side of I-40 regarding the ability to access the hospital and schools on the north side of I-40.

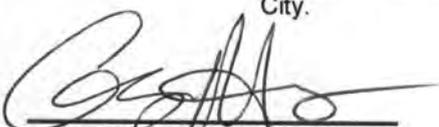
The Feasibility Study will evaluate two locations for a possible interim crossing as follows: (1) Kingman Crossing: This option will look at connecting Louise Avenue to Santa Rosa Boulevard using the proposed Kingman Crossing Boulevard alignment, (2) Prospector Street: This option will look at connecting 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. The study will examine traffic patterns and drainage considerations for each option.

Staff has been in negotiations with AECOM Technical Services, Inc. regarding a proposal for the work. AECOM has provided a scope and fee of \$113,053 to complete this work. Staff recommends approving the Agreement with AECOM Technical Services for the Feasibility Study.

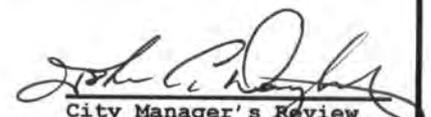
ATTACHMENTS: Professional Services Agreement with AECOM proposal dated July 23, 2015

FISCAL IMPACT: The cost for this work will be \$113,053 from the Capital Projects Fund. The Budget includes \$250,000 for this project.

RECOMMENDATION: Staff recommends that Council approve the Professional Services Agreement with AECOM Technical Services, Inc., and authorize the Mayor to sign the Agreement on behalf of the City.


Signature of Dept. Head


City Attorney
Approved as to Form


City Manager's Review

AGENDA ITEM: 4c

**AGREEMENT FOR
CONSULTANT SERVICES FOR A FEASIBILITY STUDY FOR POTENTIAL CROSSING(S)
OF INTERSTATE 40 AT OR NEAR THE PROPOSED KINGMAN CROSSING INTERCHANGE
ENG15-042**

THIS AGREEMENT is made and entered into this _____ day of _____, 2015, by and between the City of Kingman, an Arizona municipal corporation, hereinafter called "CITY" and AECOM Technical Services, Inc., hereinafter called "ENGINEER".

WITNESSETH

WHEREAS, the CITY wishes to obtain engineering services for the preparation of a Feasibility Study for potential roadway crossing(s) of Interstate 40 (I-40) at or near the proposed Kingman Crossing Interchange; and

WHEREAS, ENGINEER submitted a Detailed Scope of Services dated July 23, 2015, attached hereto and made a part hereof as Exhibit A, offering to perform engineering services for the preparation of the Feasibility Study; and

WHEREAS, ENGINEER has agreed to complete the work for a fee not to exceed \$113,053.00 as detailed in Exhibit A; and

WHEREAS, it has been determined that ENGINEER is qualified and ready to perform the services as required by this Agreement;

NOW THEREFORE, it is mutually agreed as follows:

I. ENGINEER'S DUTIES

- A. ENGINEER shall provide all labor, materials and equipment and complete all tasks necessary for the completion of the Feasibility Study for potential roadway crossing(s) of Interstate 40 (I-40) at or near the proposed Kingman Crossing Interchange as outlined in Exhibit A.
- B. ENGINEER shall provide electronic and, as applicable, hard copies of all reports, models, plans, drawings and other materials prepared under this Agreement.

II. CITY DUTIES

The CITY agrees to provide information and make payment for the work covered under this Agreement in accordance with the following:

- A. The CITY shall provide ENGINEER with copies of plans, reports, drawings or other information of record applicable to this project.
- B. The CITY shall pay ENGINEER for the work performed on a monthly basis, upon receipt of a progress report that coincides with the hours completed for a given phase of work

during the preceding month. The final payment will be paid after the project is complete and the work is accepted by the City Council.

III. GENERAL COVENANTS

It is further agreed by the CITY and ENGINEER as follows:

- A. **TERMINATION OF CONTRACT FOR CAUSE.** If through any cause, and after reasonable opportunity to commence a remedy, ENGINEER shall fail to fulfill in a timely and proper manner the obligations under the Agreement, or if ENGINEER shall violate any of the covenants, agreements, or stipulations of this Agreement, the CITY shall thereupon have the right to terminate this Agreement by giving written notice to ENGINEER of such termination and specifying the effective date thereof, at least five days before the effective date of such termination. In such event, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs and reports prepared by ENGINEER under this Agreement shall at the option of the CITY, become its property and ENGINEER shall be entitled to receive compensation for any work satisfactorily completed on the date of termination.

Notwithstanding the above, ENGINEER shall not be relieved of liability to the CITY for damages sustained by the CITY by virtue of any breach of the Agreement by ENGINEER.

- B. **CHANGES.** The CITY may, from time to time, request changes in the scope of the services of ENGINEER to be performed hereunder. Such changes, including any increase or decrease in the amount of ENGINEER compensation, which are mutually agreed upon by and between the CITY and ENGINEER, shall be incorporated in written amendments to this Agreement.
- C. **PERSONNEL.** ENGINEER represents that he has or will secure at his expense, all personnel required in performing the services under this Agreement. Such personnel shall not be employees of or have contractual relationship with the CITY. All personnel engaged in the work shall be fully qualified and shall be authorized or permitted under State and Local law to perform such services.
- D. **ASSIGNABILITY.** Neither party shall assign, subcontract or transfer their interests, rights or obligations in this Agreement without prior written consent of the other party.
- E. **RECORDS AND AUDITS (Maintenance and Retention).** ENGINEER shall maintain accounts and records, including personnel, property and financial records, adequate to identify and account for all costs pertaining to the Agreement to assure proper accounting for all project funds. A monthly summary of these records will be maintained by ENGINEER at the completion of the Agreement for retention for five years. Said records shall be made available for Inspection at ENGINEER's offices during normal business hours, upon request, to the CITY and any other body authorized in writing by the CITY.
- F. **FINDINGS CONFIDENTIAL.** All of the reports, data, information, etc., prepared or assembled by ENGINEER under this Agreement are confidential and shall not be made

available to any individual or organization without the prior written approval of the CITY, with the exception of any recording of survey information required by law and with respect to information that:

- 1) becomes generally available to the public other than as a result of disclosure by ENGINEER or its agents or employees;
- 2) was available to ENGINEER on a non-confidential basis prior to its disclosure by City;
- 3) becomes available to ENGINEER from a third party who is not, to the knowledge of ENGINEER, bound to retain such information in confidence.

In the event ENGINEER is compelled by subpoena, court order, or administrative order to disclose any confidential information, ENGINEER shall promptly notify CITY and shall cooperate with CITY prior disclosure so that CITY may take necessary actions to protect such confidential information from disclosure.

- G. **COPYRIGHT**. No report, maps, or other documents produced in whole or in part under this Agreement shall be the subject of an application for copyright by or on behalf of ENGINEER.
- H. **DELAYS**. ENGINEER shall not be responsible for damages or be deemed to be in default by reason of delays in performance by reason of strikes, lockouts, accidents, acts of God, shortages of materials, delays caused by failure of CITY or CITY's agents to furnish information or to approve or disapprove work promptly or any other event beyond the control of ENGINEER. In the case of the happening of any such cause of delay, the time of completion shall be extended accordingly.
- I. **CONFLICT OR DISPUTE**. In the event of a conflict or dispute as to the interpretation, application or implementation of this Agreement, either party shall have the right to submit the conflict or dispute to mediation in accordance with the rules of the American Arbitration Association then in effect. Any disputes arising from this Agreement in any way and involving an amount of less than \$50,000 shall be settled by arbitration.
- J. **STANDARD OF CARE – PROFESSIONAL SERVICES**. Subject to limitations inherent in the agreed scope of work as to the degree of care, amount of time and expenses to be incurred, and subject to any other limitations contained in this Agreement, ENGINEER shall perform its services in accordance with generally accepted standards and practices customarily utilized by competent engineering firms in effect at the time ENGINEER's services are rendered. ENGINEER does not expressly or impliedly warrant or guarantee its services.
- K. **RELIANCE UPON INFORMATION PROVIDED BY OTHERS**. If ENGINEER's performance of services hereunder requires ENGINEER to rely on information provided by other parties (excepting ENGINEER's subcontractors) ENGINEER shall not independently verify the validity, completeness, or accuracy of such information unless expressly engaged to do so by CITY.

- L. **SEPARABILITY**. In the event any term or provision of this Agreement is held to be invalid and unenforceable, the validity of the other provisions shall not be affected, and this Agreement shall be construed and enforced as if it did not contain the particular term or provision that is invalid or unenforceable.
- M. **COMPLETION TIME**. The ENGINEER shall complete the work per the schedule outlined in Exhibit A.
- N. **INDEMNIFICATION**. The ENGINEER shall indemnify and hold harmless the CITY, and its authorized agents, representatives, officers, directors, officials and employees, from liabilities, damages, losses and costs, including reasonable attorney fees, but only to the extent caused by the negligence, recklessness or intentional wrongful conduct of the ENGINEER or other persons employed or used by the ENGINEER in the performance of the contract.
- O. **INSURANCE REQUIREMENTS**. The ENGINEER retained by the City to provide the work or service required by this contract will maintain Professional Liability insurance covering ENGINEER's negligent acts, errors, mistakes and omissions arising out of the work or services performed by the ENGINEER, or any person employed by the ENGINEER, with a limit of not less than \$1,000,000 each claim/aggregate. Proof of such insurance shall be provided to the CITY.

The amount and type of insurance coverage as required herein will in no way be construed as limiting the scope of the indemnity in this paragraph.

- P. **COMPLIANCE WITH FEDERAL AND STATE LAWS**. The Consultant understands and acknowledges the applicability to it of the American with Disabilities Act, the Immigration Reform and Control Act of 1986 and the Drug Free Workplace Act of 1989. The Consultant must also comply with A.R.S. § 34-301, "Employment of Aliens on Public Works Prohibited", and A.R.S. § 34-302, as amended, "Residence Requirements for Employees".

Under the provisions of A.R.S. §41-4401, Consultant hereby warrants to the City that the Consultant and each of its subconsultants ("Subconsultants") will comply with, and are contractually obligated to comply with, all Federal Immigration laws and regulations that relate to their employees and A.R.S. §23-214(A) (hereinafter "Consultant Immigration Warranty").

A breach of the Consultant Immigration Warranty shall constitute a material breach of this Contract and shall subject the Consultant to penalties up to and including termination of this Contract at the sole discretion of the City.

The City retains the legal right to inspect the papers of any Consultant or Subconsultant's employee who works on this Contract to ensure that the Consultant or Subconsultant is complying with the Consultant Immigration Warranty. The City may, at its sole discretion, conduct random verification of the employment records of the Consultant and any of Subconsultants to ensure compliance with Consultant's Immigration Warranty. Consultant agrees to assist the City in regard to any such inspections. The Consultant and

its Subconsultants warrant to keep the papers and records open for random inspection during normal business hours by the City. The Consultant and its Subconsultants shall cooperate with the City's random inspections including granting the City entry rights onto its property to perform the random inspections and waiving their respective rights to keep such papers and records confidential.

Neither the Consultant nor any of Subconsultants shall be deemed to have materially breached the Consultant Immigration Warranty if the Consultant or Subconsultant establishes that it has complied with the employment verification provisions prescribed by sections 274A and 274B of the Federal Immigration and Nationality Act and the E-Verify requirements prescribed by A.R.S. §23-214, Subsection A.

- Q. **MUTUAL WAIVER OF CONSEQUENTIAL DAMAGES:** Neither party to this Agreement shall be liable to the other party or any third party claiming through the other respective party, for any special, incidental, indirect, punitive, liquidated, delay or consequential damages of any kind including but not limited to lost profits or use of property, facilities or resources, that may result from this Agreement, or out of any goods or services furnished hereunder.
- R. **OPINIONS OF CONSTRUCTION COST:** Any Opinion of the Construction Cost prepared by Engineer represents its judgment as a design professional and is supplied for the general guidance of City. Since Engineer has no control over the cost of labor and material, or over competitive bidding or market conditions, Engineer does not guarantee the accuracy of such opinions as compared to contractor bids or actual cost to City.
- S. **REUSE OF DOCUMENTS:** Any reuse of Engineer prepared Work, except for the specific purposes intended hereunder, will be at City's sole risk and without liability or legal exposure to Engineer or its subconsultants.

IN WITNESS WHEREOF, we have set our hands and seal the day, month and year first above written.

AECOM Technical Services, Inc.

Name
Title

State of Arizona)
)ss.
County of _____)

Subscribed and Sworn to
Before Me This _____ day of
_____, 20__.

Notary Public

My Commission Expires: _____

.....
CITY OF KINGMAN, ARIZONA

RICHARD ANDERSON, MAYOR

Attest:

SYDNEY MUHLE, CITY CLERK

SCOPE OF SERVICES

FEASIBILITY STUDY KINGMAN CROSSING INTERIM ROADWAY AND GRADE SEPARATION

DESCRIPTION OF THE PROJECT

A future traffic interchange (TI) is proposed on I-40 approximate 1.5 miles east of the East Kingman TI (Andy Devine Avenue) to provide improved access to the east Kingman area. This access is required for planned residential and commercial development in the vicinity of the Kingman Crossing TI and will provide regional connections to Airway Avenue to the north and to Southern Avenue to the south. In addition, another future TI is proposed on I-40 approximate 1.5 miles east of the Kingman Crossing TI to provide improved access to the east Kingman area and access to the Kingman Airport.

The future TI's are not funded and the date of construction is unknown at this time. However, there is a current need to provide access between the lands on both sides of I-40. The access could be achieved by implementing an interim roadway and a grade separation with I-40, in the vicinity of the proposed Kingman Crossing TI. The interim roadway would connect Louise Avenue with Santa Rosa Drive. The scope of this project will include preparation of a Feasibility Study for the interim roadway and grade separation with I-40.

Two alignment options will be evaluated for the interim roadway, as shown in Figure 1.

- Option 1 will begin at Louise Avenue, travel north along the Prospector Street alignment, adjacent to the State Land parcel, turn west along the Airfield Avenue alignment, turn north along the proposed Kingman Crossing Boulevard alignment, cross I-40 and terminate at Santa Rosa Drive. Option 1 will include extending pavement on Diamond Joe Road from Kingman Crossing Boulevard to Prospector Street and extending Prospector Street down to Diamond Joe Road. Option 1 will cross under I-40 with two new bridge structures constructed along I-40 based on the recommended ultimate TI configuration.
- Option 2 will also begin at Louise Avenue, travel north along the Prospector Street alignment, continue north on the same alignment across I-40, and extend up to the existing pavement on Prospector Street north of Diamond Joe Road. Option 2 will also include the extension Diamond Joe Road from Kingman Crossing Boulevard to Prospector Street. Two grade separation alternatives will be developed for Option 2. Alternative 1 will have the crossroad going over I-40, and Alternative 2 will have the crossroad going under I-40 with I-40 staying at existing grade.

AECOM (formally URS Corporation) will be the prime consultant for this project. Our involvement will include the overall contract administration as well as performing all of the work. The following scope of work is the basis for the derivation of the cost proposal for work to be performed by AECOM.



FIGURE 1

TASK 100: FEASIBILITY STUDY

AECOM will prepare a Feasibility Study for the interim roadway and grade separation. The study will describe the purpose and need for the project, discuss the existing characteristics of the study area, and evaluate the two alignment options based on geometrics; terrain limitations; structures; right-of-way and access control; off-site drainage; utilities; constructability, traffic control during construction, environmental concerns, and construction costs. The study will also make a recommendation for one of the options. A draft outline of the Feasibility Report is included as Attachment A.

AECOM will generate plan sheets for each option including a typical section, plan sheets and profile sheets. The plans will be included in the Feasibility Study. Four copies of the report and an electronic PDF file will be provided for distribution.

Time has been estimated to prepare a Draft and Final Feasibility Study.

TASK 200: EXISTING CHARACTERISTICS

AECOM will investigate the existing characteristics of the study area, including the existing roadways, right-of-way, land use, drainage patterns and utilities. These characteristics will be summarized in the Feasibility Study.

TASK 250: TRAFFIC ANALYSIS

Develop 2030 Design Year Traffic Projections: The existing 2011 Kingman Area Transportation Study (KATS) traffic-forecasting model will be modified to evaluate two additional build options for the 2030 design year traffic. The 2011 KATS recommended roadway improvements include the proposed Kingman Crossing and the Rancho Santa Fe Parkway traffic interchanges on I-40. The adjustments will be conducted utilizing the TransCAD modeling software. The additional build options to cross I-40 will be developed and be evaluated as part of this study are described as follows:

- Ultimate Build Option 1: The KATS 2030 recommended roadway segment traffic-forecasting model will be modified to add a grade separation crossing of I-40 between the proposed Kingman Crossing and the Rancho Santa Fe Parkway traffic interchanges along the Prospector Street alignment. The Prospector Street alignment would connect to Louise Avenue to the south of I-40 and to Santa Rosa or Diamond Joe to the north.
- Ultimate Build Option 2: The KATS 2030 recommended roadway segment traffic-forecasting model will be modified to eliminate the proposed Kingman Crossing and the Rancho Santa Fe Parkway traffic interchanges, and add the grade separation crossing of I-40 along the Prospector Street alignment.

Roadway Level-of-Service (LOS) Analysis: Perform 2030 LOS analysis for the two build options, including signal operational analysis, weave and freeway mainline analysis for I-40 between the East Kingman TI, the Kingman Crossing and the Rancho Santa Fe Parkway TIs, and DW Ranch Road TI. The analysis will include AM and PM peak hours. All LOS analysis will be based on the *Highway Capacity Manual 2010*. The signal operations will be evaluated utilizing the SYNCHRO software while the

weaving and freeway mainline analysis will be performed utilizing the Highway Capacity Software 2010 (HCS 2010).

Travel Time Analysis: Develop two travel time analysis scenarios between Louise Avenue/Prospector Street intersection and Diamond Joe Road/Prospector Street intersection. Each Build Option would have a calculated travel time analysis for the proposed configuration and route. These calculations will be based on the length of segments, assumed and existing posted speeds on each travel route, and estimated signal control delay at all intersection along a route as reported by the SYNCHRO software.

Develop Recommendations: Develop recommendations for interim and ultimate geometric and/or operational improvements for the two Build Options. These recommendations will be based on the analysis of the traffic forecasts, and levels-of-service.

Prepare Traffic Report: The AECOM team will prepare a draft Traffic Report compiling the traffic efforts for distribution to key stakeholders for review and comment. The draft report will document the team's assumptions, analyses, and conclusions. Appropriate graphics, maps, and write-up will be included. Comments from stakeholders regarding the draft report will be addressed.

A final traffic report will be prepared based on comments received from stakeholders. Four copies of the report and an electronic PDF file will be provided for distribution.

TASK 300: ALIGNMENT OPTIONS

AECOM will develop two interim two-lane alignment options, as previously described. Design criteria will be established and used to develop horizontal alignments for both options. One profile will be established for each option. The profile for Option 1 will pass under I-40, similar to the future Kingman Crossing Boulevard. Option 2 will likely be elevated over I-40.

TASK 400: COMPARISON OF ALTERNATIVES

AECOM will develop a comparison matrix to evaluate the alignment options. The matrix will include the evaluation criteria described herein.

TASK 401: TERRAIN LIMITATIONS/EARTHWORK

AECOM will estimate earthwork volumes and evaluate any existing terrain limitations for both options. The estimated volumes will be included in the cost estimates.

TASK 402: STRUCTURES

AECOM will evaluate potential bridge types and make a recommendation for the Prospector Road grade separation. The recommended bridge type will be used to develop estimated costs. The Kingman Crossing option will provide the ultimate bridge type as recommended in the Kingman Crossing TI DCR.

TASK 403: RIGHT-OF-WAY AND ACCESS CONTROL

AECOM will estimate the amount of right-of-way required for each option and use the quantities to estimate costs. Access control will also be evaluated to identify potential implementation issues.

TASK 404: DRAINAGE

AECOM will review the *Kingman Crossing TI Preliminary Drainage Report* and the *Final Design Concept Report, Kingman Railroad Diversion Channel*, dated January 2012. The hydrology data in both reports will be used to identify and size potential culvert crossings for both options. The potential culvert crossings will be included in the cost estimates.

TASK 405: UTILITIES

AECOM will contact Arizona Blue Stake, using their E-Stake design request procedures to obtain a list of utilities in the project area. AECOM will request utility base maps from the utility companies and will prepare a utility base map to identify potential utility conflicts.

TASK 406: CONSTRUCTIBILITY/TRAFFIC CONTROL

AECOM will evaluate the constructability and describe potential phasing schemes and their impacts to I-40. The required traffic control for each option will be described and a cost will be estimated for comparison purposes.

TASK 407: ENVIRONMENTAL CONCERNS

ADOT prepared a Categorical Exclusion (CE) for the Kingman Crossing TI project. AECOM will review the CE and identify any potential environmental impacts associated with the two alignment options.

TASK 408: COST ESTIMATES

AECOM will calculate quantities and produce itemized cost estimates for each option. The goal of the estimates is to develop “order of magnitude” costs for comparison purposes. The estimates will include major items of work.

TASK 500: MEETINGS AND CONTRACT ADMINISTRATION

AECOM will conduct a variety of contract management activities including the following:

Kick-Off Meeting: AECOM will coordinate with the City to schedule and conduct a kick-off meeting. The kick-off meeting will be held in Kingman for the purpose of reviewing the scope, schedule, budget, and key issues; reviewing questions; discussing project goals and objectives; and other related matters.

Progress Meetings: AECOM will schedule and conduct three (3) progress meetings, including City staff and the consultant team, to review the status of work on the project, schedule, critical issues, problems, planning strategies, and to make decisions. The meetings will be held in Kingman. AECOM will prepare and distribute meeting minutes within 10 working days following the meetings.

City Council Meeting: This task includes time for AECOM to attend a City Council meeting in Kingman to present the Feasibility Study.

Contract Administration: This task includes time required to establish and maintain contract administration including preparing monthly invoices, preparing and monitoring the contract, and preparing monthly progress reports to document that the stated percent completion is consistent with the work completed. AECOM has allocated 10 hours (2 hour per month for 5 months) for the Project Manager to monitor the project and 15 hours (3 hours per month for 5 months) for the Project Administrator to complete various project billing reports to help monitor the contract.

Prepare Project Execution Plan: Part of every project, and one of the first tasks to be completed by AECOM, is the preparation of a project execution plan that is distributed to all project team members. This manual will be a resource throughout the project. The execution plan includes a brief description of the project; lists all team member contacts; the scope of work; schedule; list of deliverables; quality control procedures; safety work plan; CADD standards; and other AECOM internal procedures, such as project task list, labor charge codes, and project filing system.

Project Schedule: At the beginning of the project, a schedule will be developed including meeting and submittal dates. The schedule will identify all work elements to be performed by AECOM. Our fee estimate includes time for the Project Manager to develop, prepare, and review the project schedule.

TASK 600: QUALITY CONTROL

A project-specific quality control plan will be prepared and will include two types of review processes: Production Reviews (i.e. detail checking) and Independent Technical Reviews (ITR). Before each submittal is released, it will have a formal Production Review and ITR performed. Time has been estimated for performing these reviews for the Draft and Final Feasibility Study.

PROJECT ASSUMPTIONS

This scope and fee estimate was generated using the following assumptions:

- No field survey or mapping will be performed. The aerial mapping from the Kingman Crossing TI project will be utilized.
- No geotechnical, materials, or pavement design will be performed
- The preparation of traffic control plans is not included in this scope of services.
- The 2011 KATS Traffic Demand model will be provided in TransCAD format to AECOM

ATTACHMENT 'A'
KINGMAN CROSSING INTERIM ROADWAY
FEASIBILITY STUDY OUTLINE

- 1.0 Introduction
 - 1.1 Foreword
 - 1.2 Purpose & Need
- 2.0 Existing Characteristics of the Study Area
 - 2.1 Roadways
 - 2.2 Right-Of-Way
 - 2.3 Land Use
 - 2.4 Drainage
 - 2.5 Utilities
- 3.0 Alignment Alternatives
 - 3.1 Interim Kingman Crossing Boulevard
 - 3.2 Prospector Street
- 4.0 Comparison of Alternatives
 - 4.1 Proposed Typical Section/Number of Lanes
 - 4.2 Earthwork
 - 4.3 Right-Of-Way & Access Control
 - 4.4 Drainage Improvements/404 Permit
 - 4.5 Structures
 - 4.6 Utilities
 - 4.7 Constructability and Traffic Control
 - 4.8 Environmental Constraints
 - 4.9 Compatibility With Proposed Kingman Crossing Interchange
 - 4.10 Cost
 - 4.11 Comparison Summary
- 5.0 Recommendation
- 6.0 Appendices
 - 6.1 Design Criteria
 - 6.2 Itemized Cost Estimates
 - 6.3 Plans
 - 6.3.1 Face Sheet
 - 6.3.2 Typical Section
 - 6.3.3 Plan and Profile Sheets (for both Alignment Alternatives)

Firm Name: AECOM
 Feasibility Study
 Kingman Crossing Interim Roadway
 and Grade Separation

Contract No: TBD
 Project No: TBD

New Contract: YES
 Contract Mod: NO

DERIVATION OF COST PROPOSAL SUMMARY

ESTIMATED DIRECT LABOR

Classification	Labor-hours	Labor Rate	Hourly Costs
Principal-in-Charge	5	\$236.00	\$1,180.00
Project Manager	121	\$199.00	\$24,079.00
Senior Engineer	145	\$124.00	\$17,980.00
Traffic Engineer	79	\$148.00	\$11,692.00
Engineer	315	\$105.00	\$33,075.00
Designer/ CADD	322	\$67.00	\$21,574.00
Admin	35	\$75.00	\$2,625.00
Total Hours =	1,022		
Total Estimated Labor =			\$112,205

ESTIMATED DIRECT EXPENSES

Expense	Cost
Reproductions (Outside Service)	\$97
Communications	\$0
Travel	\$751
Equipment and Materials	\$0
Total Direct Expense =	\$848

ESTIMATED OUTSIDE SERVICES AND CONSULTANTS

Firm	Cost
N/A	\$0
Total Estimated Outside Services =	\$0

TOTAL ESTIMATED COST = \$113,053

CONTRACT TIME 150 CALENDAR DAYS

"The cost estimates included in this proposal are valid for three months from the date of submittal. If the proposal is accepted after said period, AECOM reserves the right to review and retain or modify the cost estimate stated herein in order to appropriately reflect changing costs and salaries and similar economic considerations. Any changes to this scope of work may require a modified estimate."



 CONSULTANT FIRM SIGNATURE

7/23/15

 DATE

Firm Name: AECOM
 Feasibility Study
 Kingman Crossing Interim Roadway
 and Grade Separation

Contract No: TBD
 Project No: TBD

New Contract: YES
 Contract Mod: NO

Estimated Labor Hours by Task

Task	Task	Total Hours	Totals by Classification							
			\$236.00	\$199.00	\$124.00	\$148.00	\$105.00	\$67.00	\$75.00	
			Principal-in-Charge	Project Manager	Senior Engineer	Traffic Engineer	Engineer	Designer/CADD	Admin	
100	Feasibility Study									
	Draft Feasibility Study	96		8	12	4	60	8	4	
	Final Feasibility Study	36		2	4	8	20		2	
	Typical Section Sheets (2 sheet at 12 hrs per sheet)	24		2	2		4	16		
	Plan Sheets (10 sheets at 16 hrs per sheet)	160		2	30		48	80		
	Profile Sheets (10 sheets at 10 hrs per sheet)	80		2	10		34	34		
	Subtotal Hours =	396	0	16	58	12	166	138	6	
	Subtotal Labor =	\$39,278	\$0	\$3,184	\$7,192	\$1,776	\$17,430	\$9,246	\$450	
200	Existing Characteristics									
	Subtotal Hours =	6	0	0	1	1	2	2	0	
	Subtotal Labor =	\$616	\$0	\$0	\$124	\$148	\$210	\$134	\$0	
250	Traffic Analysis & Operation									
	Traffic Data Collection & Model Verification	12				4		8		
	Build Options 2030 Traffic Projections - Update KATS Model	68				24		44		
	Roadway Level of Service (LOS) Analysis	32				12		20		
	Travel Time Analysis	14				4		10		
	Develop Recommendations	14				8		6		
	Prepare Traffic Report	38				8		28	2	
	Subtotal Hours =	178	0	0	0	60	0	116	2	
	Subtotal Labor =	\$16,802	\$0	\$0	\$0	\$8,880	\$0	\$7,772	\$150	
300	Alignment Options									
	Subtotal Hours =	52	0	4	8	0	16	24	0	
	Subtotal Labor =	\$5,076	\$0	\$796	\$992	\$0	\$1,680	\$1,608	\$0	
400	Comparison Of Alternatives									
	Subtotal Hours =	33	0	2	12	0	18	0	1	
	Subtotal Labor =	\$3,851	\$0	\$398	\$1,488	\$0	\$1,890	\$0	\$75	
401	Terrain Limitations/Earthwork									

Estimated Labor Hours by Task

Task	Task	Total Hours	Totals by Classification						
			\$236.00	\$199.00	\$124.00	\$148.00	\$105.00	\$67.00	\$75.00
			Principal-in-Charge	Project Manager	Senior Engineer	Traffic Engineer	Engineer	Designer/CADD	Admin
	Subtotal Hours =	14	0	0	2	0	4	8	0
	Subtotal Labor =	\$1,204	\$0	\$0	\$248	\$0	\$420	\$536	\$0
402	Structures								
	Subtotal Hours =	36	0	4	24	0	0	8	0
	Subtotal Labor =	\$4,308	\$0	\$796	\$2,976	\$0	\$0	\$536	\$0
403	Right-Of-Way and Access Control								
	Subtotal Hours =	4	0	0	1	0	1	2	0
	Subtotal Labor =	\$363	\$0	\$0	\$124	\$0	\$105	\$134	\$0
404	Drainage								
	Subtotal Hours =	72	0	4	24	0	40	4	0
	Subtotal Labor =	\$8,240	\$0	\$796	\$2,976	\$0	\$4,200	\$268	\$0
405	Utilities								
	Subtotal Hours =	9	0	0	1	0	4	4	0
	Subtotal Labor =	\$812	\$0	\$0	\$124	\$0	\$420	\$268	\$0
406	Constructibility/Traffic Control								
	Subtotal Hours =	6	0	2	4	0	0	0	0
	Subtotal Labor =	\$894	\$0	\$398	\$496	\$0	\$0	\$0	\$0
407	Environmental Concerns								
	Subtotal Hours =	8	0	2	4	2	0	0	0
	Subtotal Labor =	\$1,190	\$0	\$398	\$496	\$296	\$0	\$0	\$0
408	Cost Estimates								
	Subtotal Hours =	20	0	0	2	2	4	12	0
	Subtotal Labor =	\$1,768	\$0	\$0	\$248	\$296	\$420	\$804	\$0

Estimated Labor Hours by Task

Task	Task	Total Hours	Totals by Classification						
			\$236.00	\$199.00	\$124.00	\$148.00	\$105.00	\$67.00	\$75.00
			Principal-in-Charge	Project Manager	Senior Engineer	Traffic Engineer	Engineer	Designer/CADD	Admin
500	Meetings and Contract Administration								
	Kick-Off Meeting - Prepare for and attend mtg	26		12			12		2
	Progress Meetings (3) - Prepare for and attend mtg	76		36			36		4
	City Council Meeting - Prepare for and attend mtg	34		24			4	4	2
	Contract Administration	29	4	10					15
	Prepare Project Execution Plan	5	1	2					2
	Project Schedule	3		2					1
	Subtotal Hours =	173	5	86	0	0	52	4	26
	Subtotal Labor =	\$25,972	\$1,180	\$17,114	\$0	\$0	\$5,460	\$268	\$1,950
600	Quality Control								
	Subtotal Hours =	15	0	1	4	2	8	0	0
	Subtotal Labor =	\$1,831	\$0	\$199	\$496	\$296	\$840	\$0	\$0
	Total Hours =	1,022	5	121	145	79	315	322	35
	Subtotal Labor =	\$112,205	\$1,180	\$24,079	\$17,980	\$11,692	\$33,075	\$21,574	\$2,625

Firm Name: AECOM
 Feasibility Study
 Kingman Crossing Interim Roadway
 and Grade Separation

Contract No: TBD
 Project No: TBD

New Contract: YES
 Contract Mod: NO

DERIVATION OF DIRECT EXPENSES

REPRODUCTIONS

Copying Plans and Reports	Number of Reports	Number of Sheets / Rpt	11"x17" Sheets / Rpt	11"x17" sheets	8.5"x11" Sheets / Rpt	8.5x11 Sheets	11" x 17" Color / Rpt	11x17 color	8.5"x11" Color / Rpt	8.5x11 Color
Draft Feasibility Study	4	54	29	116	20	80	0	0	5	20
Final Feasibility Study	4	54	29	116	20	80	0	0	5	20
Traffic Report	4	25	2	8	15	60	0	0	8	32
TOTAL Sets	12									
Total Pages		532		240		220		0		72
Cost / Sheet/binding/co	\$4.00			\$0.06		\$0.035		\$0.78		\$0.37
Sub-total	\$48.00			\$14.40		\$7.70		\$0.00		\$26.64
Total for Copying & Binding									\$96.74	
Full-Size Reproducer					Number of Sets				Number of Sheets/Set	
										0
TOTAL SHEETS									0	
Cost / Sheet									\$2.75	
Total for BlueLines									\$0.00	
TOTAL FOR REPRODUCTIONS									\$96.74	

COURIER COSTS

Item	Quantity	Unit Cost	Cost
Total for Communications			\$0.00

TRAVEL

Mileage	Personal Vehicle			Rental Vehicle			Fuel Costs (@ \$2.80 /gal @ 20 mpg)	Total Car Rental	Total
	Number of Round Trips	Miles per Round Trip	Mileage Rate \$0.575/mile	Total for Mileage	Number of Days	Car Rental (Car \$45/day)			
<i>Meetings & Field Reviews</i>									
Kick off Meeting	1	380		N/A	1	\$45.00	\$53.20	\$98.20	\$98.20
Progress Meetings	3	380		N/A	3	\$45.00	\$53.20	\$294.60	\$294.60
Attend City Council Meeting	1	380		N/A	1	\$45.00	\$53.20	\$98.20	\$98.20
Subtotal Travel								\$491.00	

Lodging and Subsistence	Number of people	Number of Days	Number of Nights	Lodging Rate per Day	Lodging Total	Meal Rate per Day	Meals Total	Total Lodging & Meal Cost
Kick off Meeting	1	1	0	--	\$0.00	\$20.00	\$20	\$20
Progress Meetings	2	3	0	--	\$0.00	\$20.00	\$120	\$120
Attend City Council Meeting	1	1	1	\$100	\$100.00	\$20.00	\$20	\$120
Subtotal for Lodging and Subsistence								\$260.00
Subtotal for All Travel								\$751.00

EQUIPMENT, MATERIALS AND MISCELLANEOUS

Item	Quantity	Unit Cost	Unit	Cost
				\$0
				\$0
				\$0
Total for Equipment and Materials				\$0.00

Total Direct Cost = \$847.74

CITY OF KINGMAN COMMUNICATION TO COUNCIL



TO: Honorable Mayor and Council Members

FROM: Engineering

MEETING DATE: August 4, 2015

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

SUMMARY: 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. Construction funding sources have not yet been identified.

The design plans for the project must meet all City standards and must also meet utility, flood control, ADOT, and railroad clearances. 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.

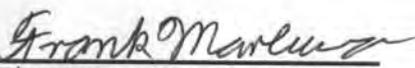
Staff has interviewed RPA and they ready to proceed with preparing the design plans and specifications. The final plans should be completed in Summer, 2016. Staff is proposing at least two public involvement meetings during the design process. Council will be advised once the dates are known.

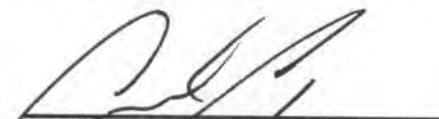
RPA has submitted a proposal dated July 24, 2015 to create the Eastern Street plans. Staff recommends that the RPA's July 24, 2015 proposal be accepted.

ATTACHMENT: Agreement for Engineering Services July 24 proposal from RPA (Exhibit A)

FISCAL IMPACT: The Cost for this work will be a maximum of \$449,590.40 (base fee plus allowances). The FY 2016 budget includes \$425,000.00 for this work with \$24,590.40 to be supplemented from the capital projects fund.

STAFF RECOMMENDATION: Staff recommends that the July 24, 2015 proposal from Ritoch-Powell & Associates be accepted and that the Mayor be authorized to sign the Agreement.


Signature of Dept. Head
Ass't. City Engineer


City Attorney
Approved as to form


City Manager's Review

AGENDA ITEM: 4d

**AGREEMENT FOR
CONSULTANT SERVICES FOR ENGINEERING SERVICES FOR EASTERN STREET
DESIGN FROM PASADENA AVENUE TO AIRWAY AVENUE
ENG #15-048**

THIS AGREEMENT is made and entered into this 4th day of August, 2015, by and between the City of Kingman, an Arizona municipal corporation, hereinafter called "CITY" and "Ritoch-Powell & Associates", hereinafter called "ENGINEER".

WITNESSETH

WHEREAS, the CITY wishes to obtain engineering services for the design and plan preparation for improvements along Eastern Street from Pasadena Avenue to Airway Avenue; and

WHEREAS, ENGINEER submitted a Detailed Scope of Services dated July 24, 2015, attached hereto and made a part hereof as Exhibit A, offering to perform engineering services for the roadway design listed above; and

WHEREAS, ENGINEER has agreed to complete the work for a fee not to exceed \$449,590.40 as detailed in Exhibit A; and

WHEREAS, it has been determined that ENGINEER is qualified and ready to perform the services as required by this Agreement;

NOW THEREFORE, it is mutually agreed as follows:

I. ENGINEER'S DUTIES

- A. ENGINEER shall provide all labor, materials and equipment and complete all tasks necessary for the completion of the design and plan preparation for the design of roadway improvements along Eastern Street from Pasadena Avenue to Airway Avenue as outlined in Exhibit A.
- B. ENGINEER shall provide electronic and, as applicable, hard copies of all reports, models, plans, drawings and other materials prepared under this Agreement.

II. CITY DUTIES

The CITY agrees to provide information and make payment for the work covered under this Agreement in accordance with the following:

- A. The CITY shall provide ENGINEER with copies of plans, reports, drawings or other information of record applicable to this project.
- B. The CITY shall pay ENGINEER for the work performed on a monthly basis, upon receipt of a progress report that coincides with the hours completed for a given phase of work

during the preceding month. The final payment will be paid after the project is complete and the work is accepted by the City Council.

III. GENERAL COVENANTS

It is further agreed by the CITY and ENGINEER as follows:

- A. **TERMINATION OF CONTRACT FOR CAUSE.** If through any cause, and after reasonable opportunity to commence a remedy, ENGINEER shall fail to fulfill in a timely and proper manner the obligations under the Agreement, or if ENGINEER shall violate any of the covenants, agreements, or stipulations of this Agreement, the CITY shall thereupon have the right to terminate this Agreement by giving written notice to ENGINEER of such termination and specifying the effective date thereof, at least five days before the effective date of such termination. In such event, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs and reports prepared by ENGINEER under this Agreement shall at the option of the CITY, become its property and ENGINEER shall be entitled to receive compensation for any work satisfactorily completed on the date of termination.

Notwithstanding the above, ENGINEER shall not be relieved of liability to the CITY for damages sustained by the CITY by virtue of any breach of the Agreement by ENGINEER.

- B. **CHANGES.** The CITY may, from time to time, request changes in the scope of the services of ENGINEER to be performed hereunder. Such changes, including any increase or decrease in the amount of ENGINEER compensation, which are mutually agreed upon by and between the CITY and ENGINEER, shall be incorporated in written amendments to this Agreement.
- C. **PERSONNEL.** ENGINEER represents that he has or will secure at his expense, all personnel required in performing the services under this Agreement. Such personnel shall not be employees of or have contractual relationship with the CITY. All personnel engaged in the work shall be fully qualified and shall be authorized or permitted under State and Local law to perform such services.
- D. **ASSIGNABILITY.** Neither party shall assign, subcontract or transfer their interests, rights or obligations in this Agreement without prior written consent of the other party.
- E. **RECORDS AND AUDITS (Maintenance and Retention).** ENGINEER shall maintain accounts and records, including personnel, property and financial records, adequate to identify and account for all costs pertaining to the Agreement to assure proper accounting for all project funds. A monthly summary of these records will be maintained by ENGINEER at the completion of the Agreement for retention for five years. Said records shall be made available for Inspection at ENGINEER's offices during normal business hours, upon request, to the CITY and any other body authorized in writing by the CITY.
- F. **FINDINGS CONFIDENTIAL.** All of the reports, data, information, etc., prepared or assembled by ENGINEER under this Agreement are confidential and shall not be made

available to any individual or organization without the prior written approval of the CITY, with the exception of any recording of survey information required by law and with respect to information that:

- 1) becomes generally available to the public other than as a result of disclosure by ENGINEER or its agents or employees;
- 2) was available to ENGINEER on a non-confidential basis prior to its disclosure by City;
- 3) becomes available to ENGINEER from a third party who is not, to the knowledge of ENGINEER, bound to retain such information in confidence.

In the event ENGINEER is compelled by subpoena, court order, or administrative order to disclose any confidential information, ENGINEER shall promptly notify CITY and shall cooperate with CITY prior disclosure so that CITY may take necessary actions to protect such confidential information from disclosure.

- G. **COPYRIGHT**. No report, maps, or other documents produced in whole or in part under this Agreement shall be the subject of an application for copyright by or on behalf of ENGINEER.
- H. **DELAYS**. ENGINEER shall not be responsible for damages or be deemed to be in default by reason of delays in performance by reason of strikes, lockouts, accidents, acts of God, shortages of materials, delays caused by failure of CITY or CITY's agents to furnish information or to approve or disapprove work promptly or any other event beyond the control of ENGINEER. In the case of the happening of any such cause of delay, the time of completion shall be extended accordingly.
- I. **CONFLICT OR DISPUTE**. In the event of a conflict or dispute as to the interpretation, application or implementation of this Agreement, either party shall have the right to submit the conflict or dispute to mediation in accordance with the rules of the American Arbitration Association then in effect. Any disputes arising from this Agreement in any way and involving an amount of less than \$50,000 shall be settled by arbitration.
- J. **STANDARD OF CARE – PROFESSIONAL SERVICES**. Subject to limitations inherent in the agreed scope of work as to the degree of care, amount of time and expenses to be incurred, and subject to any other limitations contained in this Agreement, ENGINEER shall perform its services in accordance with generally accepted standards and practices customarily utilized by competent engineering firms in effect at the time ENGINEER's services are rendered. ENGINEER does not expressly or impliedly warrant or guarantee its services.
- K. **RELIANCE UPON INFORMATION PROVIDED BY OTHERS**. If ENGINEER's performance of services hereunder requires ENGINEER to rely on information provided by other parties (excepting ENGINEER's subcontractors) ENGINEER shall not independently verify the validity, completeness, or accuracy of such information unless expressly engaged to do so by CITY.

- L. **SEPARABILITY.** In the event any term or provision of this Agreement is held to be invalid and unenforceable, the validity of the other provisions shall not be affected, and this Agreement shall be construed and enforced as if it did not contain the particular term or provision that is invalid or unenforceable.
- M. **COMPLETION TIME.** The ENGINEER shall complete the work per the schedule outlined in Exhibit A.
- N. **INDEMNIFICATION.** The ENGINEER shall indemnify and hold harmless the CITY, and its agents, representatives, officers, directors, officials and employees, from liabilities, damages, losses and costs, including reasonable attorney fees, but only to the extent caused by the negligence, recklessness or intentional wrongful conduct of the ENGINEER or other persons employed or used by the ENGINEER in the performance of the contract.
- O. **INSURANCE REQUIREMENTS.** The ENGINEER retained by the City to provide the work or service required by this contract will maintain Professional Liability insurance covering ENGINEER's negligent acts, errors, mistakes and omissions arising out of the work or services performed by the ENGINEER, or any person employed by the ENGINEER, with a limit of not less than \$1,000,000 each claim. Proof of such insurance shall be provided to the CITY.

The amount and type of insurance coverage as required herein will in no way be construed as limiting the scope of the indemnity in this paragraph.

- P. **COMPLIANCE WITH FEDERAL AND STATE LAWS.** The Consultant understands and acknowledges the applicability to it of the American with Disabilities Act, the Immigration Reform and Control Act of 1986 and the Drug Free Workplace Act of 1989. The Consultant must also comply with A.R.S. § 34-301, "Employment of Aliens on Public Works Prohibited", and A.R.S. § 34-302, as amended, "Residence Requirements for Employees".

Under the provisions of A.R.S. §41-4401, Consultant hereby warrants to the City that the Consultant and each of its subconsultants ("Subconsultants") will comply with, and are contractually obligated to comply with, all Federal Immigration laws and regulations that relate to their employees and A.R.S. §23-214(A) (hereinafter "Consultant Immigration Warranty").

A breach of the Consultant Immigration Warranty shall constitute a material breach of this Contract and shall subject the Consultant to penalties up to and including termination of this Contract at the sole discretion of the City.

The City retains the legal right to inspect the papers of any Consultant or Subconsultant's employee who works on this Contract to ensure that the Consultant or Subconsultant is complying with the Consultant Immigration Warranty. The City may, at its sole discretion, conduct random verification of the employment records of the Consultant and any of Subconsultants to ensure compliance with Consultant's Immigration Warranty. Consultant agrees to assist the City in regard to any such inspections. The Consultant and its Subconsultants warrant to keep the papers and records open for random inspection

during normal business hours by the City. The Consultant and its Subconsultants shall cooperate with the City's random inspections including granting the City entry rights onto its property to perform the random inspections and waiving their respective rights to keep such papers and records confidential.

Neither the Consultant nor any of Subconsultants shall be deemed to have materially breached the Consultant Immigration Warranty if the Consultant or Subconsultant establishes that it has complied with the employment verification provisions prescribed by sections 274A and 274B of the Federal Immigration and Nationality Act and the E-Verify requirements prescribed by A.R.S. §23-214, Subsection A.

IN WITNESS WHEREOF, we have set our hands and seal the day, month and year first above written.

RITTOCH-POWELL & ASSOCIATES

KARL OBERGH
PRESIDENT

State of Arizona)
)ss.
County of _____)

Subscribed and Sworn to
Before Me This _____ day of
_____, 20__.

Notary Public

My Commission Expires: _____

.....

CITY OF KINGMAN, ARIZONA

RICHARD ANDERSON, MAYOR

Attest:

SYDNEY MUHLE, CITY CLERK



■ Special Projects ■ Transportation ■ Site Civil ■ Drainage ■ Survey ■ Aviation

July 24, 2015

Frank Marbury, P.E.
Assistant City Engineer
City of Kingman Engineering Division
310 N. Fourth Street
Kingman, Arizona 86401

Re: Eastern Street Design, Pasadena Avenue to Airway Avenue
ENG15-048
Scoping and Final Design
Scope of Work and Fee Estimate

Dear Mr. Marbury,

RITTOCH-POWELL & ASSOCIATES (RPA) is pleased to provide you with the attached scope and fee proposal for engineering services associated with the above listed project. The attached scope of work identifies the expected civil design tasks, deliverables, fee estimate, and exclusions.

Project deliverables will include reports, plans, special provisions, an opinion of probable cost and other related construction documents. The scope and fee proposal as submitted herein includes a total lump sum contract fee of \$431,463.40 and total allowances of \$18,127.

We sincerely appreciate the opportunity to provide engineering services to the City of Kingman and look forward to demonstrating our capabilities on a fun and successful project.

Respectfully submitted,

A handwritten signature in blue ink that reads "Frank Henderson". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Frank Henderson, P.E.
Vice-President/Senior Project Manager

SCOPE OF WORK
Eastern Street Design, Pasadena Avenue to Airway Avenue
ENG15-048
Scoping and Final Design

PROJECT DESCRIPTION

The City of Kingman (City) intends to improve Eastern Street from Pasadena Avenue to Airway Avenue. This includes replacing the existing asphaltic pavement surface, improving drainage, and constructing a new direct connection of Eastern Street to Airway Avenue west of the existing intersection of Diamond Street and Airway Avenue. Modifications to Diamond Street, Yavapai Street, and Kenwood Avenue will also occur.

BNSF Railroad tracks run parallel to Eastern Street through a portion of the study limits and bisect the City, resulting in limited roadway-railroad crossing opportunities. Airway Avenue provides one of two grade-separated railroad crossings convenient to east Kingman residents. Eastern Street currently provides indirect access to Airway Avenue via Diamond Street and Yavapai Street.

The purpose of this project is to extend the longevity of Eastern Street and reduce traffic congestion at Airway Avenue. Proposed improvements include replacement of the pavement section, reconfiguration of several streets near the Airway Avenue intersection, and installation of drainage features to improve low-flow roadway crossings. The project will be designed in conjunction with other planning documents to identify a near-term construction project that is most compatible with future long-term projects.

The project will be funded by the City. Federal funding participation is not anticipated.

Consultant's design tasks and construction documents shall conform to the latest edition and amendments of the following:

- City of Kingman *Standard Details and Specifications*, 2012 Edition with current updates
- City of Kingman *Kingman Area Master Drainage Plan (1988)*
- AASHTO *A Policy on Geometric Design of Highways and Streets*, 2012 Edition
- AASHTO *Roadside Design Guide*, 2011 Edition
- MAG *Uniform Standard Specifications and Details*, 2015 Edition
- Mohave County *Drainage Design Manual*, 2014 Edition
- FHWA *Manual of Uniform Traffic Control Guidelines (MUTCD)* (2009)
- U.S. Access Board *Public Rights-of-Way Accessibility Guidelines (PROWAG)* (2011)

The prime consultant is **Ritoch–Powell & Associates (RPA)**. RPA will provide services for project management, survey, roadway design, drainage design, utility coordination, right-of-way coordination, and erosion control. The following subconsultants will assist RPA:

- **CivTech** – Traffic design including signing, pavement marking, traffic signal, lighting and maintenance of traffic.
- **Speedie & Associates** – Geotechnical exploration.
- **AeroTech** – Aerial photographs and aerial mapping.

SCOPE OF WORK

The RPA Team will complete following tasks:

1. PROJECT MANAGEMENT AND MEETINGS

- 1.1. RPA will prepare monthly invoices, monthly progress reports, process subconsultant invoices, and perform other general administrative tasks.

- 1.2. RPA will prepare a detailed project milestone schedule and update the schedule monthly or as requested by the City. A 12 month design schedule is anticipated.
- 1.3. RPA will schedule and administer the following project meetings:
 - 1.3.1. Kick-off Meeting and Field Review (1) (Kingman)
 - 1.3.2. Design Progress Meetings (6) (Teleconference)
 - 1.3.3. BNSF Railroad Coordination Meeting (2) (Phoenix)
 - 1.3.4. Comment Resolution Meetings (2) (Kingman)
 - 1.3.5. City Council Meeting (1) (Kingman)
- 1.4. RPA will prepare the meeting agenda and send draft copies to the City project manager for approval prior to the meeting. RPA will prepare meeting minutes within five working days of the meeting.
- 1.5. RPA will coordinate with the City to develop a stakeholder distribution list for project deliverables. The following stakeholders are anticipated:
 - City of Kingman
 - Mohave County Flood Control District
 - BNSF Railroad
 - Arizona Department of Transportation (ADOT) Kingman District
 - ADOT Right-of-Way Group

2. SURVEY & MAPPING

RPA will provide field and office land surveying services including establishing control, setting panels for aerial survey, topographic survey data collection and preparation of topographic base mapping CAD files.

- 2.1. Basis of control will be as follows.
 - 2.1.1. Horizontal datum will be NAD 83.
 - 2.1.2. Vertical datum will be NAD 88.
- 2.2. RPA will set approximately 17 control panels (including 3 “blind” panels) for use with aerial mapping (see also AeroTech scope and fee proposal).
- 2.3. RPA will obtain orthorectified aerial photos and aerial topographic mapping from AeroTech.
 - 2.3.1. Orthorectified aerial photos and aerial topographic mapping will be provided for the area roughly described as follows
 - 200 feet east and west of Eastern Avenue (Pasadena Avenue to Pacific Avenue)
 - 400 feet east and 200 feet west of Eastern Avenue (Pacific Avenue to Kenwood Avenue)
 - 200 feet south of Kenwood Avenue
 - 100 feet east of Jewel St
 - 300 feet north of Airway Avenue
 - 2.3.2. Aerial topographic mapping will consist of edge of pavement, pavement marking, curb and gutter, catch basins, scuppers, culverts, box culverts, water meter boxes, water and gas valves, manholes, utility poles and guy wires, traffic signal poles, utility boxes, fences, trees, mailboxes, plants and shrubs. Mapping will include contours at one (1) foot interval.
 - 2.3.3. Orthorectified aerial photos will be provided in TIFF format.

- 2.3.4. Aerial topographic mapping will be provided in CAD (DWG) and digital terrain model (DTM) format.
- 2.4. RPA will perform field topographic survey of the areas described in the following subsections. Survey will be provided in tabular (XLSX) and graphical (DWG) format.
 - 2.4.1. Controlling Sectional corners (17) and NGS benchmarks (4) will be shown on the survey control sheet as described in Task 2.5.
 - 2.4.2. Invert elevations:
 - BNSF Bridge No. 512.6 (RCBC) (3–11.5' x 6'). An encroachment permit will be required from BNSF for work done within BNSF right-of-way.
 - Airway Avenue RCBC (5–10' x 6')
 - 2.4.3. Concrete-lined drainage channel cross-sections at 25-foot intervals with top and bottom of lining within 300 feet of Airway Avenue RCBC.
 - 2.4.4. Curb and gutter along Airway Avenue from 500 feet south of Diamond Street to 200 north of Jewel Street (total approximately 900 linear feet).
 - 2.4.5. I-40 overpass bridge piers adjacent to Eastern Street and east abutment slope paving.
- 2.5. RPA will develop a survey control design sheet showing the Southeast Quarter of Section 7, the East Half of Section 18, the West Half of Section 17 and the West Half & Northeast Quarter of Section 18, Township 21 North, Range 16 West. The survey control sheet will be sealed by a registered AZ Professional Land Surveyor.
- 2.6. RPA will compile existing right-of-way information in a CAD base file to be shown on the project plans and exhibits. The following tasks will be performed:
 - 2.6.1. Obtain parcel and right-of-way data from Mohave County GIS.
 - 2.6.2. Adjust parcel and right-of-way data to best-fit project mapping.

3. PROJECT ASSESSMENT

- 3.1. RPA will review record drawings and long-term planning documents available from the City, Mohave County, BNSF and other stakeholders as applicable.
- 3.2. The scoping phase will evaluate improvements options and identify a recommended alternative for final design. A Project Assessment (PA) will be prepared to document the design development, evaluation, and selection of recommended alternative.
 - 3.2.1. The preliminary design concept for a new connection of Eastern Street to Airway Avenue was developed as part of a 2010 Traffic Signal Warrant Analysis. The traffic analysis performed in 2010 will be used for this project.
 - 3.2.2. A 4- or 5-lane roadway section will be provided on Eastern Street approaching the intersection with Airway Ave. The box culvert extension or new box culvert at the concrete-lined channel near Airway Ave will accommodate a 5-lane roadway section.
 - 3.2.3. The PA will develop and evaluate up to three (3) interim roadway sections for Eastern Street and a recommended interim section for construction. The interim typical section is anticipated to consist of 2/3-lanes with curb and gutter (one or both sides) and sidewalks (potentially on one side only).
 - 3.2.4. The PA will develop and evaluate up to three (3) roadway alignments for Eastern Street approaching Airway Ave. The evaluation will include a cost comparison of new right-of-way and box culvert costs.
- 3.3. The scoping phase will include the following tasks:

- 3.3.1. The project scoping phase will determine the appropriate design criteria. It is anticipated that the follow key design criteria for Eastern Street will be established:
 - 3.3.1.1. Functional classification = Urban collector
 - 3.3.1.2. Design speed (Eastern Street) (South of Kenwood Ave) = 40 mph
 - 3.3.1.3. Design speed (Eastern Street) (North of Kenwood Ave) = 30 mph
 - 3.3.1.4. Design Vehicle = WB-50
- 3.3.2. Determine the limits of construction of the side streets. There are 17 intersecting streets in this segment of Eastern Street; several with high intersection skew angles. It is anticipated this project will reconstruct curb returns of side streets. The scoping phase will evaluate the feasibility of realigning side streets beyond the curb returns to reduce intersection skew angle.
- 3.3.3. Determine the need for new right-of-way or temporary construction easements (TCE). *Project improvements should be designed to stay within the existing right-of-way.* If practical, assess feasibility of right-of-way exchange.
- 3.3.4. Coordinate with UPRR on proposed improvements. Determine need for new fence between Eastern Street and UPRR.
- 3.3.5. Identify potential design exceptions and design variances.
- 3.3.6. Evaluate potential utility impacts.
- 3.3.7. Identify opportunities for construction phasing.
- 3.3.8. Develop Preliminary Opinion of Probable Cost (OPC).
- 3.3.9. Prepare Initial Project Assessment
- 3.3.10. Compile Summary of Comments
- 3.3.11. Prepare Final Project Assessment

4. ROADWAY DESIGN

- 4.1. Roadway design will include horizontal and vertical geometry, superelevation, sight distance, and other calculations as described in the project design references.
- 4.2. RPA will prepare a 3D corridor model with proposed finished grade, proposed subgrade, and side slopes. Side slopes and roadside drainage ditches will be designed in accordance with AASHTO and City guidelines. Barrier length of need will be evaluated.
- 4.3. RPA will use AutoTURN software to analyze design vehicle turning vehicle path requirements at all intersecting roadways. The results will be documented in plan exhibits.
- 4.4. Curb ramps will be provided at new intersections with Airway Avenue. New pedestrian facilities will be designed for ADA compliance using PROWAG and City guidelines.

5. DRAINAGE ANALYSIS & REPORTS

- 5.1. **Site Visit.** RPA will perform a site visit to review topography, assess general conditions of existing drainage features, verify drainage design parameters, and take photos to document existing conditions.
- 5.2. **Hydrologic review and Additional Analysis.** This task includes reviewing previous hydrologic studies and validating whether they can be used for this project. This task will divide the existing subbasins into smaller areas. We will perform hydrologic calculations to determine offsite flows impacting the low flow crossings.

- 5.3. **Hydraulic analysis of culvert crossing.** The task includes analyzing two alternatives for the re-alignment of Eastern Street with Airway Avenue.
- 5.3.1. Analyze extending the existing five-barrel box culvert from its current headwall past the proposed Eastern Street alignment.
 - 5.3.2. Analyze a new box culvert crossing over the proposed Eastern Street alignment with inlet and outlet headwalls.
- 5.4. **Hydraulic analysis of low water crossings.** The task includes analyzing low water crossings at five locations:
- 5.4.1. Eastern Street/Kenwood Avenue
 - 5.4.2. Eastern Street/Interstate 40
 - 5.4.3. Eastern Street/Pacific Avenue
 - 5.4.4. Eastern Street/Tatum Avenue
 - 5.4.5. Eastern Street/Broudy Avenue
- The analysis will compare flow depth, velocity, and spread width for the existing and proposed conditions.
- 5.5. **Floodplain impacts.** This task includes utilizing available topographic data to prepare HEC-RAS models for the existing and ultimate roadway section at two locations:
- 5.5.1. Eastern Street/Kenwood Avenue
 - 5.5.2. Eastern Street/Interstate 40
- The hydraulic parameters between the existing and proposed condition will be compared. If the proposed models have an adverse impact on the hydraulic properties, the design will be modified and the hydraulic model will be updated. The intent of this task is to show FEMA and MCFCD that the proposed roadway grades do not change significantly and no adverse impact to the surrounding properties.
- 5.6. **Storm Drain Analysis (Onsite).** Analyze storm drain system for 10-yr onsite drainage within the roadway. It is anticipated the storm drain system will drain directly into railroad drainage channel. The storm drain system will be designed per City's Drainage Design Manual.
- 5.7. **Storm Drain Analysis (Offsite).**
- 5.7.1. Analyze storm drain system for 25-yr, 50-yr and 100-yr storm to capture offsite flows coming from Eagle Rock Street and outlet into the adjacent concrete lined channel.
 - 5.7.2. Analyze box/pipe culvert crossing under Eastern Street at I-40 to capture and convey up to 100-yr design storm with the condition that railroad diversion channel improvements are in-place. RPA to review the Railroad Diversion Channel Drainage Report (2011) and use information from this report to design the box/pipe culvert under the Eastern Street.
- 5.8. **CLOMR Report.** The task includes preparing FEMA Conditional Letter of Map Revision (CLOMR) report according to FEMA and ADWR standards. RPA will produce a CLOMR report and submit to the Mohave County Flood Control District (MCFCD) and FEMA for review. The required models, calculations, and FEMA forms will be included in the submittal. We will address the review comments and obtain approval from MCFCD and FEMA.

- 5.9. **Existing railroad channel and alternatives.** This task includes the hydraulic analysis and HEC-RAS models of the existing railroad channel between BNSF and Eastern Street. We will create a hydraulic model to define the capacity of existing channel and analyze up to three alternative channel options. The intent of this task will be to verify the railroad channel capacity will not be impacted by the interim roadway section and cannot increase volume resulting from ultimate section.
- 5.10. **Drainage report.** The task includes preparation of drainage report documenting assumptions, methodologies and equations utilized in the study. The report will include the alternative analysis with preliminary costs and will include the recommended alternatives for each drainage preliminary design task. The hydrologic, hydraulic, and scour calculations will be included in this report. This report will also include a summary on the possible FEMA Map Revisions documented in the CLOMR report.

6. TRAFFIC DESIGN

- 6.1. CivTech will provide traffic design services including signing and pavement marking plans, traffic signal plans, lighting analysis and maintenance of traffic layout for quantity estimation. See CivTech scope and fee proposal for detailed information.

7. GEOTECHNICAL DESIGN

- 7.1. Geotechnical design services including materials and pavement design recommendations will be provided by Speedie. See Speedie scope and fee proposal for detailed information.

8. UTILITY COORDINATION

- 8.1. RPA will compile existing utility information in a CAD base file to be shown on the project plans and exhibits. The following tasks will be performed:
 - 8.1.1. Review City utility facility maps.
 - 8.1.2. Review record drawings.
 - 8.1.3. Execute AZ 811 (Blue Stake) records request.
 - 8.1.4. Correspond with applicable utility providers to obtain facility maps.
- 8.2. Identify utilities impacted by the interim roadway section.
 - 8.2.1. Coordinate utility relocations.

9. RIGHT-OF-WAY

- 9.1. RPA will identify needed temporary construction easements (TCE) and show on project plans.
- 9.2. Construction within ADOT right-of-way will be require an ADOT encroachment permit.
 - 9.2.1. RPA will coordinate with ADOT to obtain an encroachment permit.

10. PLAN DOCUMENTS

- 10.1. Plans will be prepared with AutoCAD (Version 2015) and follow the City's Drafting Guides. The following sheets are anticipated:
 - 10.1.1. Cover Sheet (1)
 - 10.1.2. General Notes & Design Data Sheet (1)
 - 10.1.3. Key Map (1)

- 10.1.4. Typical Sections, Pavement Structural Sections (1)
- 10.1.5. Detail Sheets (3)
- 10.1.6. Survey Control Sheet (1)
- 10.1.7. Geometric Layout Sheet (1)
- 10.1.8. Roadway/Drainage Plan & Profile Sheets (Stacked) (10) (1"=40'H and 1"=4'V)
- 10.1.9. Roadway/Drainage Plan Sheets (2) (1"=40'H)
- 10.1.10. Roadway Profile Sheets (2) (1"=4'V)
- 10.1.11. Intersection Detail/Staking Sheets (1"=20')
- 10.1.12. Box Culvert/Box Culvert Extension Plan, Profile & Detail Sheets (Eastern St/Airway Ave) (3)
- 10.1.13. Box Culvert Plan & Profile Sheet (Eastern/I-40) (1)
- 10.1.14. Drainage Details (3)
- 10.1.15. Storm Drain Plan & Profile Sheets (1"=40') (2)
- 10.1.16. Storm Drain Connector Pipe Profile Sheets (4)
- 10.1.17. Low Flow Crossings Plan & Profile Sheets (2)
- 10.1.18. Signing and Pavement Marking Sheets (CivTech)
- 10.1.19. Traffic Signal Sheets (CivTech)
- 10.1.20. Erosion Control (SWPPP) Sheets (6)

11. SPECIFICATIONS

- 11.1. RPA will prepare and submit technical specifications and special provisions with 90% and 100% review submittals. Technical specifications shall reference City and Maricopa Association of Governments (MAG) specifications as required for specific project elements. Special provisions will be prepared for non-standard construction items.

12. OPINION OF PROBABLE COST (OPC)

- 12.1. RPA will prepare and submit an OPC with Scoping Report, 60%, 90%, 100% and final sealed submittals. The OPC will be based on MAG bid items. The OPC will include a tabulation of construction bid items; the City will append the estimate as needed for other project costs such as construction engineering/administration and right-of-way.

13. QUALITY ASSURANCE / QUALITY CONTROL (QA/QC)

- 13.1. The work produced by RPA and its subconsultants is governed by QA/QC programs established by each firm. Design calculations, reports, plans and details will be independently checked by a qualified reviewer. The RPA PM will verify each drawing and calculation sheet is initialed and dated by the designer and checker.
- 13.2. Three specific and independent QA/QC reviews will be performed:
 - 13.2.1. Constructability review
 - 13.2.2. Technical review
 - 13.2.3. Quality review

14. DELIVERABLES

14.1. RPA Team will complete and distribute the following deliverables electronically (PDF) unless hard copies are required or requested:

- 14.1.1. Survey & Mapping
- 14.1.2. Geotechnical Report (Speedie)
- 14.1.3. Lighting Technical Memorandum (CivTech)
- 14.1.4. Draft Project Assessment
- 14.1.5. Final Project Assessment
- 14.1.6. Initial Drainage Report
- 14.1.7. Final Drainage Report
- 14.1.8. CLOMR Report
- 14.1.9. 60% Plans and OPC Review Submittal
- 14.1.10. 90% Plans, Specifications, and OPC Review Submittal
- 14.1.11. 100% Plans, Specifications, and OPC Review Submittal
- 14.1.12. Final Sealed Plans, Specifications, and OPC

14.2. RPA will load electronic documents to RPA's FTP site for stakeholder access.

15. PUBLIC INVOLVEMENT/CITY COUNCIL MEETING

15.1. Two public meetings are anticipated in Kingman to inform City Council and the public about the project. RPA's level of effort for the public involvement meetings includes

- 15.1.1. Coordination with the City
- 15.1.2. Meeting attendance
- 15.1.3. Exhibit and handout preparation
- 15.1.4. Support the City with responses to technical comments

15.2. RPA will attend one City Council meeting.

16. EXCLUSIONS

The following services are not included in this scope of work but could be added by contract amendment:

- 30% Plan & Estimate Review Submittal
- ROW Survey or legal descriptions for new ROW or easements
- Onsite hydrology/hydraulics for ultimate roadway
- Hydrologic analysis for Yavapai Street
- Irrigation/landscape/hardscape design
- Environmental Clearances
- Environmental documentation for CLOMR
- Review/Permit fees
- Custom/special fence design

It is assumed that the City or its consultant will provide the following services as needed related to public involvement:

- Prepare Public Involvement Plan.
- Secure agency scoping meeting location.
- Secure public meeting location.

- Prepare project database, mailing list and distribute public involvement correspondence.
- Prepare Scoping Summary.
- Notify public of meetings through newspaper advertisements, mailings, etc.
- Attend and document public meetings.
- Lead effort to respond to public questions and comments.
- Provide personnel to lead and staff public meetings; sign in attendees; document and compile comments; provide name tags, projection screen, and handouts; supply food & refreshments as required.
- Prepare responses to comments and correspondence (with input from consultant team).
- Attend preparation meetings with study team and assist with presentation materials.



Civil Engineering and Survey Consultants

5727 North 7th Street, Suite 120
 Phoenix, Arizona 85014
 P: 602-263-1177
 F: 602-277-6286

PROJECT NAME: Eastern Street Design, Pasadena Avenue to Airway Avenue 24-Jul-15
 PROJECT NO. Project No. ENG15-048

CONTRACT LABOR				
<u>CLASSIFICATION</u>	<u>MAN HOURS</u>	<u>LABOR RATES</u>	<u>LABOR COSTS</u>	
Project Principal	0	\$ 82.40	\$	-
Project Manager	205	\$ 55.00	\$	11,275.00
Project Engineer-Sr.	347	\$ 42.00	\$	14,574.00
Project Engineer	682	\$ 37.00	\$	25,234.00
Designer-Sr.	356	\$ 36.50	\$	12,994.00
Designer	921	\$ 31.50	\$	29,011.50
Registered Land Surveyor-Sr.	9	\$ 43.00	\$	387.00
Registered Land Surveyor	29	\$ 38.00	\$	1,102.00
Project Surveyor/LSIT	49	\$ 33.00	\$	1,617.00
CADD Tech	727	\$ 29.00	\$	21,083.00
Survey Crew	81	\$ 47.00	\$	3,807.00
Administrative	102	\$ 19.00	\$	1,938.00
Total Hours	3,508			
			Total Direct Labor	\$ 123,022.50
			Total Labor and Overhead	\$ 215,289.38
Overhead Rate	175.00%		Net Fee (Subtotal Labor X 10% Fixed Fee)	\$ 33,831.19
Fixed Fee	10%		Subtotal Contract Labor	\$ 372,143.00
DIRECT AND OUTSIDE EXPENSES:				
<u>Description</u>	<u>Unit</u>	<u>Unit Rate</u>	<u>Quantity</u>	<u>Total</u>
Personal Vehicle Mileage	Miles	\$ 0.445	1,975	\$ 879.00
Outside Printing - AT COST estimates only				
Printing (8-1/2" x 11")	Each	\$ 0.05	0	\$ -
Printing (11" x 17")	Each	\$ 0.10	0	\$ -
Large Format (24"x36" or 22"x34") Bond	Each	\$ 1.25	0	\$ -
Large Format (24"x36" or 22"x34") Mylar	Each	\$ 10.56	0	\$ -
Lodging	Each	\$ 100.00	8	\$ 800.00
Meals	Each	\$ 39.00	12	\$ 468.00
			Subtotal Direct and Outside Expenses	\$ 2,147.00
SUBCONSULTANTS FEE				
<u>Subconsultant</u>	<u>Task</u>		<u>Fee</u>	
CivTech	Traffic		\$	41,378.40
Speedie	Geotechnical		\$	6,400.00
AeroTech Mapping	Aerial Survey		\$	9,395.00
			Subtotal Subconsultants Fee	\$ 57,173.40
ALLOWANCES				
<u>Consultant/Expenses</u>	<u>Task</u>		<u>Fee</u>	
CivTech	Lighting		\$	18,127.00
			\$	-
			Subtotal Allowances	\$ 18,127.00
TOTALS				
			Subtotal Contract Labor	\$ 372,143.00
			Subtotal Direct and Outside Expenses	\$ 2,147.00
			Subtotal Subconsultants	\$ 57,173.40
			Total Contract Fee	\$ 431,463.40
			Subtotal Allowances	\$ 18,127.00
			Total Lump Sum Contract Fee & Allowances	\$ 449,590.40

TASK HOURLY ESTIMATE
Eastern Street Design, Pasadena Avenue to Airway Avenue
Project No. ENG15-048
RITICH-POWELL & Associates

Task	Description	# of Sheets	Project Principal	Project Manager	Project Engineer-Sr.	Project Engineer	Designer-Sr.	Designer	Registered Land Surveyor-	Registered Land Surveyor	Project Surveyor/L SIT	CADD Tech	Survey Crew	Administrative	Total Hours By Task
1	Project Management and Meetings														
1.1	Contract Management (12 months)		0	12	0	0	0	0	0	0	0	0	0	24	36
1.2	Project Schedule & Monthly Updates		0	16	0	0	0	0	0	0	0	0	0	0	16
1.3.1	Kickoff Meeting & Field Review (1) (Kingman)		0	16	10	10	0	0	0	0	0	0	0	6	42
1.3.2	Design Progress Meetings (4) (Teleconference)		0	16	10	10	0	0	0	0	0	0	0	6	42
1.3.3	Railroad Coordination Meetings (2) (Phoenix)		0	12	6	6	0	0	0	0	0	0	0	6	30
1.3.4	Comment Resolution Meetings (2) (Kingman)		0	12	16	16	0	0	0	0	0	0	0	8	52
1.3.5	City Council Meeting (1) (Kingman)		0	10	0	0	0	0	0	0	0	0	0	8	18
1.4	Stakeholder Distribution List		0	2	0	0	0	0	0	0	0	0	0	0	2
Subtotal 1.0	Project Management and Meetings		0	96	42	42	0	0	0	0	0	0	0	58	238
2	Survey & Mapping														
2.1	Calculate TBD of coordinates for Sections 7, 8, 17 & 18.		0	0	0	0	0	0	3	3	2	0	0	0	8
2.2	Prepare field packet with directions and reference materials including "GO-TOs" for Southeast Quarter of Section 7, East Half of Section 18, West Half of Section 17 and the West Half and Northeast Quarter of Section 18. Township 21 North, Range 16 West and NGS benchmarks. Packet to also include 14 aerial control panel point. (General area for three blinds to be discussed)		0	0	0	0	0	0	1	3	2	0	0	0	6
	RPA internal field and office kick-off meeting.		0	0	0	0	0	0	0	1	0	0	1	0	2
	Walk topographic data collection areas w/ RPA field crew & RPA PM		0	0	0	1	0	0	0	0	0	0	1	0	2
	monumentation and NGS benchmarks (17 corners and 3 NGS benchmarks)		0	0	0	0	0	0	0	0	0	0	18	0	18
	Set 14 requested aerial control panels and 3 blind panels. 17 Total.		0	0	0	0	0	0	0	0	0	0	14	0	14
	Drive Time for field tasks 2.2 (7) hour ~ 475 mile round trip from Mesa to Kingman (1 trip)		0	0	0	0	0	0	0	0	0	0	7	0	7
2.3	AeroTech subconsultant coordination and review deliverables.		0	0	0	2	0	0	0	8	2	0	0	0	12
2.4	Supplemental survey data collection		0	0	0	0	0	0	0	0	0	0	33	0	33
	Drive Time for field tasks (7) hour ~ 475 mile round trip from Mesa to Kingman (1 trip)		0	0	0	0	0	0	0	0	0	0	7	0	7
	Data manipulation of topographic points		0	0	0	0	0	0	0	3	3	0	0	0	6
	Produce line work and DTM for Airway Avenue/Diversion Channel/Diamond Street-Yavapai Street/Channel area.		0	0	0	0	0	0	0	3	22	0	0	0	25
	Produce line work and DTM for BNSF Bridge/Box Culvert-Channel (south side only) and I-40 Bridge abutments.		0	0	0	0	0	0	0	2	11	0	0	0	13
2.5	Data manipulation for Sectional breakdown points, panel points and NGS points		0	0	0	0	0	0	0	0	3	0	0	0	3
	Analyze data to produce Sectional base-mapping.		0	0	0	0	0	0	1	2	4	6	0	0	13
	QC and approve Survey Control and Design Sheet		0	0	0	1	0	0	0	2	0	0	0	0	3
2.6	Integrate County GIS mapping with Sectional Line work to generate ROW/parcel base mapping on CKPD.		0	0	0	0	12	0	4	2	0	0	0	0	18
Subtotal 2.0	Survey & Mapping		0	0	0	4	12	0	9	29	49	6	81	0	190

TASK HOURLY ESTIMATE
Eastern Street Design, Pasadena Avenue to Airway Avenue
Project No. ENG15-048
RITOH-POWELL & Associates

Task	Description	# of Sheets	Project Principal	Project Manager	Project Engineer-Sr.	Project Engineer	Designer-Sr.	Designer	Registered Land Surveyor-	Registered Land Surveyor	Project Surveyor/L SIT	CADD Tech	Survey Crew	Administrative	Total Hours By Task
3	Scoping Report														
3.1	Collect and Review Record Drawings, Development Plans	0	1	4	0	0	8	0	0	0	0	0	0	0	13
3.2.3	Develop Interim Implementation Alternatives	0	2	4	12	8	12	0	0	0	20	0	0	0	58
3.2.4	Eastern St/Airway Drive Realignment Alternatives	0	1	4	8	8	12	0	0	0	4	0	0	0	37
3.3.2	Side Street Evaluation	0	1	2	4	8	12	0	0	0	4	0	0	0	31
3.3.3	Right-of-Way Evaluation	0	1	2	4	0	0	0	0	0	4	0	0	0	11
3.3.6	Evaluate Utility Impacts	0	1	2	4	8	8	0	0	0	4	0	0	0	27
3.3.7	Evaluate Phasing Opportunities	0	4	4	0	0	0	0	0	0	4	0	0	0	12
3.3.8	Develop Preliminary Opinion of Probable Cost	0	1	2	8	8	12	0	0	0	4	0	0	0	35
3.3.9	Prepare Initial Project Assessment	0	2	8	40	8	32	0	0	0	24	0	0	0	114
3.3.10	Summary of Comments	0	2	4	12	0	0	0	0	0	0	0	0	0	18
3.3.11	Prepare Final Project Assessment	0	1	8	16	0	16	0	0	0	12	0	0	0	53
Subtotal 3.0	Scoping Report	0	17	44	108	48	112	0	0	0	80	0	0	0	409
4	Roadway Design														
4.1	Eastern Street/Airway Ave Intersection Design	0	2	8	20	8	32	0	0	0	16	0	0	0	86
4.2.1	Earthwork Modeling	0	0	4	8	12	60	0	0	0	0	0	0	0	84
4.2.2	Barrier Length of Need Analysis	0	0	1	2	4	4	0	0	0	0	0	0	0	11
4.3	AutoTURN Analysis	0	0	1	2	6	12	0	0	0	0	0	0	0	21
4.4	ADA Assessment	0	1	1	2	4	8	0	0	0	0	0	0	0	16
Subtotal 4.0	Roadway Design	0	3	15	34	34	116	0	0	0	16	0	0	0	218
5	Drainage Analysis & Reports														
5.1	Site Visit	0	0	12	12	0	0	0	0	0	0	0	0	0	24
5.2	Hydrologic Review and Additional Analysis	0	1	8	16	0	0	0	0	0	4	0	0	0	29
5.3	Hydraulic Analysis of Culvert Crossings (2 locations)	0	1	8	24	0	24	0	0	0	8	0	0	0	65
5.4	Hydraulic Analysis of Low Water Crossings (4 locations)	0	1	2	4	8	24	0	0	0	4	0	0	0	43
5.5.1	Floodplain Impacts at Eastern St/Kenwood Ave	0	1	8	16	0	32	0	0	0	9	0	0	0	66
5.5.2	Floodplain Impacts at Eastern St/I-40	0	1	8	16	0	32	0	0	0	9	0	0	0	66
5.6	Storm Drain Analysis (Onsite Drainage)	0	1	4	18	50	0	0	0	0	18	0	0	0	91
5.7.1	Storm Drain Analysis (Eagle Rock Street)	0	4	8	27	60	0	0	0	0	18	0	0	0	117
5.7.2	Storm Drain Analysis (RDC Box Culvert)	0	1	2	8	40	0	0	0	0	9	0	0	0	60
5.8	CLOMR Report	0	2	16	60	0	80	0	0	0	24	0	20	0	202
5.9	Existing Railroad Channel and Alternatives	0	4	8	40	0	40	0	0	0	4	0	0	0	96
5.1	Drainage Report	0	2	8	24	0	80	0	0	0	24	0	20	0	158
Subtotal 5.0	Drainage Analysis & Reports	0	19	92	265	158	312	0	0	0	131	0	40	0	1017
6	Traffic Design														
6.1	Coordination with CivTech	0	8	8	0	0	0	0	0	0	0	0	0	0	16
Subtotal 6.0	Traffic Design	0	8	8	0	0	0	0	0	0	0	0	0	0	16
7	Geotechnical Report														
7.1	Coordination with Speedie	0	4	4	0	0	0	0	0	0	0	0	0	0	8
Subtotal 7.0	Geotechnical Report	0	4	4	0	0	0	0	0	0	0	0	0	0	8
8	Utility Coordination														
8.1	Collect and Review Utility Maps	0	1	4	0	8	0	0	0	0	0	0	0	0	13
8.2	Identify conflicts & coordinate relocation	0	4	8	20	0	0	0	0	0	0	0	0	0	32
Subtotal 8.0	Utility Coordination	0	5	12	20	8	0	0	0	0	0	0	0	0	45
9	Right-of-Way														
9.1	Identify Easements	0	1	2	4	8	16	0	0	0	0	0	0	0	31
9.2	ADOT Coordination	0	4	4	12	0	0	0	0	0	0	0	0	0	20
Subtotal 9.0	Right-of-Way	0	5	6	16	8	16	0	0	0	0	0	0	0	51

TASK HOURLY ESTIMATE
Eastern Street Design, Pasadena Avenue to Airway Avenue
Project No. ENG15-048
RITOH-POWELL & Associates

Task	Description	# of Sheets	Project Principal	Project Manager	Project Engineer-Sr.	Project Engineer	Designer-Sr.	Designer	Registered Land Surveyor-	Registered Land Surveyor	Project Surveyor/L SIT	CADD Tech	Survey Crew	Administrative	Total Hours By Task
10	Construction Documents														
10.1.1	Cover Sheet	1	0	0	0	2	0	0	0	0	0	6	0	0	8
10.1.2	General Notes & Design Data	1	0	0	0	2	0	10	0	0	0	10	0	0	22
10.1.3	Key Map	1	0	0	0	1	0	4	0	0	0	6	0	0	11
10.1.4	Typical Sections, Pavement Structural Sections	1	0	0	0	4	0	10	0	0	0	10	0	0	24
10.1.5	Detail Sheets	3	0	1	3	6	8	24	0	0	0	24	0	0	66
10.1.6	Survey Control Sheet														
10.1.7	Geometric Layout Sheet	1	0	0	1	4	0	8	0	0	0	6	0	0	19
10.1.8	Roadway/Drainage Plan & Profile Sheets (Stacked) (1"=40')	9	0	4	12	20	24	72	0	0	0	80	0	0	212
10.1.9	Roadway/Drainage Plan Sheets (1"=40')	1	0	0	1	2	2	10	0	0	0	12	0	0	27
10.1.10	Roadway Profile Sheets (1"=40')	1	0	0	1	2	2	10	0	0	0	12	0	0	27
10.1.11	Intersection Detail/Staking Sheets (1"=20')	1	0	0	1	2	4	12	0	0	0	12	0	0	31
10.1.12	Box Culvert/Box Culvert Extension Plan, Profile & Detail Sheets (Eastern St/Airway Ave)	3	0	2	8	4	16	32	0	0	0	40	0	0	102
10.1.13	Box Culvert Plan & Profile Sheet (Eastern/I-40)	1	0	1	2	4	0	13	0	0	0	20	0	0	40
10.1.14	Drainage Details	3	0	2	6	8	16	36	0	0	0	40	0	0	108
10.1.15	Storm Drain Plan & Profile Sheets (1"=40')	2	0	2	4	12	0	16	0	0	0	24	0	0	58
10.1.16	Storm Drain Connector Pipe Profile Sheets	4	0	1	4	28	0	30	0	0	0	80	0	0	143
10.1.17	Low Flow Crossings Plan & Profile	2	0	1	2	12	0	22	0	0	0	40	0	0	77
10.1.18	Signing and Pavement Marking Sheets (CivTech)														
10.1.19	Traffic Signal Sheets (CivTech)														
10.1.20	Erosion Control (SWPPP) Sheets	6	0	0	2	12	0	24	0	0	0	40	0	0	78
Subtotal 10.0	Construction Documents	41	0	14	47	125	72	333	0	0	0	462	0	0	1053
11	Special Provisions														
11.1	Prepare Special Provisions		0	2	12	40	0	0	0	0	0	0	0	4	58
Subtotal 11.0	Special Provisions		0	2	12	40	0	0	0	0	0	0	0	4	58
12	Opinion of Probable Cost														
12.1	Estimate of Quantities		0	0	2	8	16	32	0	0	0	0	0	0	58
12.2	Research Bid Prices		0	0	1	4	0	0	0	0	0	0	0	0	5
12.3	Prepare Cost Estimate		0	2	6	16	0	0	0	0	0	0	0	0	24
Subtotal 12.0	Opinion of Probable Cost		0	2	9	28	16	32	0	0	0	0	0	0	87
13	QA/QC														
13.1	QA/QC Program		0	10	36	0	0	0	0	0	0	0	0	0	46
Subtotal 13.0	QA/QC		0	10	36	0	0	0	0	0	0	0	0	0	46
15	Public Involvement														
15.1	Public Meetings (2) (Kingman)		0	20	20	0	0	0	0	0	0	32	0	0	72
Subtotal 15.0	Public Involvement		0	20	20	0	0	0	0	0	0	32	0	0	72
Subtotal Hours			0	205	347	682	356	921	9	29	49	727	81	102	3,508

0% 6% 10% 19% 10% 26% 0% 1% 1% 21% 2% 3%



SCOPE OF WORK

CITY OF KINGMAN

ENG15-048 EASTERN STREET DESIGN, PASADENA AVENUE TO AIRWAY AVENUE

Project Assessment (PA) and Final Design

July 2015

BACKGROUND

The City of Kingman intends to improve Eastern Street from Pasadena Avenue to Airway Avenue. This includes replacing the existing asphaltic pavement surface and constructing the new connection of Eastern Street to Airway Avenue west of the existing intersection of Diamond Street and Airway Avenue. Modifications to Diamond Street, Yavapai Street, and Kenwood Avenue will also occur.

A Project Assessment (PA) will be prepared that details the new intersection of Eastern Street to Airway Avenue and any necessary modifications to the existing drainage channel. Included in the PA will be evaluations of up to three (3) interim improvements for Eastern Street and a recommended interim improvement for construction.

Construction plans will be developed for the recommended interim improvements, including traffic signal plans, signing/markings plans and roadway lighting plans if requested.

A summary of the services to be provided by CivTech Inc. (CivTech) is provided below:

- ◆ Provide traffic signal, signing/markings, roadway lighting and traffic control information for the Project Assessment Report, including probable construction costs for the three (3) interim options evaluated.
- ◆ Perform a roadway lighting analysis of Eastern Street between Pasadena Avenue and Airway Avenue, including the Eastern Street/Airway Avenue intersection. The lighting analysis shall include LED light fixtures.
- ◆ Prepare traffic signal plans for the intersection of Eastern Street and Airway Avenue and the removal plans for the traffic signal at the intersection of Yavapai Street and Airway Avenue.
- ◆ Prepare roadway signing and pavement marking plans for Eastern Street between Pasadena Avenue and Airway Avenue, including the Eastern Street/Airway Avenue intersection. This will include signing/markings modifications for Diamond Street and Yavapai Street between Kenwood Avenue and Airway Avenue, as well as the new Kenwood Avenue to Lomalai Avenue connection.
- ◆ Prepare any necessary special provisions and the quantity take-off/bid estimate for the construction package.
- ◆ Prepare roadway and pedestrian lighting plans for Eastern Street between Pasadena Avenue and Airway Avenue. This will be an allowance and utilized only if directed by the City.

CivTech's scope and fee are based on the following assumptions. These assumptions were developed from our experience on similar projects, aerial review of the project, direction from

the City of Kingman via the Design Team Project Manager (Brian Scott), an internal Team scoping meeting on July 15, 2015, and comments from the City on the Initial scope and fee.

Scope of Work:

Project Assessment:

CivTech will work with RPA and City in evaluating three (3) interim roadway section options and selecting a recommended interim section. CivTech will prepare a striping and traffic signal base to match the interim roadway sections to be used by RPA in preparing the exhibits for the PA. CivTech will provide language for the PA regarding the traffic signal, roadway lighting, and signing/marketing for the interim sections. CivTech will provide probable costs for the traffic signal, roadway lighting, signing/marketing, and traffic control for the interim sections.

CivTech will perform a preliminary lighting analysis of Eastern Street for the recommended interim section evaluating LED and HPS lights. The analysis will determine a preliminary pole spacing for the roadway lights to assist in determining a probable roadway lighting cost. A technical memorandum summarizing the analysis will be prepared and submitted with the PA for review.

Traffic Signal Plans:

CivTech will prepare the traffic signal plans for the intersection of Eastern Street and Airway Avenue to accommodate the roadway improvements for this project. The traffic signal plan set will include a general notes sheets, plan view sheet, a pole/conductor schedule sheet, and existing signal removal sheet.

- General Notes Sheet – The general notes sheet will include all of the general notes for traffic signals as well as the Typical Advance Warning Detail for the new traffic signal.
- Plan View Sheet – The plan view sheet will be prepared at 20-scale and will show the intersection layout with the pole locations, conduit runs, and pull boxes depicted with reference numbers. The pull box schedule will identify the locations of the traffic signal pull boxes via stations and offsets.
- Pole/Conductor Schedule Sheet – The pole schedule will show the necessary information to be installed on each traffic signal pole, including pole type, mast arm length, traffic signal heads, type of mounts, pedestrian heads, luminaire type, and pedestrian push buttons. The conductor schedule will provide the necessary wiring information for the signal, including wire size, conduit size and signal phasing.
- Signal Removal Sheet – A plan view sheet of the existing traffic signal at Yavapai Street and Airway Avenue will be prepared at 20-scale detailing the removal of the existing traffic signal equipment and notes to either salvage the equipment to the City yard or relocate items to the intersection of Eastern Street and Airway Avenue.

The traffic signal plans will be designed to City of Kingman standards.

CivTech will coordinate with UniSource to establish the power supply to the new meter pedestal.

Roadway Signing/Pavement Marking Plans:

CivTech will prepare roadway signing/pavement marking plan sheets at a scale of 1-inch equals 40 feet for Eastern Street from south of Pasadena Avenue to Airway Avenue. Plan sheets will be double stacked where possible. It is envisioned there will be six (6) plan sheets for Eastern Street, as well as one (1) plans sheet for Diamond Street and Yavapai Street and one (1) plan sheet for the Kenwood Avenue/Lomalai Avenue connection. The plans sheets will show the roadway signing with sign codes, sign sizes and sign locations identified and pavement marking identified by color and size and begin and end locations.

The roadway signing and pavement marking plans will be designed to City of Kingman standards.

A general notes sheet for the roadway signing and pavement marking will be developed. A detail will be included for the installation of the stop bars and crosswalks for the intersection of Eastern Street/Airway Avenue.

Sign summary sheets will not be required.

Roadway Lighting Plans (Allowance):

CivTech will prepare roadway lighting plan sheets at a scale of 1-inch equals 40 feet for Eastern Street from south of Pasadena Avenue to Airway Avenue. Plan sheets will be double stacked where possible. It is envisioned there will be six (6) plan sheets. The plan sheets will show the light pole locations, conduit runs and pull boxes for the roadway and construction notes. The roadway will show the anticipated power of service locations as provided by UniSource.

Roadway light pole and fixture details will be developed (1 plan sheet).

CivTech will coordinate with UniSource for the electrical power for the roadway.

The required electrical wiring will be determined for the roadway lighting, including voltage drop calculations.

General Items:

CivTech will perform a preliminary field visit and inventory of existing roadway lighting, traffic signal and signing/marketing items within the project limits.

CivTech will attend a Project kick-off meeting in Kingman assumed to be 8 hours, including travel time.

CivTech will attend up to 3 Project Team Meetings in Kingman assumed to be 8 hours each, including travel time.

CivTech will attend up to 6 Project Team Meetings with Kingman via teleconference assumed to be 2 hours each.

CivTech will prepare the necessary opinion of probable cost at the 60%, 90%, and Final submittals. CivTech will prepare the necessary traffic related special provisions at the 60%, 90%, and Final submittals.

Deliverables:

CivTech will deliver the following items with each submittal:

Project Assessment-

Striping base file for three (3) interim section options
Probable signing/markings and traffic signal costs for three (3) interim sections
Initial Lighting Analysis Memorandum as PDF
Text for signing/markings, traffic signal, and roadway lighting for the three (3) interim sections.

60% submittal-

Full-size (24" x 36") and half-size (11" x 17") as PDF
Traffic signal sheets (4 plan sheets)
Roadway signing/pavement marking sheets (9 plan sheets)
Roadway lighting plans sheets (7 plans sheets) (IF REQUESTED)
Special Provisions as word doc file
Opinion of Probable Cost as excel file

90% submittal-

Full-size (24" x 36") and half-size (11" x 17") as PDF
Traffic signal sheets (4 plan sheets)
Roadway signing/pavement marking sheets (9 plan sheets)
Roadway lighting plans sheets (7 plans sheets) (IF REQUESTED)
Special Provisions as word doc file
Opinion of Probable Cost as excel file

100% submittal-

Full-size (24" x 36") and half-size (11" x 17") as PDF
Traffic signal sheets (4 plan sheets)
Roadway signing/pavement marking sheets (9 plan sheets)
Roadway lighting plans sheets (7 plans sheets) (IF REQUESTED)
Special Provisions as word doc file
Opinion of Probable Cost as excel file

Final submittal-

Sealed Full-size (24" x 36") and half-size (11" x 17") as PDF
Traffic signal sheets (4 plan sheets)
Roadway signing/pavement marking sheets (9 plan sheets)
Roadway lighting plans sheets (7 plans sheets) (IF REQUESTED)
Special Provisions as word doc file
Opinion of Probable Cost as excel file

Materials provided by others:

RPA or the City will provide the following information:

- Electronic survey file of existing conditions
- Electronic files of proposed improvements
- As-built information of traffic signals and roadway lighting

Additional Fee:

Any modifications to the traffic signal, signing/markings, and roadway lighting plans as a result of changes by others are not included in this fee and will require a separate fee negotiation. Additional items that are not included in this scope of services or fee proposal can consist of:

- Traffic control plans
- Development of conceptual/final plans and construction costs for 5-lane section
- Additional plan set printing
- Final records and Draft Record Drawings
- Meeting attendance not included in this Scope of Services
- Inspection Services
- Post Design Services
- Traffic study/report
- Traffic counts
- Traffic analyses

FIRM:	CivTech Inc.	CONTRACT NO.:	PROJECT NO.: ENG15-048
PROJECT:	Eastern Street Design Pasadena Avenue to Airway Avenue	New Contract:	X
DATE:	July 24, 2015	Change Order No.:	

DERIVATION OF COST PROPOSAL SUMMARY

DIRECT LABOR				
Classification	Manhours	Billing Rate	Labor Costs	
1 Senior Engineer	63	\$ 156.00	\$ 9,828.00	
2 QA/QC Engineer	5	\$ 165.00	\$ 825.00	
3 Project Engineer (PE)	56	\$ 140.00	\$ 7,840.00	
4 Designer	84	\$ 120.00	\$ 10,080.00	
5 CAD Technician	110	\$ 105.00	\$ 11,550.00	
6 Administrative Asst.	3	\$ 75.00	\$ 225.00	
TOTAL HRS		321		

a. Total CivTech Labor: \$ 40,348.00

DIRECT COSTS

(Listed by Item at Actual Cost - NO MARK-UP)

Item	Cost
1 Milage for Meetings/Field Reviews in Kingman (4 @ 400 miles each = 1600 miles @ \$0.56/mile)	\$ 896.00
2 Milage for Meetings at RPA (6 @ 40 miles each = 240 miles @ \$0.56/mile)	\$ 134.40
3	\$ -
4	\$ -
5	\$ -

b. Sub-Total Direct Costs and Allowances: \$ 1,030.40

ALLOWANCES

(List by description of work)

Item	Cost
1 Roadway Lighting	\$ 18,127.00

c. Sub-Total for Allowances \$ 18,127.00

d. Total Estimated Cost to Consultant: \$ 59,505.40

e. TOTAL FEE:	\$ 59,505.00
----------------------	---------------------



 Signature

 Project Manager/Senior Engineer

 Title

 24-Jul-15
 Date

FIRM:	CivTech Inc.	CONTRACT NO.:	
		PROJECT NO.:	ENG15-048
PROJECT:	Eastern Street Design Pasadena Avenue to Airway Avenue	New Contract:	X
DATE:	July 24, 2015	Change Order No.:	

ESTIMATED MANHOURS							
TASK	SENIOR ENGINEER	QA/QC ENGINEER	PROJECT ENGINEER	DESIGNER	CAD TECHNICIAN	ADMIN ASSISTANT	TOTAL
1 Project Assessment	2	-	10	16	4	-	32
2 Eastern Street/Airway Avenue Traffic Signal Plans	6	2	19	29	50	2	108
3 Signing/Marking Plans	9	3	27	39	56	1	135
4 Meetings (assume 9 months)	46	-	-	-	-	-	46
Allowance							
A Roadway Lighting	12	2	32	44	58	1	149

ESTIMATED FEE BY TASK							
TASK	SENIOR ENGINEER	QA/QC ENGINEER	PROJECT ENGINEER	DESIGNER	CAD TECHNICIAN	ADMIN ASSISTANT	TOTAL
	\$ 156.00	\$ 165.00	\$ 140.00	\$ 120.00	\$ 105.00	\$ 75.00	
1 Project Assessment	\$ 312	\$ -	\$ 1,400	\$ 1,920	\$ 420	\$ -	\$ 4,052
2 Eastern Street/Airway Avenue Traffic Signal Plans	\$ 936	\$ 330	\$ 2,660	\$ 3,480	\$ 5,250	\$ 150	\$ 12,806
3 Signing/Marking Plans	\$ 1,404	\$ 495	\$ 3,780	\$ 4,680	\$ 5,880	\$ 75	\$ 16,314
4 Meetings (assume 9 months)	\$ 7,176	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 7,176
Allowance							
A Roadway Lighting	\$ 1,872	\$ 330	\$ 4,480	\$ 5,280	\$ 6,090	\$ 75	\$ 18,127
TOTAL	\$ 11,700	\$ 1,155	\$ 12,320	\$ 15,360	\$ 17,640	\$ 300	\$ 58,475

FIRM: CivTech Inc.

CONTRACT NO.:
PROJECT NO.: ENG15-048

PROJECT: **Eastern Street Design**
Pasadena Avenue to Airway Avenue

New Contract: **X**

DATE: July 24, 2015

Change Order No.:

ESTIMATED MANHOURS

TASK	SENIOR ENGINEER	QA/QC ENGINEER	PROJECT ENGINEER	DESIGNER	CAD TECHNICIAN	ADMIN ASSISTANT	TOTAL
1 Project Assessment	2	-	10	16	4	-	32
Signal/Signing/Marking Verbiage - Interim Options	-	-	4	-	-	-	4
Signal/Marking Base Files - 3 Interim Options	1	-	2	8	-	-	11
Lighting Analysis/Memo	1	-	2	6	-	-	9
Quantities/Estimate - Interim Options	-	-	2	2	4	-	8
2 Eastern Street/Airway Avenue Traffic Signal Plans	6	2	19	29	50	2	108
Coordination with UniSource	-	-	2	1	-	-	3
General Notes/Traffic Control Signign Detail Sheet	-	-	1	3	6	-	10
Plan View Sheet	2	1	6	10	16	-	35
Schedule Sheet	2	1	6	10	20	-	39
Removal Sheet	1	-	2	3	4	-	10
Specials/Quantities	1	-	2	2	4	2	11
3 Signing/Marking Plans	9	3	27	39	56	1	135
General Notes Sheet	-	-	1	3	6	-	10
Eastern Street Plan View Sheets (6 total)	6	2	18	24	36	-	86
Diamond/Yavapai Plan View Sheet (1 total)	1.0	0.5	3	4	6	-	14.5
Kenwood/Lomolai Plan View Sheet (1 total)	1.0	0.5	3	4	6	-	14.5
Specials/Quantities	1	-	2	4	2	1	10
4 Meetings (assume 9 months)	46	-	-	-	-	-	46
Kick-off Meeting/Field Review in Kingman (includes travel time)	10	-	-	-	-	-	10
Project Meetings in Kingman (3@8 hrs ea) (includes travel time)	24	-	-	-	-	-	24
Project Meetings via teleconference (6@2 hours each)	12	-	-	-	-	-	12
ALLOWANCE							
Roadway Lighting	12	2	32	44	58	1	149
General Notes/Detail Sheet	1	-	2	4	8	-	15
Eastern Street Plan View Sheets (6 total)	10	2	24	36	48	-	120
Coordination with UniSoure	-	-	2	2	-	-	4
Specials/Quantities	1	-	4	2	2	1	10

July 23, 2015

Brian Scott
Ritoch-Powell Associates
5727 N. 7th St., Suite 120
Phoenix, AZ 85014

**RE: Proposal for Geotechnical Investigation
Eastern Street Design
Kingman, AZ
Proposal No. 54411 SF**

Dear Mr. Scott:

We are pleased to provide our cost estimate to conduct a soil investigation at the above referenced site that will satisfy site development and foundation design requirements. All work on this project will be carried out under the overall supervision of a registered Professional Engineer in the state of Arizona.

We understand that construction will consist of repaving and partial realignment of approximately 1.65 miles of Eastern Street in Kingman, AZ from Airway Ave to Pasadena Ave. Pavement structural design requirements will be based on traffic volumes and truck factors provided by the City of Kingman. Landscaped areas will be utilized for storm water retention and disposal.

We will drill and sample sufficient test borings to adequately determine subsoil conditions and provide samples for laboratory testing. Sufficient laboratory tests will be conducted to properly classify the soils encountered and provide data for engineering design. We presently anticipate drilling 8 structural borings to depths of 4 to 5 feet below existing ground surface, or refusal, whichever comes first. Borings will be located at the start and end of project extents and at each ¼ mile interval. Access to the site by conventional truck-mounted drilling equipment is assumed to be free and unencumbered.

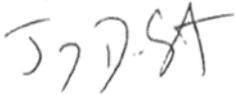
We will analyze the data obtained from field and laboratory testing and prepare a report presenting all data obtained, together with our conclusions and recommendations regarding:

1. Groundwater conditions, if any, to the depths which will influence design and/or construction of the proposed development.
2. Swell potential of in-situ and compacted soils and recommendations for control if highly expansive.
3. Pavement design to provide economy and adequate service.
4. Suitability of site soils for use as compacted fill and preferred earthwork methods, including clearing, stripping, excavation and construction of engineered fill.

Charges for our services have been determined on the basis of our standard Fee and Rate Schedule, a copy of which is attached and made a part hereof. We propose to provide the services set forth herein for a lump sum amount of \$6,400.00, which includes all testing, engineering and reimbursable expenses and 2 copies of the report. Should we be informed that additional copies of the report are needed after it has been finalized, there will be an additional charge of \$15.00 per report. Time from authorization to proceed to final report submittal at this time is on the order of 4 to 6 weeks following our receipt of this signed proposal (authorization to proceed). This time frame does not include delays due to inclement weather or delays in the field not caused by Speedie & Associates and subcontractors.

We appreciate the opportunity to submit this proposal for your consideration. If the terms set forth are satisfactory, please sign the attached copy, and return it for our records.

Respectfully submitted,
SPEEDIE & ASSOCIATES



Jeremy M DeGeyter

APPROVED AND ACCEPTED
For: Ritoch-Powell Associates

By: _____

Print Name: _____

Date: _____



ENGINEERING SERVICES
2014 Fee and Rate Schedule

Fees for services will be based upon the time worked on the project at the following rates:

Title	Rate Per Hour
Principal	\$ 130.00
Project Manager	100.00
Sr. Geologist/Engineer	100.00
Project Engineer/Geologist	90.00
Environmental Specialist	85.00
Architectural Special Inspector	85.00
Structural Special Inspector	75.00
Staff Engineer/Geologist	70.00
Sr. Engineering Technician	55.00
Draftsman	50.00
Materials Testing Technician	45.00
Clerical/Administrative	40.00

REIMBURSABLE EXPENSES

Light Truck Mileage Rate: \$0.50 per mile

The following items are reimbursable to the extent of actual expenses plus 25%:

1. Transportation, lodging and subsistence for out of town travel
2. Special mailings and shipping charges
3. Special materials and equipment unique to the project
4. Duplication or reprinting/copying reports

TEST BORINGS AND FIELD INVESTIGATIONS

On projects requiring test borings, test pits, or other explorations, the services of reputable contractors to perform such work shall be obtained.

SUBCONTRACTORS/SUBCONSULTANTS CHARGES

Any charges for subcontractors/subconsultants are subject to a 25% handling fee if invoiced by Speedie & Associates or such charges can be directly paid by the CLIENT.

SPECIAL RATES

The following rates may be subject to a 35% increase:

- Overtime – time over 8 hours per weekday and on Saturday
- Sunday and Holidays
- Rush orders

EXPERT WITNESS

Deposition and testimony; 4-hour minimum, \$250.00 per hour.

The following Terms and Conditions are included and hereto made a part of this agreement.

TERMS AND CONDITIONS

1. STANDARD OF CARE

In performing our professional engineering services, Speedie & Associates, Inc. (S&A) will use the degree of care and skill ordinarily exercised by members of our profession currently practicing in the same locality under similar conditions. No warranty, expressed or implied, is made or intended by our proposal for consulting services, our contract, oral or written reports, or services.

2. SCOPE OF SERVICES

2.1 "ON-CALL" SERVICES

Unless otherwise agreed by both parties in writing, all construction materials testing will be performed on an "on-call" basis. Both parties agree that test results for "on-call" testing, where the CLIENT does not request S&A's continuous construction and field observation, will be based only on the representative sample or limited location tested.

2.2 CONSTRUCTION/FIELD OBSERVATION OR REMEDIATION OBSERVATION

If the CLIENT desires more extensive or full-time project observation to help reduce the risk of problems arising during construction, the CLIENT shall request such services as "Additional Services" in accordance with the terms of this agreement. Should the CLIENT for any reason choose not to have S&A provide construction or field observation during the implementation of S&A's specifications or recommendations, or should the CLIENT unduly restrict S&A's assignment of observation personnel, CLIENT shall, to the fullest extent permitted by law, waive any claim against S&A, and indemnify, defend, and hold S&A harmless from any claim or liability for injury or loss arising from field problems allegedly caused by findings, conclusions, recommendations, plans or specifications developed by S&A. CLIENT also shall compensate S&A for any time spent or expenses incurred by S&A in defense of any such claim. Such compensation shall be based upon S&A's prevailing fee and rate schedule.

3. OWNERSHIP OF DOCUMENTS

All reports, plans, specifications, field data, notes and other documents prepared by S&A shall remain the property of S&A. Any reuse of such documents for other purposes must be with the written consent of S&A.

4. SAFETY

While on a CLIENT'S jobsite, S&A's personnel have no authority to exercise any control over any construction contractor, any other entity, or their employees in connection with their work, health or safety precautions. The CLIENT agrees that the General Contractor is solely responsible for jobsite safety and warrants that this intent shall be made evident in the CLIENT'S agreement with the General Contractor. The CLIENT may be charged for additional work for interruption, downtime required, or safety measures required by hazardous job conditions.

5. INSURANCE

Upon request, S&A will furnish certificates of insurance for Workers Compensation, General and Auto insurance, and Professional Errors or Omissions insurance. S&A is not responsible for damage of any cause beyond the coverage of its insurance.

6. INDEMNIFICATION

6.1 ENVIRONMENTAL SERVICES

It is understood and agreed that should the CLIENT hire S&A in matters involving the actual or potential presence of hazardous substances, the CLIENT will indemnify S&A, and its employees and representatives, from and against claims that are the result of negligent acts or omissions on the part of the CLIENT, its employees or representatives. S&A will indemnify the CLIENT from and against claims that are solely the result of negligent acts or omissions on the part of S&A, its employees or representatives.

6.2 NON-ENVIRONMENTAL SERVICES

Both parties agree that S&A's scope of services will not include asbestos, hazardous or toxic materials. Should it become known in any way that such materials may be present at the jobsite or adjacent area that may affect the performance of S&A's services, S&A may suspend its services without any liability until the CLIENT retains appropriate consultation to identify, abate, and/or remove the asbestos, hazardous or toxic materials and warrants that the jobsite is in compliance with applicable laws and regulations. The CLIENT will indemnify S&A and his employees and representatives from and against claims that are the result of negligent acts or omissions on the part of the CLIENT, his employees and representatives. S&A shall indemnify the CLIENT from and against claims, which are solely the result of negligent acts or omissions on the part of S&A, its employees and representatives.

7. LIMITS OF LIABILITY

The CLIENT agrees that S&A shall not be liable for losses caused by or arising from any acts of the CLIENT, his employees or subcontractors. Should any of S&A's employees be found to have been negligent in the performance of professional services rendered, the CLIENT agrees that the maximum aggregate amount of S&A's liability shall be limited to \$50,000.00 or the amount of the fee paid to S&A for professional services, whichever amount is greater.

8. WAIVER OF LIMITATION OF PROFESSIONAL LIABILITY

In the event the CLIENT is unwilling or unable to limit liability in accordance with the paragraph above, then CLIENT shall agree to pay S&A a sum equivalent to an additional 20% of the total fee to be charged for the professional services. Said sum is to be called "Waiver of Limitation of Liability Charge." This charge will in no way be construed as being a charge for insurance of any type, but will be increased consideration for the greater risk involved in performing the work up to the limit of proceeds available from S&A's professional insurance coverage.

9. SAMPLE DISPOSAL

9.1 NON-HAZARDOUS SAMPLES

Test samples are substantially altered during testing and are disposed of immediately upon completion of tests. Drilling samples are disposed of thirty (30) days after submission of our report. If requested in writing, samples can be held after thirty (30) days for an additional storage fee, or returned to the CLIENT.

9.2 HAZARDOUS SAMPLES

If toxic or hazardous substances are involved, S&A will return such samples to the CLIENT. Or using a manifest signed by the CLIENT, S&A will have such samples transported to a location selected by the CLIENT for final disposal. The CLIENT agrees to pay all costs for storage, transport and disposal of samples. The CLIENT recognizes and agrees that S&A is acting as a bailee and at no time assumes title to samples involving hazardous or toxic materials.

10. PAYMENT

Progress invoices will be submitted to the CLIENT monthly with a final billing at completion of services. Invoices are due and payable upon receipt. The CLIENT agrees to pay a finance charge of 1.5 % per month on all past due accounts over thirty (30) days. The CLIENT'S obligation to pay for all work contracted is in no way dependent upon the CLIENT'S ability to obtain financing, zoning approval, or the CLIENT'S successful completion of the project. S&A reserves the right to suspend work under its agreement if the CLIENT fails to pay invoices as due. The CLIENT agrees to pay all costs for collection of payment, including attorney's fees.

11. LITIGATION

In the event of litigation between parties to this agreement, if S&A is the prevailing party, S&A shall be entitled to recover all related costs, expenses, and reasonable attorney fees.



AeroTech Mapping

Arizona - California - Nevada - New Mexico - Texas
Utah - Colorado - North & South Dakota

• Arizona

8433 N. Black Canyon Hwy, Suite 120, Phoenix, AZ 85021 (623) 242-7656

5055 E. Broadway Blvd, Suite C214, Tucson, AZ 85711 (520) 561-6537

• California

29970 Technology Drive Murrieta, CA 92563 (619) 606-5020

530 S. Hewitt St., Suite 121, Los Angeles, CA 90013 (213) 985-4230

• Nevada

2580 Montessouri, Suite 104, Las Vegas, NV 89117 (702) 228-6277

8600 Technology Way, Suite 115, Reno, NV 89521 (775) 853-0900

• New Mexico

6565 America Parkway NE, Suite 200 Albuquerque, NM 87110 (520) 561-6537

July 9, 2015

Mr. Troy A. Ray, R.L.S.
RITTOCH-POWELL & Associates
5727 North 7th Street, Suite 120
Phoenix, Arizona 85014



Re: Eastern Street Improvements - 152 Total Acres - See Attached Exhibit "Eastern Layout"

Dear Troy,

AeroTech Mapping is pleased to present the following proposal for aerial photography and photogrammetric services consisting of the production of 1:480, one foot topographical information, planimetric detail and color digital orthophoto covering the approximate one-hundred and fifty-two (152) acres located in Kingman, Arizona. The aerial mapping limits are indicated in green on the attached diagram.

The photography will consist of three (3) flight lines and sixteen (16) exposures utilizing a photo scale of 1:3360 (1" = 280'). From this photo scale, accuracies of plus or minus 0.33' can be expected as it relates to topographical information generated from the Digital Terrain Modeling (DTM) information. Accuracies of plus or minus 0.22' can be expected as it relates to the DTM information itself.

Deliverables will consist of a hard-copy plot and a CD-ROM containing the Digital Terrain Model information used for the generation of topographical information, the contour information, planimetric detail, the tfw image limit files, orthophoto TIFF images and .dwg image limits files which will allow for bringing the images into their proper coordinate position.

Final delivery of the digital information will be supplied in AutoCad or as directed by **RITTOCH-POWELL & Associates (RPA)**. Layering scheme will be standard AeroTech Mapping layering.

We understand that **RPA** will be responsible for the establishment of aerial ground control for the aerial survey. A total of fourteen (14) aerial targets are needed for this project. Target sizes should be in the order of six inches (6") wide and measure approximately six (6') feet in total length.

Project scope for photogrammetric services to include: 1:480, 1FT Topography / Planimetry / Digital Orthophoto

Photography: Color	Overlap: 60%
Plot: 1 Overall Plot	Flight scale: 1:3360 / 280' PS
Stereo Model Count: 13 (Set 11)	Mapping Scale: 1" = 40'
Contour Interval: 1 Foot, DTM	Planimetrics: Full Detail
Digital Orthophoto: Color, TIFF, 0.25' Pixel	CAD Format: AutoCad Civil 3D 2012
Layers: AeroTech Mapping	Control: 14 HVP, 6" Wide x 6' Tall

Project estimated schedule: 15 consecutive working days after date of photography or receipt of control, whichever is later. Please note certain delays may exist, i.e., weather and air flight restrictions.

Project accuracy to conform to generally accepted photogrammetric standards established by the American Society of Photogrammetry & Remote Sensing (ASPRS).

Teresa Torres
President, Principal
Teresatorres@atmlv.com
702-228-6277 (office)

Leo Torres
VP, Principal
Leotorres@atmlv.com
702-595-6277 (cell)

Lyle Slater
GM, AZ & CA
Lslater@atmlv.com
602-459-3933 (cell)

Mike Dauer
Account Executive
Mikedauer@atmlv.com
619-606-5020 (cell)

Eric Phan, P.L.S.
General Manager
Ericphan@atmlv.com
702-325-8808 (cell)

Tim Burrows
Account Executive
Timburrows@atmlv.com
520-561-6537 (cell)

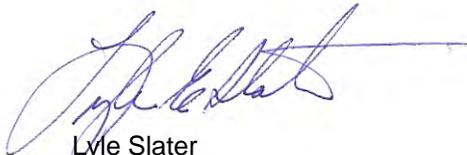
Payment Schedule:
Terms Net 30 days

Fee: \$ 9,395.00 _____ Initial

This proposal will remain effective for 60 days after the date of this letter. If you have any questions, please do not hesitate to contact us at any time. AeroTech Mapping appreciates the opportunity of submitting this proposal and look forward to working with **RIToch-POWELL & Associates**.

Your signature in the space provided below will indicate your acceptance of our proposal and serve as our Notice to Proceed.

Sincerely,



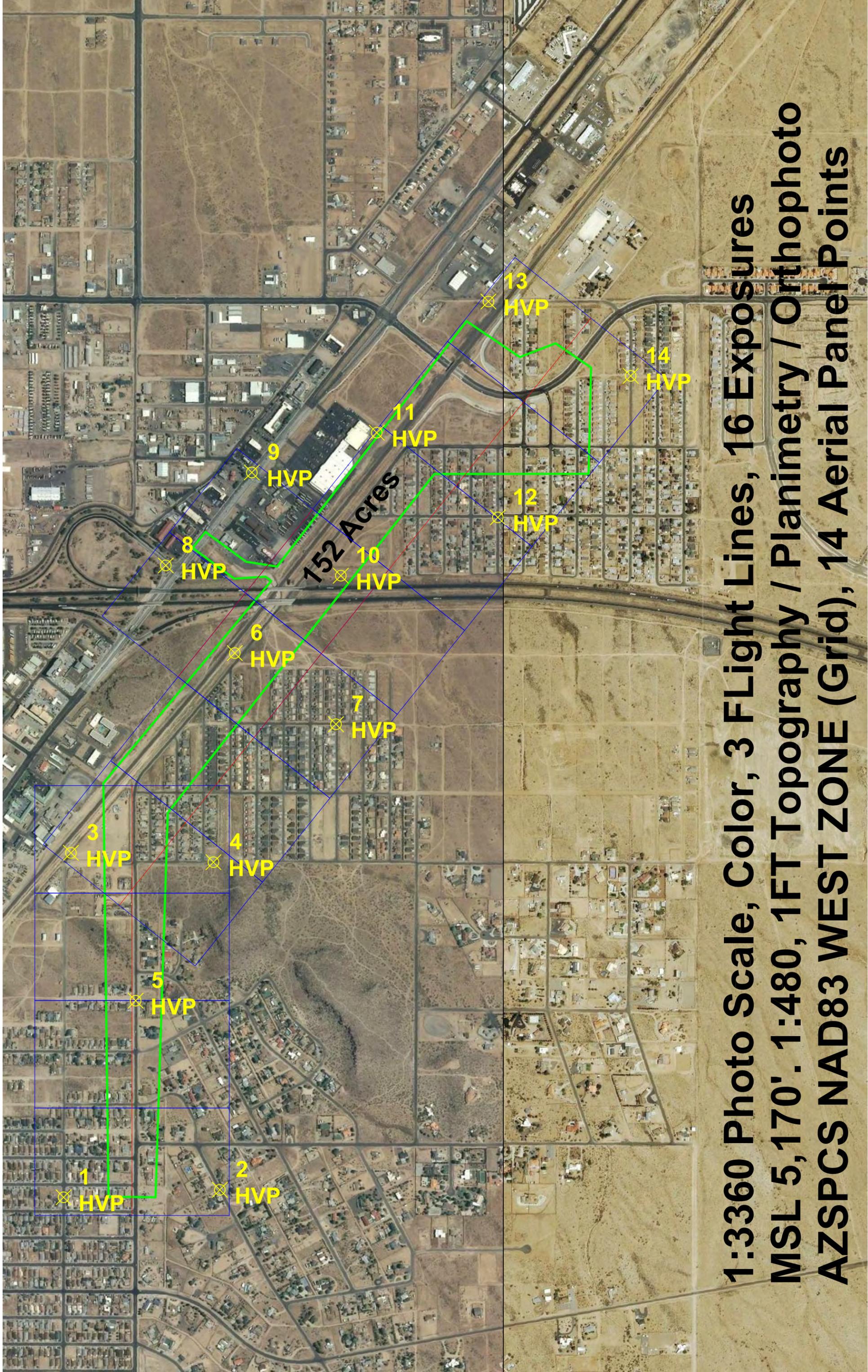
Lyle Slater
General Manager

Accepted by:



Troy A. Ray, R.L.S.

Date



**1:3360 Photo Scale, Color, 3 Flight Lines, 16 Exposures
MSL 5,170'. 1:480, 1FT Topography / Planimetry / Orthophoto
AZSPCS NAD83 WEST ZONE (Grid), 14 Aerial Panel Points**

CITY OF KINGMAN COMMUNICATION TO COUNCIL



TO: Honorable Mayor and Council Members

FROM: Engineering Services

MEETING DATE: August 4, 2015

AGENDA SUBJECT: Consideration of Amendment No. 2 to Engineering Contract ENG14-084 for additional pavement repair on Lovin Avenue and changes to the Castle Rock booster station.

SUMMARY: 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). A summary of the changes for each project is given below.

The Lovin Avenue sewer line extension project extends sewer service from Washington Street to Eastern Street on Lovin Avenue. The existing road is paved with curb and gutter. In order to install the sewer main and the service lines to each home, the road is cut so trenching can occur. After inspecting the project site, the Street Superintendent is of the opinion that the condition of the street as a result of the construction is poor and has requested that the street be repaved. Freiday Construction has prepared a change order in the amount of \$16,802.47 to do the work.

The Castle Rock forebay tank restoration project involves repairing two forebay tanks at the Castle Rock booster station. The original work was to include recoating the interior and exterior of the tanks and to install additional piping and safety features to the tanks. After the tanks were taken out of service for rehabilitation, several major deficiencies in the tanks were discovered. These include excessive wear on the floor of the tanks and significant deterioration on one of the overflow structures and deterioration on the level floats. Also, due to the condition of the exterior paint on one of the tanks, sand blasting became necessary to prepare the surface instead of pressure washing. Staff recommended that the floor of one of the tanks be replaced and new patches to floor be installed on the second tank. Additionally, Staff requested that the overflow structure and level float be rebuilt. Freiday Construction has prepared a change order in the amount of \$23,258.45 to perform the necessary work.

ATTACHMENTS: Amendment No. 2 with Fee proposals from Freiday Construction, Inc.

FISCAL IMPACT: The Lovin Avenue street repairs in the amount of \$16,802.47 will be paid from the Streets Pavement Preservation Fund and the additional repairs to the Castle Rock tanks in the amount of \$23,258.45 will be paid from the Water Fund.

RECOMMENDATION: It is recommended that the Council approve the agreement and that the Mayor be authorized to sign the agreement on behalf of the City.

Signature of Dept. Head

City Attorney
Approved as to Form
City Manager's Review

AGENDA ITEM: 4e

EXHIBIT A

FREIDAY CONSTRUCTION, INC.

PROPOSALS



FREIDAY CONSTRUCTION, Inc.

3360 North Bank Street
P.O. Box 4267
Kingman, AZ 86409
(928) 757-2176
(928) 757-4638 FAX

July 23, 2015

Phillip Allred, P.E.
Assistant City Engineer
City of Kingman
310 N. 4th Street
Kingman, AZ 86401

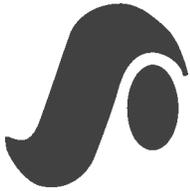
Phil,

Please find below the breakdown and requested change order amount for asphalt removal and replacement on Lovin Avenue.

Desert Construction proposal for project	\$28,719.00
Deduct for patching on original contract	<16,272.00>
Add for asphalt removal and ABC placed: 662 sq yds @ \$4.30 per sq yd	<u>\$ 3,177.60</u>
Subtotal	\$15,624.60
Additional bond amount @2%	\$ 312.49
Tax on above @ 5.43%	<u>\$ 865.38</u>
Total requested change order amount	\$16,802.47

Thanks.

Fud



FREIDAY CONSTRUCTION, Inc.

3360 North Bank Street
P.O. Box 4267
Kingman, AZ 86409
(928) 757-2176
(928) 757-4638 FAX

July 24, 2015

Mike Prior, P.E.
Assistant City Engineer
City of Kingman
310 N. 4th Street
Kingman, AZ 86401

Mike,

Please find below for cost breakdown from Acton Welding and Garrett Painting & Sandblasting for the additional work required for overflow structure replacement, tank floor patching and replacement, and additional sandblasting and surface preparation.

Acton Welding, Inc.	\$4,828.12
Garrett Painting & Sandblasting, Inc.	<u>\$16,908.75</u>
Subtotal	\$21,736.87
Additional bond amount @ 2%	\$434.74
Prime Contractor Markup @ 5%	<u>\$1,086.84</u>
Total for Castle Rock (ENG14-105) change order amount	\$23,258.45

Thank you.

Fud Frieday

CITY OF KINGMAN COMMUNICATION TO COUNCIL



TO: Honorable Mayor and Council Members

FROM: City Clerk's Office

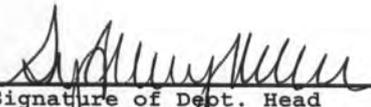
MEETING DATE: August 4, 2015

AGENDA SUBJECT: Special Event Liquor License Application

SUMMARY: 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.

ATTACHMENT: First page of the Liquor License Application.

STAFF RECOMMENDATION: Approve the special event liquor license application.


Signature of Dept. Head


City Attorney's Review


City Manager's Review

AGENDA ITEM: 4F



Arizona Department of Liquor Licenses and Control
800 W Washington 5th Floor
Phoenix, AZ 85007-2934
www.azliquor.gov
(602) 542-5141

FOR DLLC USE ONLY	
Event Date(s):	
Event time start/end:	
CSR:	
License:	

APPLICATION FOR SPECIAL EVENT LICENSE
 Fee= \$25.00 per day for 1-10 days (consecutive)
 A service fee of \$25.00 will be charged for all dishonored checks (A.R.S. § 44-6852)

IMPORTANT INFORMATION: This document must be fully completed or it will be returned.

The Department of Liquor Licenses and Control must receive this application ten (10) business days prior to the event. If the special event will be held at a location without a permanent liquor license or if the event will be on any portion of a location that is not covered by the existing liquor license, this application must be approved by the local government before submission to the Department of Liquor Licenses and Control (see Section 15).

SECTION 1 Name of Organization: Kingman Golden Valley Association of Realtors

SECTION 2 Non-Profit/IRS Tax Exempt Number: Sec. 501(c)6

SECTION 3 The organization is a: (check one box only)

- Charitable Fraternal (must have regular membership and have been in existence for over five (5) years)
 Religious Civic (Rotary, College Scholarship) Political Party, Ballot Measure or Campaign Committee

SECTION 4 Will this event be held on a currently licensed premise and within the already approved premises? Yes No

_____ Name of Business _____ License Number _____ Phone (include Area Code) _____

SECTION 5 How is this special event going to conduct all dispensing, serving, and selling of spirituous liquors? Please read R-19-318 for explanation (look in special event planning guide) and check one of the following boxes.

- Place license in non-use
 Dispense and serve all spirituous liquors under retailer's license
 Dispense and serve all spirituous liquors under special event
 Split premise between special event and retail location

(If not using retail license, submit a letter of agreement from the agent/owner of the licensed premise to suspend the license during the event. If the special event is only using a portion of premise, agent/owner will need to suspend that portion of the premise.)

SECTION 6 What is the purpose of this event? On-site consumption Off-site (auction) Both

SECTION 7 Location of the Event: Metcalf Park

Address of Location: 315 W. Beale St. Kingman Mohave AZ 86401
Street City COUNTY State Zip

SECTION 8 Will this be stacked with a wine festival/craft distiller festival? Yes No

SECTION 9 Applicant must be a member of the qualifying organization and authorized by an Officer, Director or Chairperson of the Organization named in Section 1. (Authorizing signature is required in Section 13.)

1. Applicant: Lopez Karen Erdman _____
Last First Middle Date of Birth

2. Applicant's mailing address: _____ Kingman, AZ 86401
Street City State Zip

3. Applicant's home/cell phone: (928) _____ Applicant's business phone: (928) 718-0100

4. Applicant's email address: _____@mail.com

CITY OF KINGMAN COMMUNICATION TO COUNCIL



TO: Honorable Mayor and Council Members
FROM: Development Services Department
MEETING DATE: August 4, 2015
AGENDA SUBJECT: 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).

SUMMARY: The Kingman and Mohave Manufacturing Association (KAMMA) is a non-profit association of area manufacturers. KAMMA exists to:

- Strengthen the ability of its manufacturing organizations to improve profitability.
- Capture the synergies of our manufacturing community.
- Work collaboratively to improve the education and skill development streams which feed our community.
- Encourage new manufacturers to bring their new capacity into our region's family of manufacturers.
- Partner with member businesses to provide them with access to human resource, environmental health and safety management, OSHA compliance, training, and employee benefits resources.

On September 4, 2012, the City granted \$5000 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 the 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.

The Chairman of the Board is John Hansen, Chief Operating Officer of Laron Industries.

ATTACHMENT: None
FISCAL IMPACT: **None.** The City will receive a \$3,750 check in December.
RECOMMENDATION: Receive the check


Signature of Dept. Head


City Attorney
Approved as to form


City Manager's Review

AGENDA ITEM: 5a

CITY OF KINGMAN COMMUNICATION TO COUNCIL



TO: Honorable Mayor and Council Members

FROM: Tina D. Moline, Financial Services Director

MEETING DATE: August 4, 2015

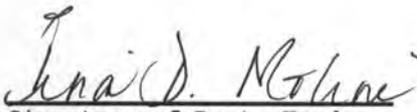
AGENDA SUBJECT: Public Hearing and Adoption of Ordinance 1799 Amending the Kingman Tax Code by Removing the Sunset Date on the 0.50% Increased Rate of Taxation

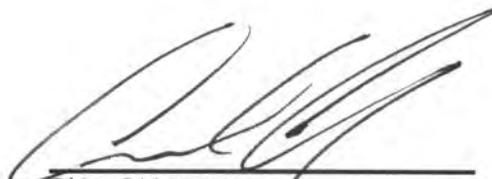
SUMMARY: According to ARS § 9-199.15, a municipality that proposes to increase the rate of an existing tax or fee on a business must provide written notice on the home page of its website at least sixty days before the date the proposed new rate is approved or disapproved by the governing body of the 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.

ATTACHMENTS: None.

RECOMMENDATION: None.


Signature of Dept. Head


City Attorney
Approved as to form


City Manager's Review

AGENDA ITEM: 5b

CITY OF KINGMAN COMMUNICATION TO COUNCIL



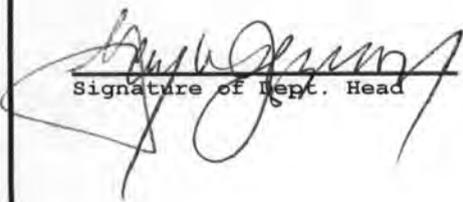
TO: Honorable Mayor and Common Council
FROM: Development Services Department
MEETING DATE: August 4, 2015
AGENDA SUBJECT: Consideration of the City Council Initiating a C-3 Planned Development District Zoning for the 151-Acres of City Owned Property in the Kingman Crossing Area that is Designated "Regional Commercial"

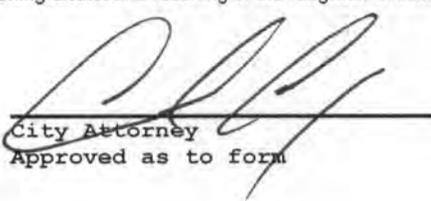
SUMMARY: With the adoption of Resolution #4949 on May 5, 2015, the 151.32-acres of the Kingman Crossing area owned by the City is designated "Regional Commercial" on the Projected Land Use Map of the Kingman General Plan Update 2030. The property can be rezoned to a zoning district that is in conformance 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. Following are the stipulations for the north property and can be considered for the City's property.

1. On the north side of the future traffic interchange, the C-3 PDD district allows the uses of the C-3 zoning district, but the following uses shall not be permitted by right within the area zoned C-3-PDD: Storage and equipment yards associated with contractors offices, Truck sales and service, new and used, Truck and trailer rental and service, and Vehicle towing and storage.
2. The following uses shall not be permitted by Conditional Use Permit within the area zoned C-3-PDD: BMX racetrack, Mini-storages, Motocross racetrack, Off premises signs (billboards), Recreational vehicle parks, Swap meets (indoor and outdoor), Tire retreading and recapping, Travel trailer park, and Truck stops for truck stop facilities.
3. Where the C-3-PDD district directly abuts any residential zoning district, all buildings are to be setback at least 25 feet from the abutting property line. Parking areas may be allowed within the setback areas, but those areas cannot be used for commercial truck deliveries or outdoor storage purposes, including the placement of shipping containers.
4. Future building designs and colors shall be appropriate to the southwestern United States. Colors should include warm earth tones and highly reflective materials such as all metal or all glass buildings shall be avoided. Building designs shall include the use of varied parapets, columns, popouts and pilasters to avoid the appearance of long blank walls.
5. At least ten (10) feet of walkway shall be required between the front entrance of any buildings and parking lot traffic aisles to provide adequate walking room and to reduce pedestrian/vehicle conflicts.
6. Overall sign plans shall be submitted at the time of development which compliments the architectural theme of the principal buildings in terms of design and color. All free-standing signs shall have skirting around the pole supports at the base. The sign base shall be at least 50-percent of the width of the sign width.
7. All parking areas shall include landscaped tree islands for every ten parking spaces. A raised landscaped berm or a continuous wall at least 3 feet in height or some combination of both, shall be used to screen all parking areas from adjacent public streets.
8. All commercial driveways shall align on both sides of the streets where there are no medians.
9. The issuance of building permits by the City of Kingman on the subject properties shall not occur until a notice to proceed has been made by ADOT and construction of the Kingman Crossing interchange has begun.

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 September 8, 2015, and the City Council can hold its public hearing on October 6, 2015.

ATTACHMENT: Proposed Draft Ordinance.
FISCAL IMPACT: \$1300 for Advertising
RECOMMENDATION: Initiation of the C-3 PDD zoning district and rezoning of the Kingman Crossing property.


Signature of Dept. Head


City Attorney
Approved as to form


City Manager's Review

AGENDA ITEM: 5c

WHEN RECORDED HOLD FOR
KINGMAN CITY CLERK
310 N. 4th Street
Kingman, AZ 86401

**CITY OF KINGMAN
ORDINANCE NO.**

AN ORDINANCE BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF KINGMAN, ARIZONA: FOR THE REZONING CERTAIN PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED, FROM R-R: RURAL RESIDENTIAL TO KINGMAN CROSSING C-3-PDD: COMMERCIAL, SERVICE BUSINESS, PLANNED DEVELOPMENT DISTRICT.

WHEREAS, The City of Kingman is the owner of land described in Exhibit "A" of this ordinance; and,

WHEREAS, The City of Kingman desires to create a planned development district in accordance with Section 19.000 PLANNED DEVELOPMENT DISTRICT (PDD) of the Zoning Ordinance of the City of Kingman, Arizona, to ensure compliance with the General Plan and good zoning practices, while allowing certain desirable departures from the strict provisions of specific zone classifications; and

WHEREAS, the subject property proposed for C-3-PDD zoning is approximately 151-acres and is described as a portion of Section 9, T.21N., R.16W., of the G&SRM, Mohave County, AZ, and further described in Exhibit "A" attached, and

WHEREAS, this proposed zoning district is in accordance with the projected land use and density standards of the adopted City of Kingman General Plan 2030 Update, and

WHEREAS, the requested zoning district will facilitate the development of a proposed retail shopping center, and

WHEREAS, the Planned Development District designation within the C-3 zoned portion of the subject site is intended to provide for various types of land uses compatible with retail and restaurant uses while excluding other uses which are not compatible with a retail shopping center, and

WHEREAS, the rezoning requests were recommended for approval by the Kingman Planning and Zoning Commission at the meeting of September 8, 2015 by a _____ vote with certain conditions, and

WHEREAS, the Kingman Common Council has the authority to approve this request pursuant to the City of Kingman Zoning Ordinance, Sections 13.000, 19.000 and 31.000.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the City of Kingman, Arizona: That the subject property 151.32-acres and described as a portion of Section 9, T.21N., R.16W., of the G&SRM, Mohave County, AZ, further described in Exhibit "A" attached, be rezoned to the Kingman Crossing C-3-PDD: Commercial, Service Business, Planned Development District.

1. The following uses shall not be permitted by right within the area zoned C-3-PDD: Storage and equipment yards associated with contractors offices, Truck sales and service, new and used, Truck and trailer rental and service, and Vehicle towing and storage.
2. The following uses shall not be permitted by Conditional Use Permit within the area zoned C-3-PDD: BMX racetrack, Mini-storages, Motocross racetrack, Off premises signs (billboards), Recreational vehicle parks, Swap meets (indoor and outdoor), Tire retreading and recapping, Travel trailer park, and Truck stops for truck stop facilities.
3. Where the C-3-PDD district directly abuts any residential zoning district, all buildings are to be setback at least 25 feet from the abutting property line. Parking areas may be allowed within the setback areas, but those areas cannot be used for commercial truck deliveries or outdoor storage purposes, including the placement of shipping containers.
4. Future building designs and colors shall be appropriate to the southwestern United States. Colors should include warm earth tones and highly reflective materials such as all metal or all glass buildings shall be avoided. Building designs shall include the use of varied parapets, columns, popouts and pilasters to avoid the appearance of long blank walls.
5. At least ten (10) feet of walkway shall be required between the front entrance of any buildings and parking lot traffic aisles to provide adequate walking room and to reduce pedestrian/vehicle conflicts.
6. Overall sign plans shall be submitted at the time of development which compliments the architectural theme of the principal buildings in terms of design and color. All free-standing signs shall have skirting around the pole supports at the base. The sign base shall be at least 50-percent of the width of the sign width.
7. All parking areas shall include landscaped tree islands for every 15-parking spaces. A raised landscaped berm or a continuous wall at least 3 feet in height or some combination of both, shall be used to screen all parking areas from adjacent public streets. Perimeter planting strips at least 10 feet in width along the street frontages shall be required.
8. Heavy landscaping and a buffer wall shall be located at the time of development where the C-3-PDD district directly abuts any residential zoning district.
9. All commercial driveways shall align on both sides of the streets where there are no medians.
10. The issuance of building permits by the City of Kingman on the subject properties shall not occur until a notice to proceed has been made by ADOT and construction of the Kingman Crossing interchange has begun.

PASSED AND ADOPTED by the Mayor and Common Council of the City of Kingman, Arizona
this 6th day of October, 2015.

ATTEST:

APPROVED:

Sydney Muhle, City Clerk

Richard Anderson, Mayor

APPROVED AS TO FORM:

Carl Cooper, City Attorney

Exhibit "A"
"LEGAL OF AREA TO BE REZONED"

A portion of the South One Half (1/2) of Section 9, T. 21 N., R.16 W., G. & S.R.M., Mohave County, Arizona as shown on Retracement and Dependent Resurvey of a Portion of the South East One Quarter and the South West One Quarter of Section 9 lying within the area as described as follows;

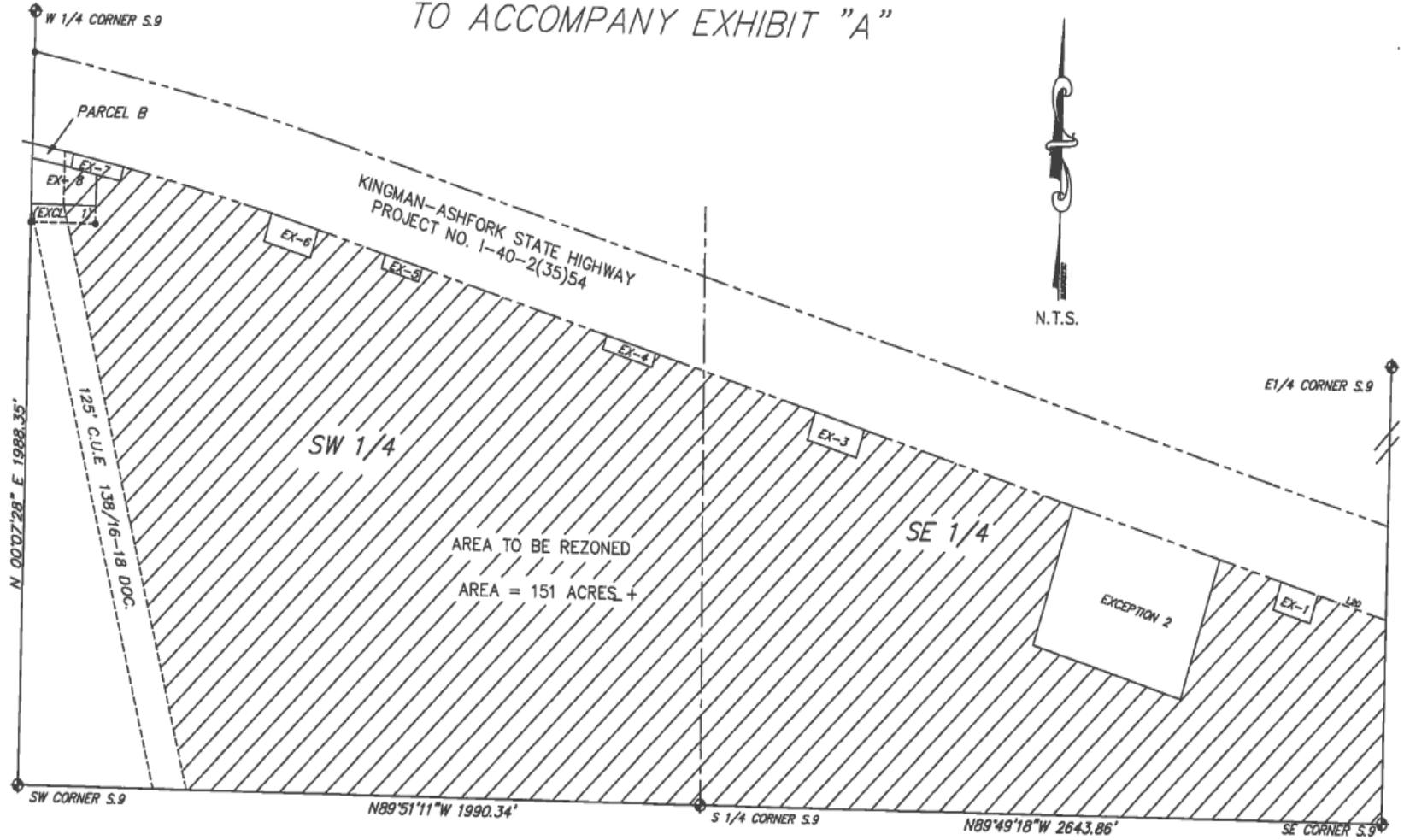
That portion of said section 9 as described in Book 3550 page 368 Official Records of Mohave County, Arizona and shown as Parcel A, B and Exception 8 on said Resurvey plat and lying Easterly and adjacent to an 125' wide Electrical Transmission Easement as described in Book 138 pages 16-18 of Dockets Mohave County Recorder.

This area contains 151 acres more or less based on recorded deeds and surveys.



Expires 12-31-2016

EXHIBIT "B"
TO ACCOMPANY EXHIBIT "A"



EXPIRES 12-31-2016

CITY OF KINGMAN COMMUNICATION TO COUNCIL



TO: Honorable Mayor and Council Members
FROM: Development Services Department
MEETING DATE: August 4, 2015
AGENDA SUBJECT: Public hearing and consideration of Resolution No. 4965, to approve the vacation (abandonment) of a portion of Vermont Street.

SUMMARY: 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 as shown on Exhibit A.

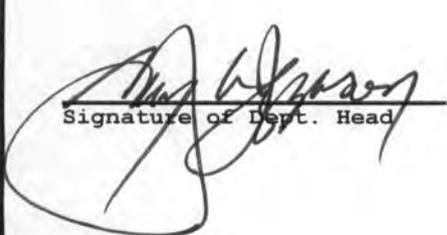
The Planning and Zoning Commission held a public hearing on July 14, 2015 and reviewed the goals and objectives of the Kingman General Plan 2030, the standards for review and the applicant's request. There were some objections from nearby property owners heard during the public testimony over the loss of public property which could be used for hiking or other purposes. However, aerial photos indicate the hiking trails are on private property. The applicant has submitted comments for Council consideration which are attached. Planning staff recommended that the full width of Vermont Street (50' X 214.26') as shown on Exhibit B, be vacated because an 8' x 107.13' remnant street would be of no use to the City for utilities or other purposes. Vermont Street is unpaved and undeveloped as it is located on rocky hillside terrain.

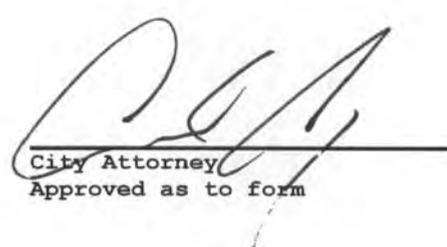
The Planning and Zoning Commission voted 4-1 to recommend approval of the vacation of only the 42' X 107.13' portion (4,500 sq. ft.) of Vermont Street requested by the applicant. Conditions included a recommended value of the vacated right-of-way to be no less than \$500 per each 25' x 107.13' (2,678 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.

ATTACHMENT: Proposed Resolution No. 4965, P&Z Commission Report, applicant comments.

FISCAL IMPACT: None expected at this time.

RECOMMENDATION: Approve Resolution No. 4965.


Signature of Dept. Head


City Attorney
Approved as to form


City Manager's Review

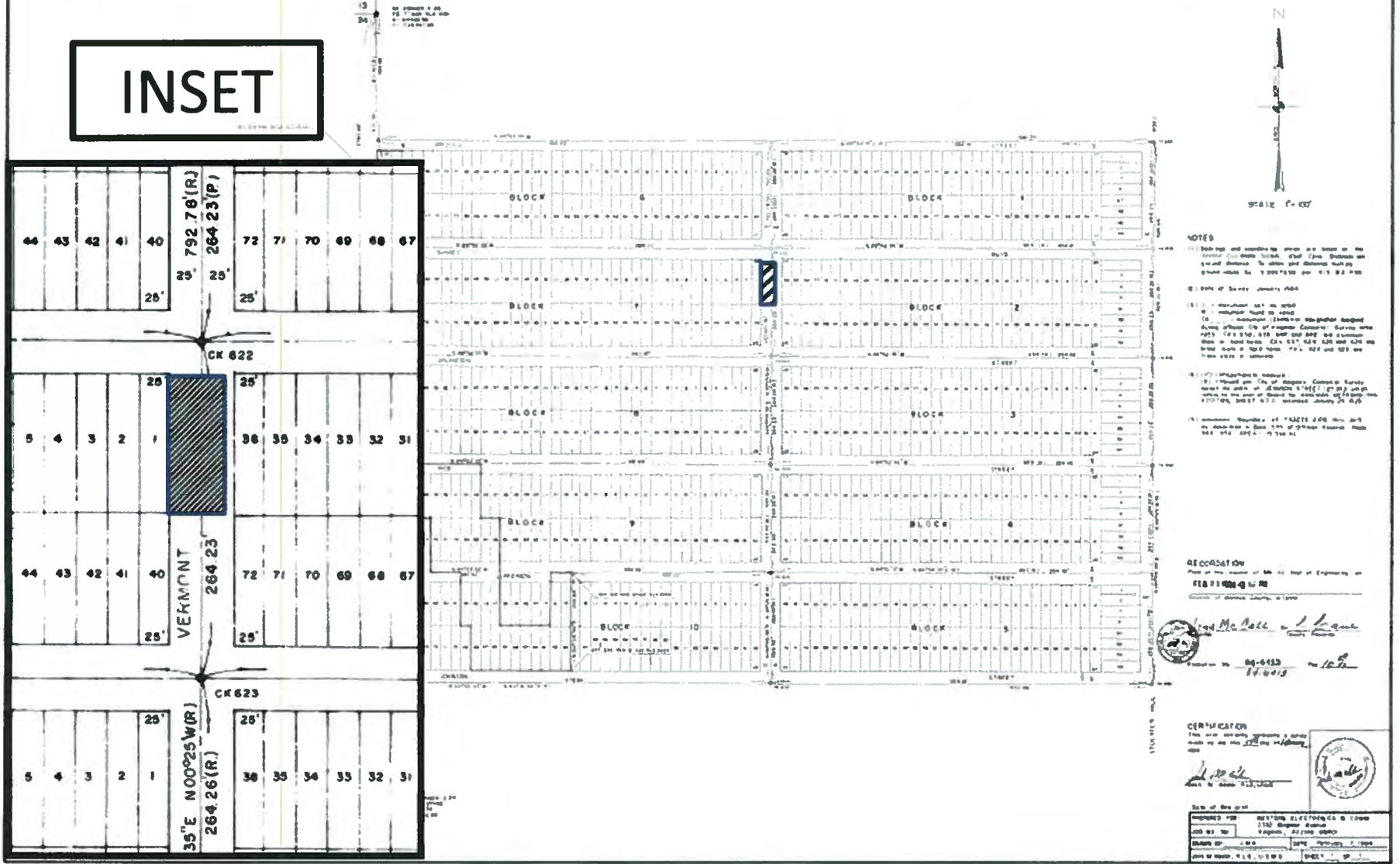
AGENDA ITEM: *lea*

EXHIBIT A

1507

DEPENDENT RESURVEY OF PORTIONS OF KINGMAN METROPOLITAN ADDN. SHT. 2 SITUATE IN GOVT. LOT 13, SEC. 18, T.21N., R.16W. & THE NE 1/4 OF SEC. 24, T.21N., R.17W., G. & S.R.M., MOHAVE CO., ARIZONA.

INSET



- NOTES**
- 1) Subsequent to the survey of the above described land, the City of Kingman, Arizona, has caused the same to be resurveyed by the City Engineer, and the same is hereby certified to be correct.
 - 2) The City Engineer, Kingman, Arizona, is hereby authorized to execute the same.
 - 3) The City Engineer, Kingman, Arizona, is hereby authorized to execute the same.
 - 4) The City Engineer, Kingman, Arizona, is hereby authorized to execute the same.
 - 5) The City Engineer, Kingman, Arizona, is hereby authorized to execute the same.

RECORDED IN
 BOOK 1188 PAGE 10

W. McCall
 City Engineer
 08-6133
 1/16/13

CERTIFICATION
 This is a true and correct copy of the original as shown to me by the City Engineer.

W. McCall
 City Engineer

PREPARED BY: **WESTERN ELECTRONIC & CO.**
 212 Superior Avenue
 Flagstaff, Arizona

Sylvia Shaffer

From: Steven Latoski <slatoski@gmail.com>
Sent: Thursday, July 16, 2015 6:33 AM
To: Sylvia Shaffer
Subject: AB15-001: Vermont Street Abandonment
Attachments: Vermont Street Photo Log.pdf; Vermont Street Photo Log.pptx

Good Morning Sylvia,

I am writing to communicate my enthusiastic support for the recommendation rendered by the Planning and Zoning Commission on the Vermont Street abandonment. That is, for the Council to consider my original application and request. I respected staff's recommendation to the Commission, and my remarks concerning redistribution of the application fee focused wholly on the out-of-state property owners who I deem investors. I no longer will be making remarks about the application fee under the current recommendation.

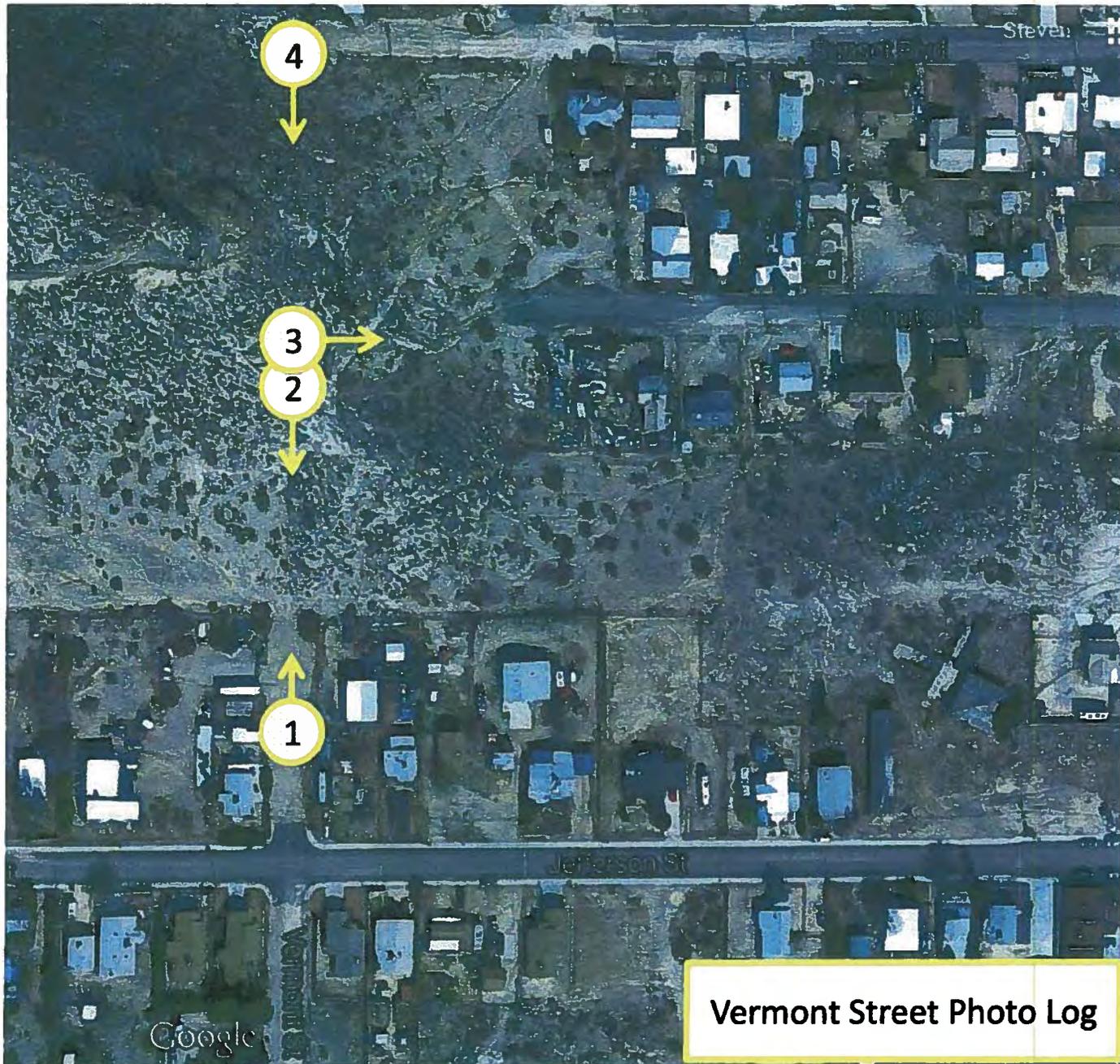
I understand the comments and concerns of the residents who spoke at Tuesday's meeting. I believe putting forth the original application best appeases all parties and is in the best interest of the City. Please note the following:

1. Attached for your use and distribution to the Council is a photo log (pdf and editable copy) of the Vermont Street corridor. I found no vehicle - motorized or non-motorized - can traverse Vermont in its current condition. Furthermore, only a very skilled hiker/climber could navigate the rocky terrain in the vicinity of where Vermont crosses Arlington Street. Commissioner Lewis very accurately stated that persons walking through the area are likely traversing private properties south of Vermont Street.
2. Despite the perspective offered under #1, providing a corridor for pedestrian travel along the easternmost area of Vermont Street offers the best terrain, particularly where Vermont ties into Sunset. This positions me to use the Commission's recommendation as a positive in demonstrating how it addresses resident concerns.
3. The City policy and procedure for abandonment processing and applicable State statutes allow for processing of my original application and requested abandonment dimension.
4. One resident speaking at the Commission meeting did not appear aware that I am a City resident myself having lived in Kingman for 10 years. The resident was concerned about out-of-state residents/investors benefiting from the action. Such is not the case under my original request recommended by the Commission.
5. All properties abutting Vermont Street are assessed at the same \$1,000 land value as assigned by the Mohave County Assessor. This is the case for all properties across Kingman Metropolitan Addition No. 2 in the vicinity of the abandonment and west. This reflects the very low potential of most properties developing in the area and the likely low interest of persons - abutting property owners or others - acquiring any portion of Vermont Street outside of my request.

Should you have any questions or wish to discuss further, I am available at your convenience. The service you have provided has been outstanding, and I look forward to the August 4th Council meeting and a successful outcome which is very important to the feasibility of my development plans.

Thank you and have a great day.

Steve Latoski
slatoski@gmail.com
(928) 514-1120



Vermont Street Photo Log



Location #1



Location #2



Location #3



Location #4

WHEN RECORDED HOLD FOR
KINGMAN CITY CLERK
310 N. 4th Street
Kingman, AZ 86401

CITY OF KINGMAN RESOLUTION NO. 4965

A RESOLUTION BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF KINGMAN, ARIZONA: FOR THE VACATION (ABANDONMENT) OF A 42' X 107.13' PORTION OF VERMONT STREET, LOCATED BETWEEN SUNSET BOULEVARD AND ARLINGTON STREET AS SHOWN IN EXHIBIT "A".

WHEREAS, Steven Latoski, applicant, has requested the vacation (abandonment) of a 42' X 107.13' portion of Vermont Street, located between Sunset Boulevard and Arlington Street and located adjacent to Lots 1-3, Block 7, Kingman Metropolitan Addition Unit No. 2, as shown in Exhibit "A", and

WHEREAS, Planning staff recommended that the full length of Vermont Street, 50' X 214.26' located between Sunset Boulevard and Arlington Street be vacated (abandoned) as a dead end street would be of no use to the City for utilities or other purposes, and

WHEREAS, according to the Arizona State Statutes, § 28-7201: et. seq., and the Kingman Streets and Sidewalks Development Rules and Regulations, Section 5: Right-of-Way Vacation, the City may dispose of right-of-way upon finding that the right-of-way or utility easement, such easement may be extinguished by resolution, without consideration or determination of value, upon finding that the easement is no longer necessary for public uses or purposes, and

WHEREAS, the City Engineering Department, other city and county agencies, and public utility companies were informed of this vacation request, and it was determined that there are no public utilities present in the aforementioned existing easement, and that said easement is not needed by any public utility company nor is necessary for drainage or other public use or public proposes, and

WHEREAS, the City of Kingman Planning and Zoning Commission, at their regular meeting on July 14, 2015, held a public hearing and recommended by a vote of 4-1 the approval of the vacation (abandonment) of a portion of Vermont Street as shown in Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Kingman, Arizona:

1. That the 42' X 107.13' portion of Vermont Street, located between Sunset Boulevard and Arlington Street, as shown in Exhibit A, and located adjacent to Lots 1-3, Block 7, Kingman Metropolitan Addition Unit No. 2 is hereby determined to be unneeded for any public purpose, and is therefore vacated (abandoned).
2. The amount deemed to be commensurate value of the vacated right-of-way is \$840.00 based on similar property listings and sales in the area.
3. Upon payment, title to each section of the right-of-way shall pass to the adjacent owner.

PASSED AND ADOPTED by the Mayor and Common Council of the City of Kingman, Arizona this 4th day of August, 2015.

ATTEST:

APPROVED:

Sydney Muhle, City Clerk

Richard Anderson, Mayor

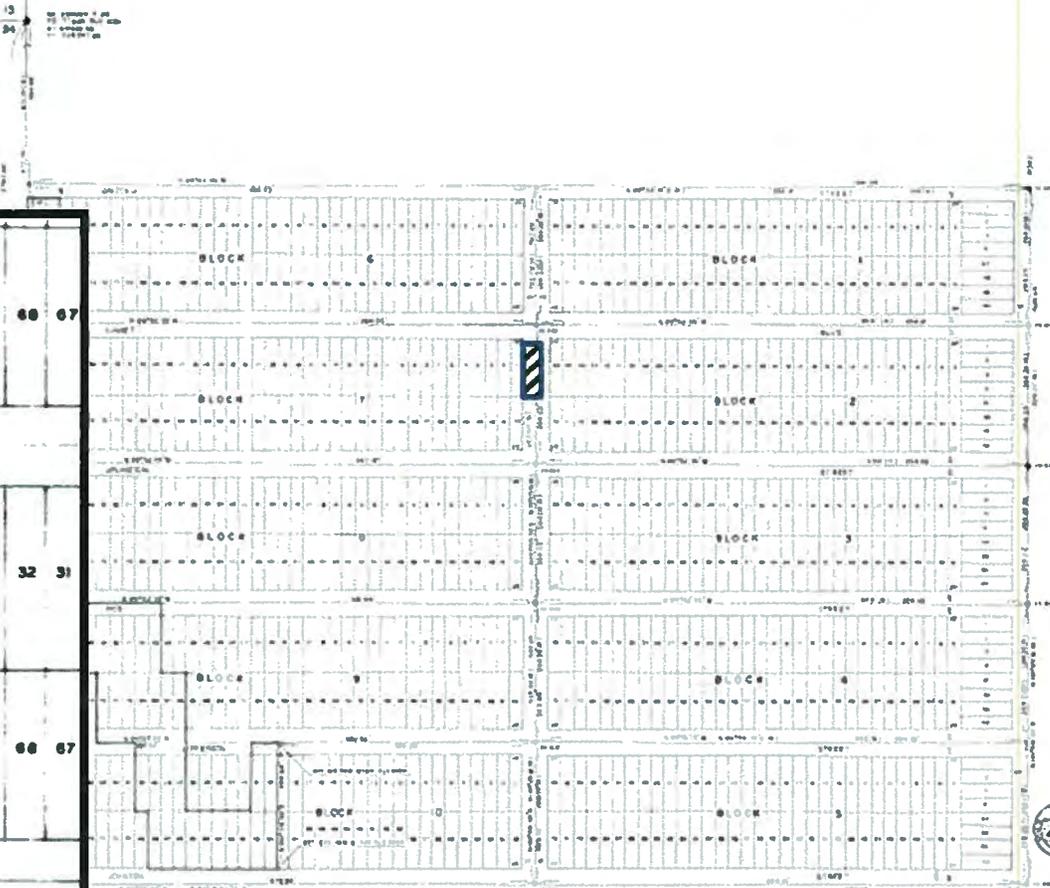
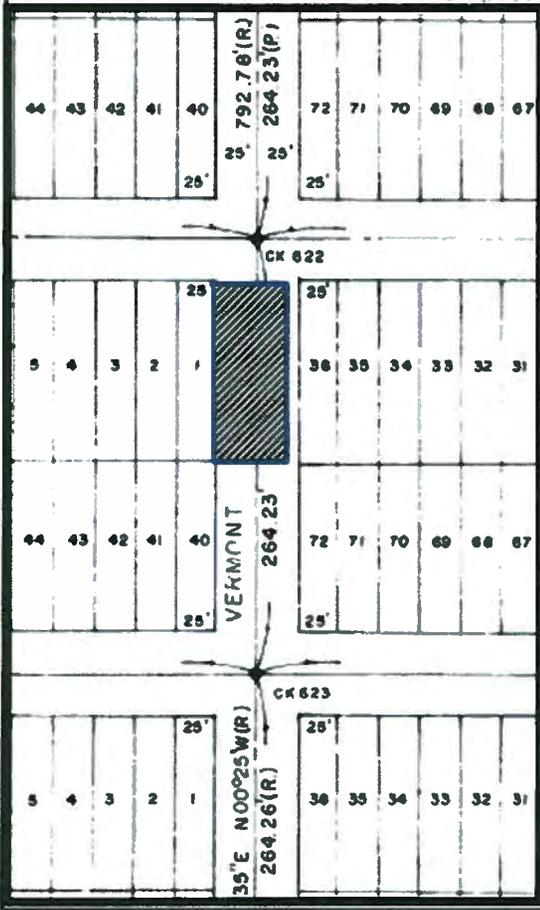
APPROVED AS TO FORM:

Carl Cooper, City Attorney

EXHIBIT A

DEPENDENT RESURVEY OF PORTIONS OF KINGMAN METROPOLITAN ADDN. SHT. 2 SITUATE IN GOVT. LOT 13, SEC. 18, T.21N., R.16W. & THE NE 1/4 OF SEC. 24, T.21N., R.17W., G. & S.R.M., MOHAVE CO., ARIZONA.

INSET



- NOTES**
1. All bearings and distances are as shown on the original survey and are not to be altered.
 2. All lots are to be surveyed as shown on the original survey.
 3. All lots are to be surveyed as shown on the original survey.
 4. All lots are to be surveyed as shown on the original survey.
 5. All lots are to be surveyed as shown on the original survey.
 6. All lots are to be surveyed as shown on the original survey.
 7. All lots are to be surveyed as shown on the original survey.
 8. All lots are to be surveyed as shown on the original survey.
 9. All lots are to be surveyed as shown on the original survey.
 10. All lots are to be surveyed as shown on the original survey.

DECLARATION
 I, the undersigned, being a duly Licensed Professional Engineer in the State of Arizona, do hereby certify that the foregoing is a true and correct copy of the original survey as shown on the original survey.

John McCall
 00-0113
 1/10/10

CERTIFICATION
 The above survey was prepared by me or under my direct supervision and I am a duly Licensed Professional Engineer in the State of Arizona.

DATE OF THIS SURVEY	1/10/10
PROJECT NO.	00-0113
DRAWN BY	J. McCall
CHECKED BY	J. McCall
DATE OF THIS SURVEY	1/10/10
SCALE	1" = 100'



CITY OF KINGMAN
Development Services Department
Abandonment Case: AB15-001
Planning and Zoning Commission Report
August 4, 2015

A request for approval of the vacation (abandonment) of a portion of Vermont Street located between Sunset Boulevard and Arlington Street. The applicant is requesting that a 42-foot wide by 107.13 foot long portion of the public right-of-way be vacated which is abutting property which is owned by the applicant. The subject property is adjacent to the property owner's lot described as Lots 1-3, Block 7, Kingman Metropolitan Addition, No. 2 (APN 311-17-122) as shown in Exhibit A. The city will consider abandoning the full length of Vermont Street which is 50 feet wide by 214.26 feet long located between Sunset Boulevard and Arlington Street as shown in Exhibit B.

GENERAL INFORMATION:

Applicant/Property Owner: Steven Paul Latoski
1929 Davis Avenue
Kingman, AZ 86401
(928) 753-6694

RECOMMENDATION

Staff recommends approval of the vacation (abandonment) of a portion of Vermont Street located between Sunset Boulevard and Arlington Street as requested under AB15-001 with certain conditions. This recommendation is based on the Goals and Objectives of the Kingman General Plan 2030, the Standards for Review, Findings of Fact, and Analysis contained in this report. **The Planning and Zoning Commission voted 4-1, recommending approval of the right-of-way abandonment request under AB15-001 with conditions as stated in this report.**

STANDARDS FOR REVIEW

APPLICABLE GOALS, OBJECTIVES AND POLICIES OF THE KINGMAN GENERAL PLAN 2030:

- Chapter 4: Land Use Element, Land Use Categories
- Chapter 5: Growth Area Element

STANDARDS FOR REVIEW

ARIZONA REVISED STATUTES, §9-240, §28-7201 and §28-7205

9-240. General powers of common council.

B. The common council shall also have power within the limits of the town:

3. (a) To exercise exclusive control over the streets, alleys, avenues and sidewalks of the town and to give and change the names thereof.

(e) To vacate or abandon any street, avenue, alley, park, public place or sidewalk in such town or to abolish them, provided that rights-of-way or easements of existing sewer, gas, water or similar pipelines and appurtenances and for canals, laterals or ditches and appurtenances, and for electric, telephone, and similar lines and appurtenances shall continue as they existed prior to the vacating, abandonment, or abolishment thereof.

28-7201. Definitions

In this article, unless the context otherwise requires:

1. "Governing body" means the city or town council or other authority of a city or town, the board of supervisors of a county or the transportation board.
2. "Owner" or "owners of record" includes a person, firm, partnership, association or corporation.
3. "Owners association" means a nonprofit corporation authorized to do business in this state.
4. "Roadway" includes all or part of a platted or designated public street, highway, alley, lane, parkway, avenue, road, sidewalk or other public way, whether or not it has been used as such.

28-7205. City, town or county road vacated

If the roadway is a city, town or county roadway, the governing body may resolve that the roadway or portion of the roadway be vacated. On the making of the resolution, title to the roadway or portion of the roadway vests, subject to the same encumbrances, liens, limitations, restrictions and estates as exist on the land to which it accrues, as follows:

1. If a roadway that is the exterior boundary of a subdivision or other tract of land is vacated, title to the roadway vests in the owners of the land abutting the vacated roadway to the same extent that the land included within the roadway, at the time the

roadway was acquired for public use, was a part of the subdivided land or was a part of the adjacent land.

2. If less than the entire width of the roadway is vacated, title to the vacated portion vests in the owners of the land abutting the vacated portion.

3. If a roadway bounded by straight lines is vacated, title to the vacated roadway vests in the owners of the abutting land and each abutting owner takes to the center of the roadway, except as provided in paragraphs 1 and

4. If the boundary lines of abutting lands do not intersect the roadway at a right angle, the land included within the roadway vests as provided in paragraph 4.

5. In all instances not specifically provided for, title to the vacated roadway vests in the owners of the abutting land, and each abutting owner takes that portion of the vacated roadway to which the abutting owner's land or any part of the abutting owner's land is nearest in proximity.

6. On vacation of a roadway no portion accrues to an abutting roadway.

APPLICABLE SECTIONS OF THE CITY OF KINGMAN STREETS AND SIDEWALKS DEVELOPMENT RULES AND REGULATIONS:

DIVISION 5. RIGHT-OF-WAY VACATION

(This division was amended by Ord. 1128, May 5, 1997)

Sec. 5-1. Vacation of public rights-of-way and extinguishment of public easements.

A. Purpose

This section outlines the procedures to be followed by the City when dealing with requests to vacate public rights-of-way by owners of abutting property. It is intended to ensure consistent processing and disposal practices associated with vacations and to ensure compliance with applicable State law.

Dispositions of public rights-of-way by exchange and/or public sale are not within the scope of this section. As to matters regarding disposition of public rights-of-way not addressed in this section, and whenever and to the extent that this section conflicts with State law, in particular A.R.S. §§ 9-240(B)(3) and 28-1901, et seq. [after October 1, 1997, A.R.S. §28-7201, et seq.], State law shall be applied and followed.

B. General Provisions

1. For the purpose of this section, right-of-way shall have the same meaning as in Section 2-1(b).

2. Public rights-of-way or right-of-way easements containing existing sewer, gas, water or similar pipelines and appurtenances and for canals, laterals or ditches and appurtenances, and for electric, telephone and similar lines and appurtenances shall not be eligible for vacation.

3. A right-of-way or right-of-way easement shall not be vacated so as to leave any land adjoining without ingress and egress for public or emergency vehicles, the property owners, their guests and invitees and persons lawfully conducting business on the land.

4. Any resolution of vacation shall be subject to the giving of consideration by the owner of the abutting property in an amount deemed by the Common Council to be commensurate with the value of the right-of-way. In determining the value, the Common Council shall give due consideration to the degree of fragmentation and marketability and any public benefit received by the City in return for the right-of-way.

5. If the City owns no title to a right-of-way but holds a right-of-way or utility easement only, such easement may be extinguished by resolution, without consideration or determination of value, upon finding of the Common Council that the easement is no longer necessary for public use or purposes.

6. A resolution for vacation of a right-of-way or for extinguishing of a right-of-way or utility easement shall not take effect unless and until it is recorded by the City Clerk in the office of the county recorder.

C. Procedure

1. In order to initiate the vacation of any right-of-way, the abutting owner shall complete and submit the City's "Request for Right-of-Way Vacation" form to the Planning Director, along with the required processing fee. In completing this form, the abutting owner shall outline the location and dimensions of the right-of-way, give an estimate of value and state why the vacation should be considered. The applicant shall also submit a preliminary title report showing ownership of all properties contiguous to the right-of-way, and a map depicting the area.

2. Any vacation requiring a survey and written legal description, as determined by the City Engineer, shall be prepared by a qualified registrant at the expense of the applicant and submitted to the City Engineer for review and approval.

3. Upon receipt of the above materials, the Planning Director shall initiate the processing of the vacation in the following manner:

a. Forward a copy of the request to the City Engineer, City Attorney, Public Works Director, City Fire Chief and all utility companies providing service to the Kingman area.

b. Forward a letter outlining the request to all property owners within 300 feet of the proposed vacation.

c. Schedule a public hearing before the Planning and Zoning Commission for evaluation of the proposed vacation.

d. Post the area proposed for vacation in no less than three places.

e. Review the request for conformance with A.R.S. § 28-1901, et seq. [after October 1, 1997, A.R.S. § 28-7201] and this section.

f. Present the Planning and Zoning Commission a comprehensive report, outlining all comments received from the reviewing agencies. The report shall also include staff's analysis and recommendations concerning the required finding value as referenced by subsection B.4. above.

g. Schedule the request along with the recommendation of the Planning and Zoning Commission for review and action by the Common Council.

D. Disposition of the right-of-way

1. Upon determining that the subject right-of-way or right-of-way or utility easement is no longer necessary for public use, the Common Council shall:

a. In the case of a right-of-way easement to which the City holds not title, resolve that the easement be extinguished.

b. In the case of a right-of-way to which the City holds title, determine the amount of consideration to be given by the abutting owner in accordance with subsection B.4., above, and resolve that the right-of-way be vacated subject to payment of that amount.

2. Title shall pass and/or the City's interest shall be extinguished upon payment of the consideration, if any, and after recording of the resolution by the City Clerk.

FINDINGS OF FACT

Legal Description, Location and Size: The subject property is a portion of the public right-of-way known as Vermont Street located between Sunset Boulevard and Arlington Street, as recorded with Kingman Metropolitan Addition, No. 2. The applicant requested that a 42-foot wide by 107.13-foot portion of Vermont Street be abandoned and City of Kingman staff is recommending that a 50-foot wide by 214.26-foot portion of Vermont Street be abandoned which is located between Sunset Boulevard and Arlington Street as shown in Exhibit B.

Existing Land Use: The subject property is a public right-of-way which was created by recordation of Kingman Metropolitan Addition No. 2. The portion of the road to be abandoned is not bladed and runs across rocky, hillside terrain.

Existing Zoning: The subject property is zoned R-1-6, Residential, Single Family, 6,000 square foot lot minimum. The surrounding properties are also R-1-6.

Projected Land Use: The Kingman General Plan 2030 indicates that the property is designated as Medium Density Residential, 3-8 dwelling units per acre. The surrounding property is also designated Medium Density Residential.

Zoning and Development History:

- Kingman Metropolitan Addition, Unit No. 2 was recorded on January 29, 1929 which includes Vermont Street and the surrounding lots.
- This area was part of the original area that was incorporated as the City of Kingman in 1952.
- The original zoning was designated as residential in the 1950s.

- The current R-1-6 zoning was established in 1971 with the adoption of the Kingman Zoning Ordinance.

Physical Characteristics:

- The subject site is relatively rocky and located on a steep hillside.
- The property lies within Flood Zone “X”, according to the FEMA panel map dated November 18, 2009. Zone “X” are areas determined to be outside of 0.2% annual chance flood plain.

Public Utilities:

- There are existing water and sewer lines in Sunset Blvd up to Vermont Street and in Arlington Street, near Vermont Street.
- There are no utilities in Vermont Street.

Transportation:

- The subject site is accessible from N. Stockton Hill and Sunset Blvd and N. Stockton Hill and Arlington Street.
- Arlington and Sunset are mostly paved to the site. Vermont Street is not improved.

Public Notification and Expected Comment:

- The site was posted with a zoning notice on Friday, June 26, 2015.
- A public notice was published in the Kingman Daily Miner on June 21, 2015.
- Thirty surrounding property owners within 300 feet of the subject property were sent a notice of the public hearing via first class mail on June 26, 2015. The list of property owners was generated using information provided by the Mohave County Assessor’s Office.
- A telephone call was received from a neighboring property owner who was concerned about the proposed abandonment. He then came to the office to discuss the proposed abandonment. After the office visit and clarification of what is proposed, the property owner did not have further concerns.

Comments from the Applicant:

- The applicant is requesting to be reimbursed for an equal portion of the application fee of \$500 if the other property owners adjacent to portion of Vermont Street to be vacated benefit from this application.
- The applicant requests that the City obtain the shared cost from the benefitting property owners in the amount of \$125 per property owner (except for the applicant) and a refund of \$375 should be returned to the applicant.
- The applicant recommended that the value of the abandoned right-of-way be between \$333-\$500 maximum per 25 feet of frontage based on a similar property listing nearby.

Department and Agency Comments:

- City Engineering Department: No objection.
- City Surveyor: Supports the City's recommendation to vacate the portion of Vermont Street between Sunset Boulevard and Arlington Street and that each adjacent owner have the opportunity to consider the vacated section of Vermont Street from their property line to the centerline.
- City Building Department: No objection.
- City Fire Department: No objection.
- UniSource Energy: No objection, and has no requirement for an 8 foot PUE to be reserved as part of this vacation of a portion of Vermont Street.
- Frontier Communications: No objection.

ANALYSIS

This request is for an approval of the vacation (abandonment) of a portion of Vermont Street located between Sunset Boulevard and Arlington Street. The applicant requested a 42-foot wide by 107.13 foot long portion of the public right-of-way to be vacated which is abutting property which is owned by the applicant.

Staff is recommending that the full width right of way, 50 feet wide by 214.26 feet long, between Sunset Boulevard and Arlington Street be vacated because a dead end street would be of no use to the City for either utilities or other purposes. Vermont Street is currently unpaved and undeveloped as it is located on rocky hillside terrain. Vacating this right-of-way will not negatively impact the neighborhood or remove access to any of the neighboring property owners.

According to ARS 28-7205, if a roadway bounded by straight lines is vacated, title to the vacated roadway vests in the owners of the abutting land and each abutting owner takes to the center of the roadway if the full width right of way is to be abandoned.

Based on Sec. 5-1, of the City of Kingman Streets and Sidewalks Development Rules and Regulations, if the vacation of the portion of Vermont Street is approved by the City Council, any resolution of vacation shall be subject to the giving of consideration by the owner of the abutting property in an amount deemed by the Common Council to be commensurate with the value of the right-of-way. In determining the value, the Common Council shall give due consideration to the degree of fragmentation and marketability and any public benefit received by the City in return for the right-of-way. The City's interest in the right-of-way shall be extinguished upon payment of the consideration, if any, and after recording of the resolution vacating the right-of-way.

The applicant initially proposed an estimated value of \$100 for the 42-foot wide by 107.13 of Vermont Street he requests to be vacated with the application. The typical lot size in this area is 25' x 107'. Staff conducted research and received an estimated value of \$1,000 per lot (25' X 107') based on a recent sales of similar property in the area on Sunset Street, APN 311-17-122. The applicant provided a revised estimated value

based on a similar current property listing in the area of \$333-\$500 per lot (25' X 107') located on Arlington Street, APN 311-17-155. A portion of Vermont Street (25' X 214') was vacated in 2004 between Sunset and Louise Avenue north of the subject property. At that time the City Council approved an estimated value of \$750 per lot (25 X 107').

If the entire portion of Vermont is vacated from Sunset Boulevard to Arlington Street, the vacated portions would be four equal sections, each approximately 25' X107'. There are four adjacent property owners on each side of Vermont. Therefore, each property owner would have to submit a check to the City of Kingman for the per section dollar amount approved by the City Council. Upon payment, title to each section of the right-of-way would pass to the adjacent owner.

The applicant requested that if the neighboring property owners participate or benefit from the vacation of entire portion of Vermont Street from Sunset Boulevard to Arlington Street that they equally share the cost of the initial application fee of \$500 submitted by the applicant. The applicant requested that the City obtain the shared cost by the benefitting property owners be including the amount of \$125 per property owner (except the applicant) in the estimated value for each lot and refund \$375 to the applicant.

RECOMMENDATION

Staff recommends approval of the vacation (abandonment) of the entire portion of Vermont Street (50' X 214.26') between Sunset Boulevard and Arlington Street as shown in Exhibit B with the following conditions:

- A. The commission shall recommend to the City Council that the amount deemed to be commensurate value of the vacated right-of-way should be no less than \$500 per each 25' x 107' section of the right-of-way or \$2,000 for the entire right-of-way based on similar property listings and sales in the area.
- B. Upon payment, title to each section of the right-of-way shall pass to the adjacent owner.

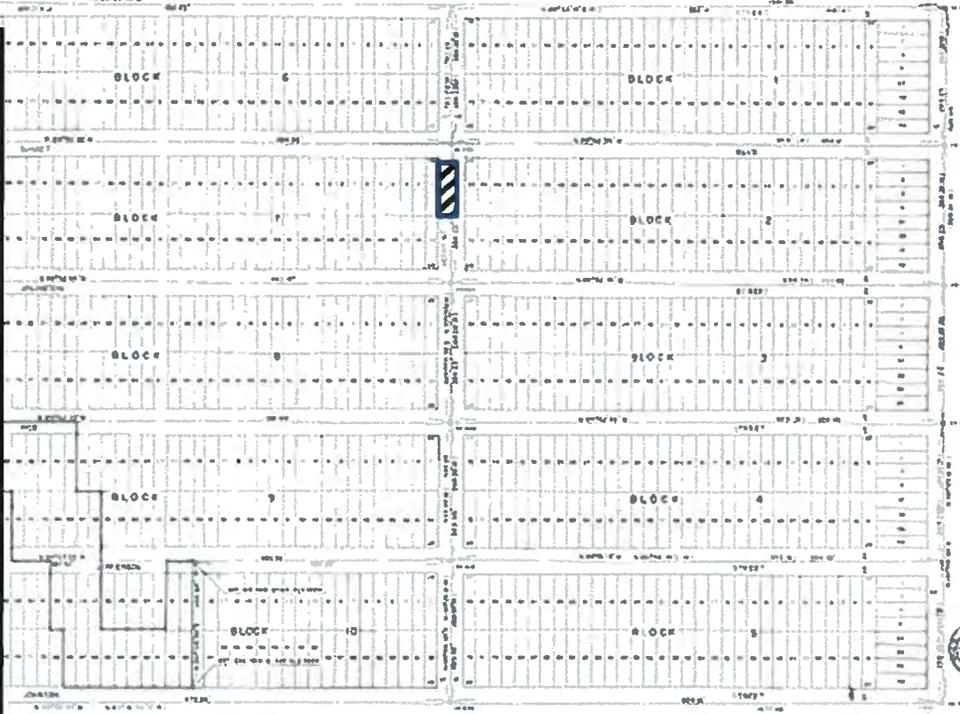
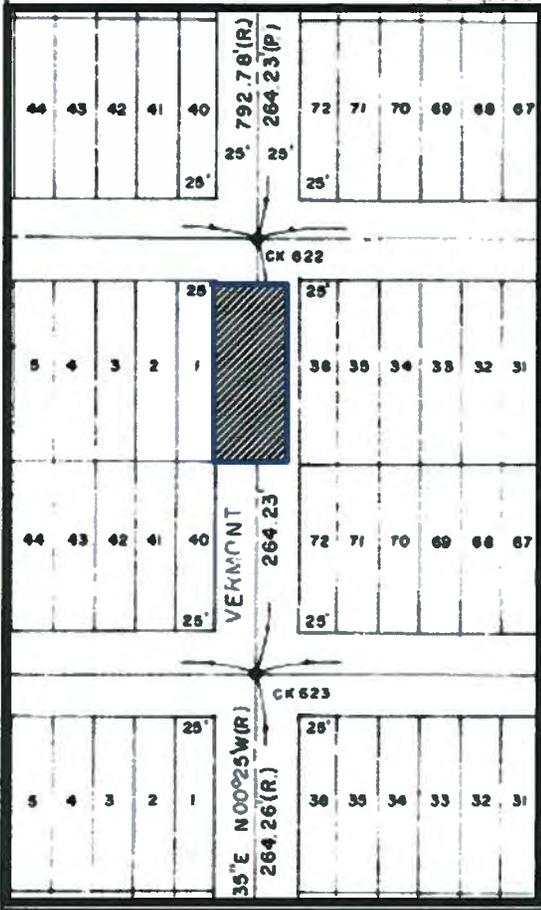
ATTACHMENTS

1. Vacation (Abandonment) Application, including title report and photos
2. Exhibit A & B Subdivision Map
3. Aerial Maps
4. Zoning Map
5. Comments
6. Property Valuation Estimate
7. Request from Applicant

EXHIBIT A

DEPENDENT RESURVEY OF PORTIONS OF KINGMAN METROPOLITAN ADDN. SHT. 2 SITUATE IN GOVT. LOT 13, SEC. 18, T.21N., R.16W. & THE NE 1/4 OF SEC. 24, T.21N., R.17W., G. & S.R.M., MOHAVE CO., ARIZONA.

INSET



- NOTES**
1. All bearings and distances are based on the datum indicated on the title page of this plan.
 2. 50% of Survey January 1984
 3. All measurements are in feet.
 4. All measurements are in feet.
 5. All measurements are in feet.
 6. All measurements are in feet.
 7. All measurements are in feet.
 8. All measurements are in feet.
 9. All measurements are in feet.
 10. All measurements are in feet.
 11. All measurements are in feet.
 12. All measurements are in feet.
 13. All measurements are in feet.
 14. All measurements are in feet.
 15. All measurements are in feet.
 16. All measurements are in feet.
 17. All measurements are in feet.
 18. All measurements are in feet.
 19. All measurements are in feet.
 20. All measurements are in feet.
 21. All measurements are in feet.
 22. All measurements are in feet.
 23. All measurements are in feet.
 24. All measurements are in feet.
 25. All measurements are in feet.
 26. All measurements are in feet.
 27. All measurements are in feet.
 28. All measurements are in feet.
 29. All measurements are in feet.
 30. All measurements are in feet.
 31. All measurements are in feet.
 32. All measurements are in feet.
 33. All measurements are in feet.
 34. All measurements are in feet.
 35. All measurements are in feet.
 36. All measurements are in feet.
 37. All measurements are in feet.
 38. All measurements are in feet.
 39. All measurements are in feet.
 40. All measurements are in feet.
 41. All measurements are in feet.
 42. All measurements are in feet.
 43. All measurements are in feet.
 44. All measurements are in feet.
 45. All measurements are in feet.
 46. All measurements are in feet.
 47. All measurements are in feet.
 48. All measurements are in feet.
 49. All measurements are in feet.
 50. All measurements are in feet.
 51. All measurements are in feet.
 52. All measurements are in feet.
 53. All measurements are in feet.
 54. All measurements are in feet.
 55. All measurements are in feet.
 56. All measurements are in feet.
 57. All measurements are in feet.
 58. All measurements are in feet.
 59. All measurements are in feet.
 60. All measurements are in feet.
 61. All measurements are in feet.
 62. All measurements are in feet.
 63. All measurements are in feet.
 64. All measurements are in feet.
 65. All measurements are in feet.
 66. All measurements are in feet.
 67. All measurements are in feet.
 68. All measurements are in feet.
 69. All measurements are in feet.
 70. All measurements are in feet.
 71. All measurements are in feet.
 72. All measurements are in feet.
 73. All measurements are in feet.
 74. All measurements are in feet.
 75. All measurements are in feet.
 76. All measurements are in feet.
 77. All measurements are in feet.
 78. All measurements are in feet.
 79. All measurements are in feet.
 80. All measurements are in feet.
 81. All measurements are in feet.
 82. All measurements are in feet.
 83. All measurements are in feet.
 84. All measurements are in feet.
 85. All measurements are in feet.
 86. All measurements are in feet.
 87. All measurements are in feet.
 88. All measurements are in feet.
 89. All measurements are in feet.
 90. All measurements are in feet.
 91. All measurements are in feet.
 92. All measurements are in feet.
 93. All measurements are in feet.
 94. All measurements are in feet.
 95. All measurements are in feet.
 96. All measurements are in feet.
 97. All measurements are in feet.
 98. All measurements are in feet.
 99. All measurements are in feet.
 100. All measurements are in feet.

REVISIONS

1. All measurements are in feet.

John McCall
1/18/84

CERTIFICATION

This work was prepared by me or under my direct supervision and I am a duly Licensed Professional Engineer in the State of Arizona.

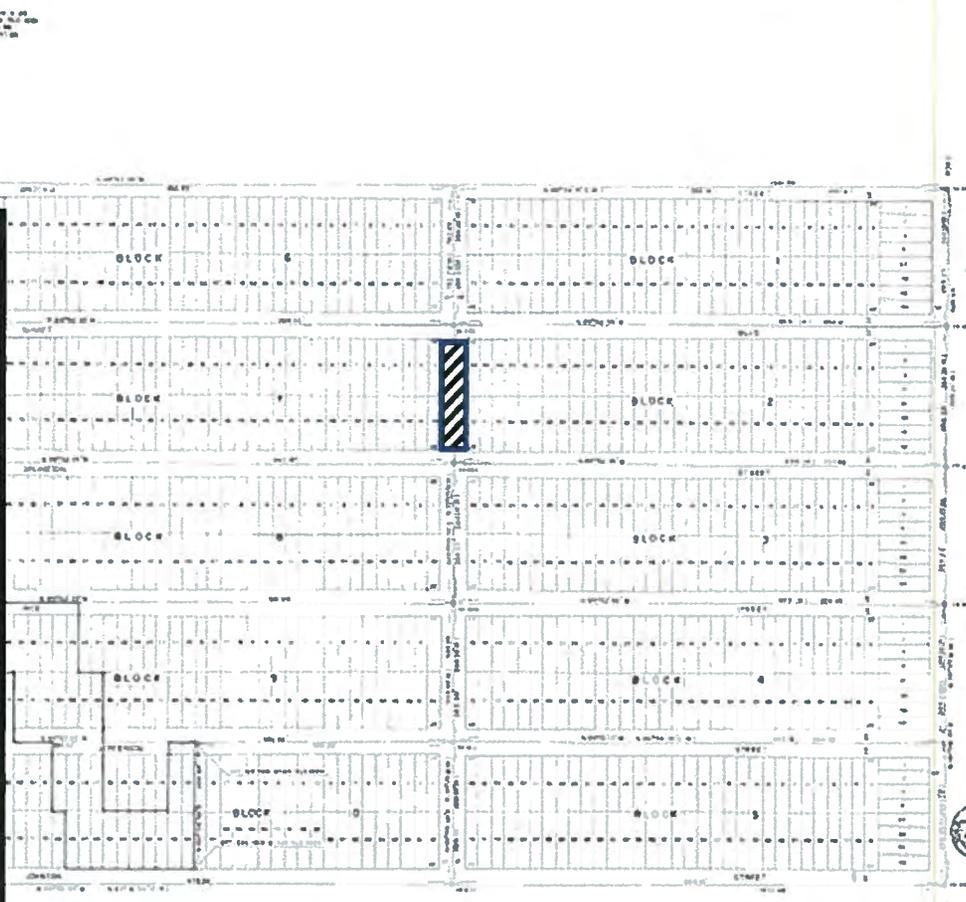
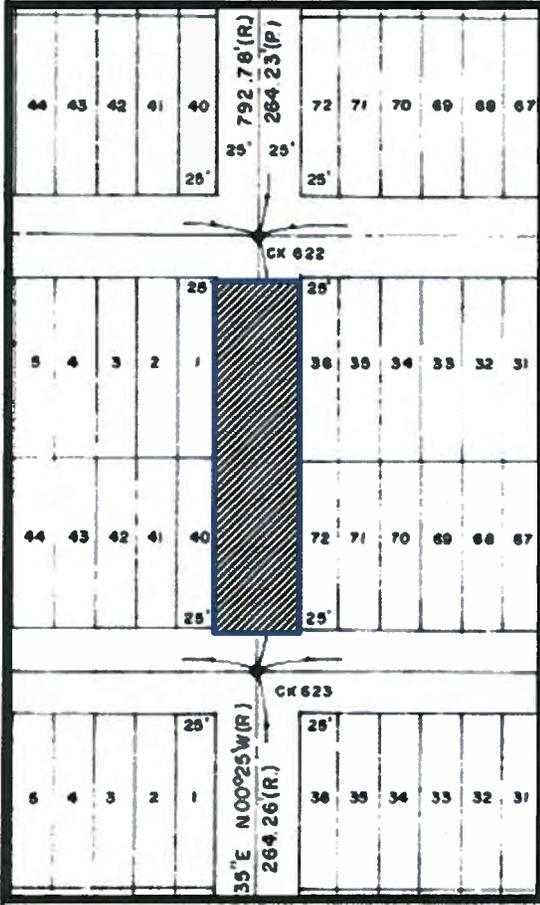
John McCall
 1/18/84

ENGINEER FOR	WESTERN ELECTRONICS & COMM
JOB NO. TO	1716 Grand Canyon
DATE OF WORK	1/18/84
SCALE	AS SHOWN
SHEET NO.	1 OF 1

EXHIBIT B

DEPENDENT RESURVEY OF PORTIONS OF KINGMAN METROPOLITAN ADDN. SHT. 2 SITUATE IN GOVT. LOT 13, SEC. 18, T.21N., R.16W. & THE NE 1/4 OF SEC. 24, T.21N., R.17W., G. & S.R.M., MOHAVE CO., ARIZONA.

INSET



- NOTES**
1. All bearings and distances are given in feet and inches.
 2. All lots are shown as they were in 1900.
 3. All lots are shown as they were in 1900.
 4. All lots are shown as they were in 1900.
 5. All lots are shown as they were in 1900.
 6. All lots are shown as they were in 1900.
 7. All lots are shown as they were in 1900.
 8. All lots are shown as they were in 1900.
 9. All lots are shown as they were in 1900.
 10. All lots are shown as they were in 1900.

RECORDATION
 This map is hereby approved and recorded by me, the Surveyor General of Arizona, on this 11th day of January, 1900.

John McCall
 Surveyor General
 00-6113
 1-11-00

CERTIFICATION
 This map is hereby approved and recorded by me, the Surveyor General of Arizona, on this 11th day of January, 1900.

John McCall
 Surveyor General

APPROVED BY	DATE
RECORDED BY	DATE
INDEXED BY	DATE
FILED BY	DATE

June 15, 2015

Gary Jeppson
Director
City of Kingman Development Services Department
310 N Fourth St.
Kingman, AZ 86401

RE: Request for Vermont Street Abandonment Abutting APN 311-17-122 (1420 Sunset Boulevard)

Dear Mr. Jeppson:

Enclosed for your review and processing is an application to abandon a section of Vermont Street abutting my parcel described as APN 311-17-122 or 1420 Sunset Boulevard. The proposed abandonment measures 42 feet wide by approximately 107.15 long or approximately 0.10 acres. Through my review of published City of Kingman utility maps, I am unaware of any utilities within the Vermont Street right-of-way, but this proposed abandonment reserves 8 feet of the existing 50-foot width for future utility installations.

Vermont Street traverses mountainous terrain exhibiting no practical function nor need for local road development. It provides no recreational access or function. This request respectfully asserts the highest and best use of the requested abandonment as to combine with the abutting parcel owned by the applicant and described as APN 311-17-122 or 1420 Sunset Boulevard. This application illustrates a similar case study example, processed in accordance with A.R.S. Section 28-7201, et seq., whereby the Mohave County Board of Supervisors abandoned a mountainous right-of-way deemed of minimal functional and monetary value.

Enclosed with this application is information addressing Section 5-1.C of the City of Kingman Streets and Sidewalks Development Rules and Regulations coupled with a check in the amount of \$500.00 for application processing.

Should staff deem a pre-application meeting necessary for processing, or if I can be of any assistance toward answering questions surrounding the information and perspectives presented, please contact me at (928) 514-1120 or slatoski@gmail.com.

Thank you for your time and valuable assistance in considering this abandonment request.

Sincerely,



Steven Latoski

1929 Davis Avenue
Kingman, AZ 86401
slatoski@gmail.com
(928) 514-1120 cell
(928) 753-6694 home

CITY OF KINGMAN
PLANNING & ZONING

JUN 15 2015

RCY'D S. J. J. J.
TIME 1:00 PM



CITY OF KINGMAN
ABANDONMENT APPLICATION FORM
CASE # AB- 15 - 001

REQUEST TO: (check one) VACATE RIGHT-OF-WAY EXTINGUISH EASEMENT

APPLICATION DATE: June 15, 2015

APPLICANT NAME: Steven Paul Latoski

APPLICANT ADDRESS: 1929 Davis Avenue Kingman, AZ 86401

APPLICANT PHONE #: (928) 514-1120 - cell or (928) 753-6694 - home

LOCATION OF RIGHT-OF-WAY OR EASEMENT (attach a map).
LEGAL DESCRIPTION and/or PARCEL NUMBER: Westerly 42 feet of public right-of-way abutting a singular parcel of real property described as APN 311-17-122 or 1420 Sunset Blvd.

SUBMITTAL INFORMATION

- ▶ \$500.00 processing fee (non-refundable)
- ▶ Proposition 207 Waiver form. An applicant is not required to complete this form.
- ▶ Fill out and return this page with processing fee
- ▶ A preliminary title report showing ownership of contiguous properties
- ▶ A written legal description may be required by the City Engineer
- ▶ One map of proposed abandonment or extinguishment areas
- ▶ List of property owners within 300 feet of proposed abandonment or extinguishment areas

NAME OF STREET RIGHT-OF-WAY (if any) Vermont Street

NOTE: RIGHTS-OF-WAY OR EASEMENTS CONTAINING SEWER, WATER, GAS, ELECTRIC, TELEPHONE UTILITIES, OR THAT ARE USED FOR ACTIVE DRAINAGE FACILITIES CANNOT BE CONSIDERED FOR VACATION OF EXTINGUISHMENT. IF FACILITIES ARE RELOCATED, THE VACATION COULD BE CONSIDERED.

Reason for abandonment request:

Recognizing cost prohibitive development of Vermont Street as a public road across mountainous terrain with average cross slope exceeding 50% coupled with no impact to legal access, this request enables applicant's future hillside development of a single-family dwelling on R-1-6 zoned parcel described as APN 311-17-122.

Estimated value of right-of-way proposed for abandonment: \$100.00

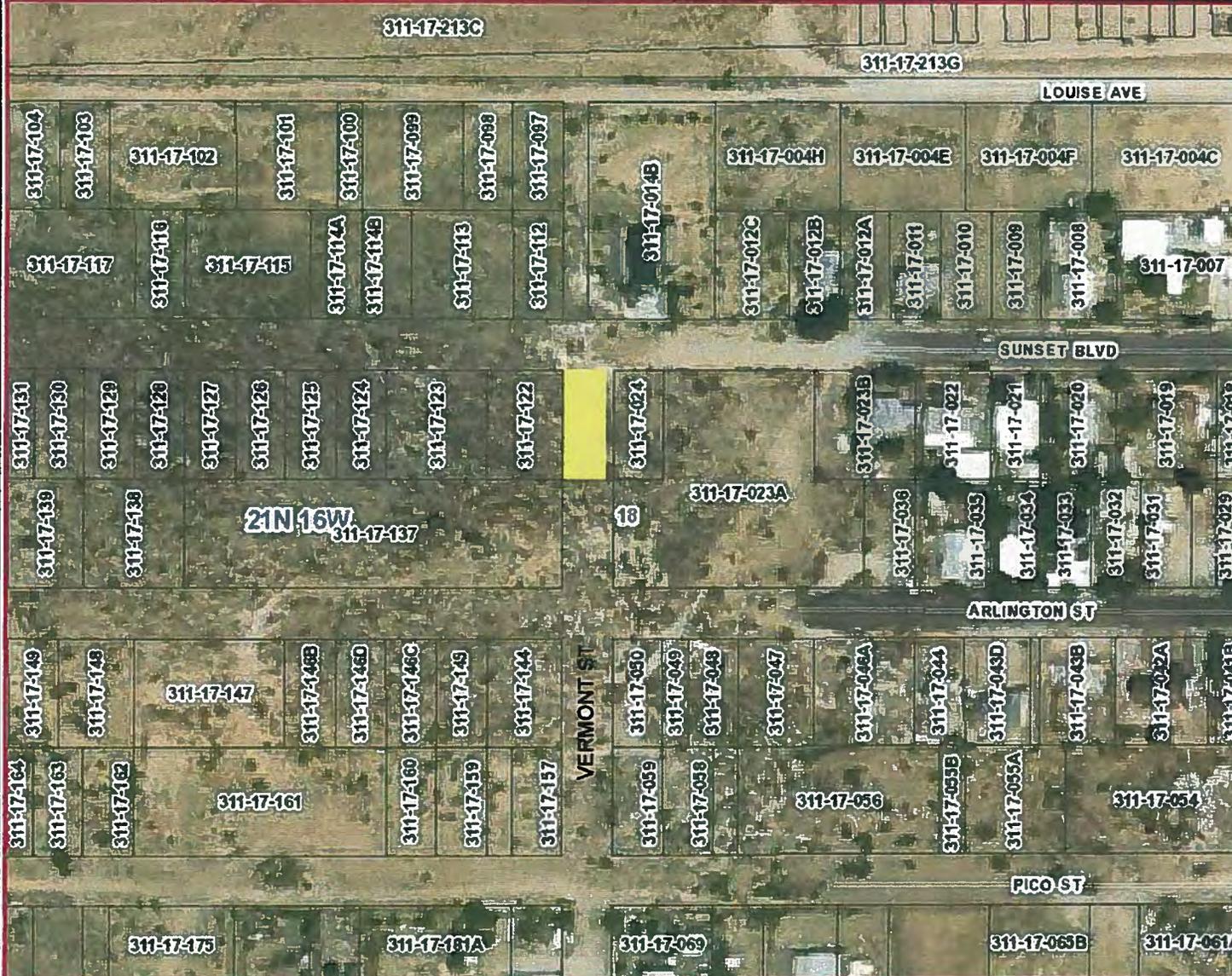
Applicant's signature:

Steve R. Little

Date:

6/15/2015

Request to Vacate Westerly 42 Feet of Vermont Street Abutting APN 311-17-122



Legend

- City Limits (> 200,000 scale)
- Mohave County Boundary
- Surrounding Counties
- ADOT Mileposts
- COUNTY Mileposts
- Highways**
- Main Arterials**
- Collectors**
- Local**
- Railroad
- Tax Parcel
- Township/Range
- Section
- Surface Management**
- AZ Game and Fish
- Bureau of Land Management
- Bureau of Reclamation
- City or County Parks
- US Forest Service
- Indian Reservation
- Military Reservation
- National Parks
- Other
- Private
- State Parks
- State Trust
- National Wildlife Refuge

1 : 2,164

0 180.4 360.7 Feet
 (approximate scale)

Map Created: 6/6/2015

© 2012 Mohave County Information Technology

This map is a user generated static output from the Mohave County Interactive Map Viewer and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION, AS A LEGAL DOCUMENT, FOR PROPERTY DESCRIPTIONS, OR DETERMINATION OF LEGAL TITLE, AND SHOULD NEVER BE SUBSTITUTED FOR SURVEY OR DEED INFORMATION. The user agrees to comply with the Limitation of Use, and Assumption of Risk as stated in the full disclaimer at <http://gis.mohavecounty.us>

Notes:

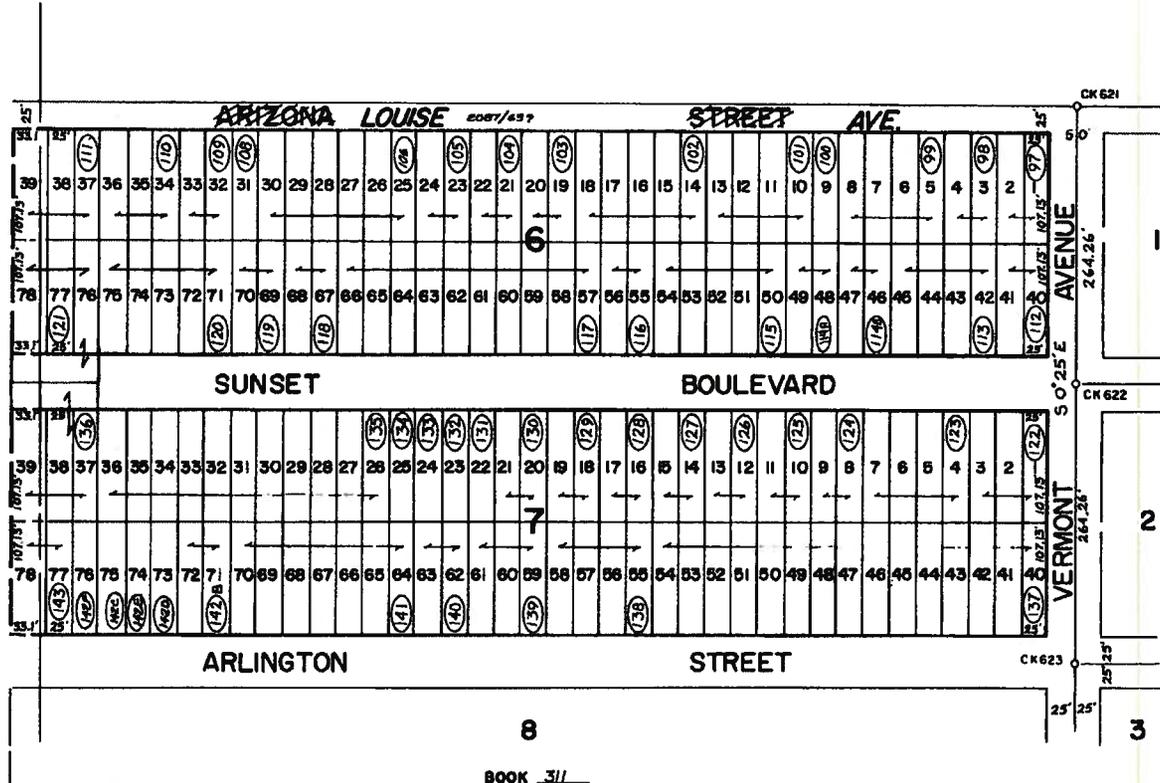
Requested Vacation of Vermont Street Right-of-Way

SEC. 18 T.21 R.16W

BOOK 311
MAP 17
3 of 5

KINGMAN
METROPOLITAN ADDN. N° 2
REC. JAN 29, 1929

Code 0452



BOOK 311
MAP 17
1 of 5



SCALE 1"=100'

21N 16W 18sw

Date _____ JUNE 9, 2004

MOHAVE COUNTY
ASSESSOR'S MAP

BOOK 311
MAP 17
4 of 5

Vermont Street Abandonment Application Exhibits

Preliminary Title Report Showing Ownership of Contiguous Properties

- Parcel Number = 311-17-122 (Steven Paul Latoski)

Recording Requested by:
Pioneer Title Agency, Inc.

When recorded mail to:
Steven Paul Latoski
1929 Davis Avenue
Kingman, AZ 86401

FEE# 2015024547

OFFICIAL RECORDS OF MOHAVE COUNTY
CAROL MEIER, COUNTY RECORDER
06/02/2015 10:57 AM Fee \$11.00
PAGE: 1 of 2

WARRANTY DEED

File No. 11631-5712416 (vern)

For the consideration of TEN AND NO/100 DOLLARS, and other valuable considerations, I or we,

~~an unmarried man~~
Joseph P. Mailhot, the GRANTOR does hereby convey to

~~an unmarried man~~
Steven Paul Latoski, the GRANTEE

the following described real property situate in Mohave County, Arizona:

Lots 1 through 3, inclusive, Block 7 of KINGMAN METROPOLITAN ADDITION, NO. 2, according to the plat thereof, recorded January 25, 1929, in the office of the recorder of Mohave County, Arizona.

Subject To: Existing taxes, assessments, covenants, conditions, restrictions, rights of way, easements and all other matters of record.

And the GRANTOR does warrant the title against all persons whomsoever, subject to the matters set forth above.

DATED: May 27, 2015


Joseph P. Mailhot

File No.: 11631-5712416 (vern)
A.P.N.: 311-17-122

Warranty Deed - continued

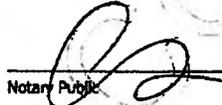
2015024547 Page: 2 of 2

STATE OF New Hampshire)
County of Rosemound)^{ss.}

On May 30, 2015, before me, the undersigned Notary Public, personally appeared Joseph P. Mailhot, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

My Commission Expires: 11/30/16


Notary Public

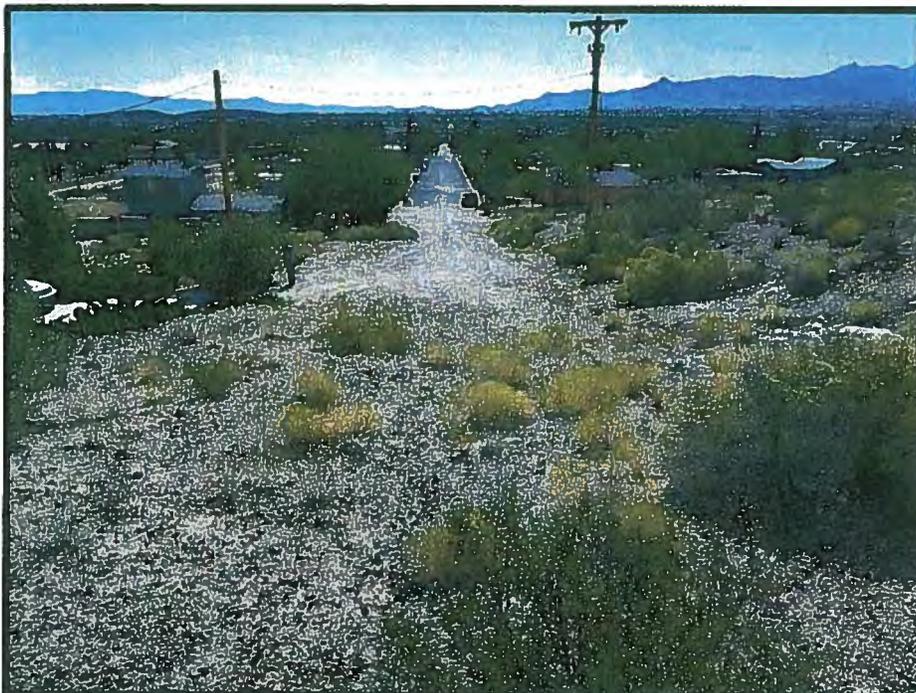


Vermont Street Existing Conditions

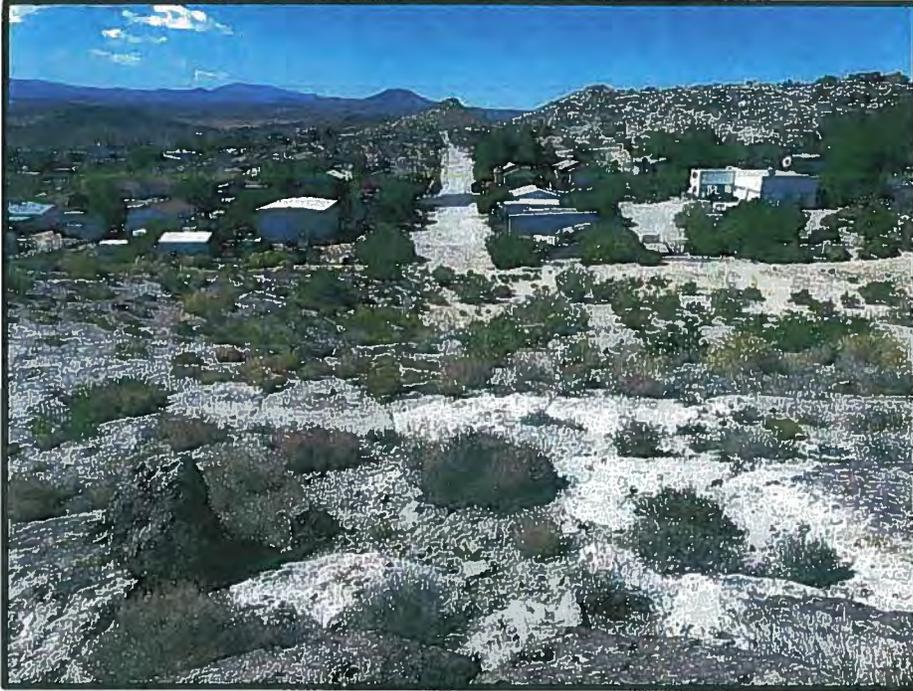
- Vermont Street at Sunset Boulevard Looking South from Northerly Boundary of Requested Abandonment



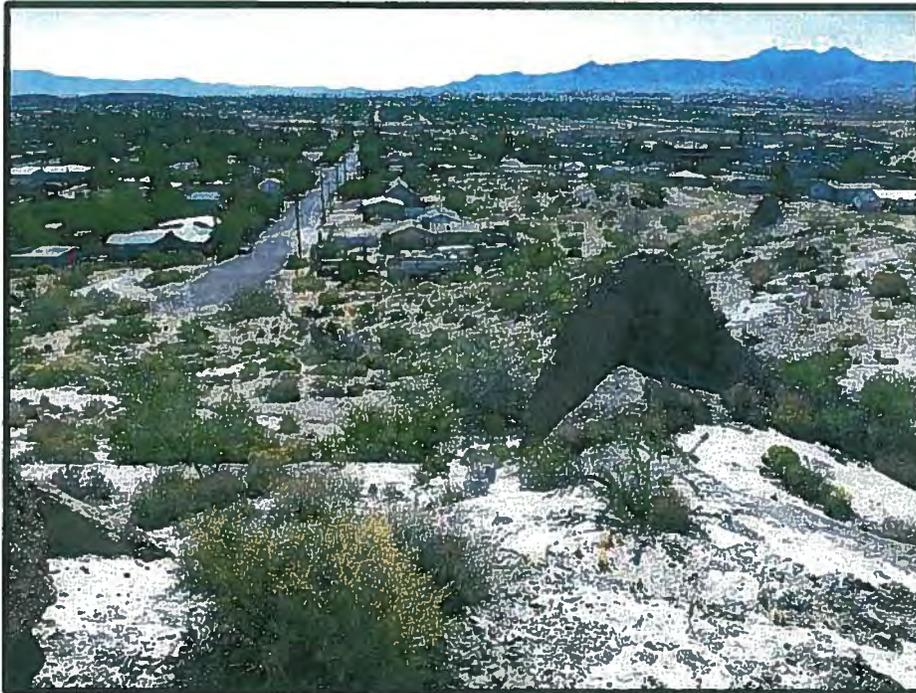
- Vermont Street at Sunset Boulevard Looking East from Northerly Boundary of Requested Abandonment



- Vermont Street Immediately South of Arlington Street Looking South



- Vermont Street Immediately South of Arlington Street Looking East



- Vermont Street Immediately South of Arlington Street Looking North



Sylvia Shaffer

From: Steven Latoski <slatoski@gmail.com>
Sent: Thursday, June 25, 2015 2:57 PM
To: Sylvia Shaffer
Subject: Latoski Abandonment
Attachments: 311-17-155 Assessed.pdf; 311-17-155 Listing.pdf

Hi Sylvia,

Thank you for your time this afternoon in meeting with me and rapidly advancing the abandonment consideration process.

In regard to our discussion on the value of the abandoned right-of-way, please give due consideration to a current listing offering 75 feet of Arlington frontage (west of Vermont Street) at the *asking price* of \$1,500 or \$500 per 25 feet of frontage. Further, the assessed full cash value of this lot is \$1,000 or \$333 per 25 feet of frontage.

http://www.realtor.com/realestateandhomes-detail/34-36-Arlington-St_Kingman_AZ_86401_M22174-08399?row=4

I request that as staff prepares their recommendation to the Commission and Council, consideration could be given to the following:

1. Recommending value of the abandoned right-of-way at \$333 to \$500 maximum per 25 feet of frontage.
2. Recommending City assess each of the potential three other abutting property owners standing to benefit from my application and efforts, a proportionate share of the \$500 application fee to be returned to me. For example, if all three other abutting property owners participate in purchasing their quarter share of the abandoned Vermont Street, then all participants share \$125 in application fee expense with \$375 returned to me. If two abutting owners participate, then the share is \$167 each. The fee reallocation could be assessed on the City's assignment of value to the portion of abandoned right-of-way being offered to each abutting property owner and, in turn, deducted from the portion abutting my property 311-17-122. I request this in consideration that staff's recommendation does completely remove the adjacent public right-of-way buffer between my property and that immediately to the east where my lot is currently considered a corner lot.

I appreciate your valuable assistance, and please advise if I can be of any assistance moving forward.

Thanks and have a great day.

Steve

Assessor Parcel Search

Don't Know your Parcel Number?

Click to Search by Name Or Search by Address

Click for Notice of Valuation Explanation

ENTER PARCEL NO: WITH DASHES (XXX-XX-XXX)

If your Notice of Value shows the number "8" first, DO NOT enter the 8 in the box to the left.
If there are multiple owners on a parcel, this website may not reflect all owners.
This website is not intended to be the authority on ownership.
Please contact the Assessor's Office if you have questions on ownership.

TAX YEAR:

Parcel Information ([Click for Current Tax Bill](#))

Tax Year:	2015
Parcel Number: (Click for Map)	311-17-155 (Click for Improvement Information)
Site Address:	
Owner: (* indicates sales agreement, not a deed)	DEBOER BUD S & GERALDINE L TRUSTEES
Owner 2:	
Mailing Address:	PMB 1271 112 RAINBOW DR LIVINGSTON, TX 77399
Tax Area:	0452
Land Value:	\$1,000.00
Improvement Value:	\$0.00
Full Cash Value:	\$1,000.00
Assessed Full Cash Value:	\$160.00
Limited Value:	\$1,000.00
Assessed Limited Value:	\$160.00
Value Method:	Market
Exempt Amount:	\$0.00
Exempt Type:	
Use Code:	0011
Property Use:	0011-VL-RES-URBAN SUBDIVIDED
Class Code:	Vacant
Assessment Ratio:	16.00%

Last Sale Information < font color="#FFFF00">(Click here for link to sales history prior to July 1, 2000) Any sales between July 1, 2000, and the last recorded document (below) is not shown.

MULTIPLE SALES: If a sales affidavit is recorded with one sales price for two or more parcels, we cannot make a decision on the breakdown of the price of each parcel in the sale. Our records will reflect the full sales price on each parcel. It is up to whomever is inquiring to check the sales affidavit with the Records Office (Phone: 928-753-0701) to see if the sale involves more than one parcel. If you want our records to reflect individual sales prices, then you need to be sure to record separate deeds and sales affidavits for each parcel.

Sale Price:	\$0.00
Sale Date:	04/24/2007
Recorded Instr Type:	SD
Fee Number:	2007037596

The Recorder's Office stopped using Book and Pages references on recorded documents as of January 2010. If you don't see a Book and Page reference, use the Fee Number, which will be the only reference used to acquire copies of newer recordings from the Recorder's Office.

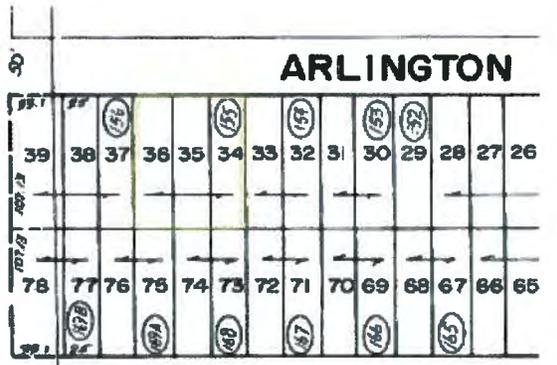


34-36 Arlington St

Kingman, AZ 86401

\$1,500

7,841 Sq Ft Lot



WARDEX

Low priced hillside lot. Lots 34, 35 & 36 have been combined into 1 lot measuring approximately 75 x 107. Looking for rocks for your landscaping company? This lot has many. Once the area is developed and the road is extended up to the lot it would make a great view lot.

General Information

Price	\$1,500	Lot Size	7,841 Sq Ft Lot
Property Type	Land		

Exterior and Lot Features

- Mountainous
- View-Mountains
- Lot Size: 75 X 107
- Rolling/Sloping
- View-Panoramic
- Lot Number: 34-36
- Steep
- Fencing: Of The Above

Utilities

- Utilities: Of The Above

Other Property Info

- City: Kingman
- State: AZ
- County: Mohave
- Subdivision: Kingman Metropolitan Add 2
- Area: KGM - Downtown
- Zoning: Rural Residential
- APN Number: 311-17-155
- Directions: Stockton Hill Rd to Vermont to Arlington Street. Lot is located up on the side of the hill.
- Land Property Type: Single Family
- Road Access Maintenance: None Of The Above

Listing Provider

Listing Agent	Mike Honsaker
Listed by	Keller Williams Arizona Living Realty (928) 453-6111
Data Source	WesternArizona
Source's Property ID	899315

On Site

Last refreshed	3 Weeks Ago
Added to Site	February 7, 2015
Direct access URL	http://www.realtor.com/realestateandhomes-detail/34-36-Arlington-St_Kingman_AZ_86401_M22174-08399

Homes Near 34-36 Arlington St

Address	Status	Price	Beds	Baths	Sq Ft
4445 N 36th St	Recently Sold	\$51,550,000	-	-	-
5210 E Hampton Ave	Recently Sold	\$47,000,000	-	-	-
110 E Greenway Pkwy	Recently Sold	\$33,500,000	1	1	820
9880 N Windy Pt	For Sale	\$33,000,000	-	-	-
10696 E Wingspan Way	For Sale	\$32,000,000	8	10	29,700
8055 N Mummy Mountain Rd	For Sale	\$25,000,000	7	12	25,416
20450 N 108th Pl	For Sale	\$24,500,000	6	14	20,805
5335 N Invergordon Rd	For Sale	\$24,000,000	6	13	25,851
9880 N Windy Pt	For Sale	\$22,800,000	-	-	-
1440 S Val Vista Dr	Recently Sold	\$22,100,000	1	1	722
9480 E Spring Creek Ranch Rd	For Sale	\$20,000,000	-	-	-
2354 W University Dr	Recently Sold	\$19,200,000	-	-	-

No Assigned Schools information available for this property.

Nearby Schools

Public Elementary Schools	Public Middle Schools	Public High Schools	Private Schools	
School Name	Distance	Grades	Student/Teacher Ratio	GreatSchools Rating*
Hickory Creek Elementary School	0.0 mi	PK-5	15:1	
Major General William R Shafter Elementary School	0.0 mi	PK	14:1	

Twentynine Palms Elementary School	0.0 mi	PK-6	N/A
Mammoth Elementary School	0.0 mi	PK-6	15:1
Sunset Elementary School	0.0 mi	PK-6	17:1

* School data provided by National Center for Education Statistics, Maponics, and GreatSchools. Intended for reference only. GreatSchools Ratings compare a school's test performance to statewide results. To verify enrollment eligibility, contact the school or district directly.

Neighborhood Information

No neighborhood information is available for this property.

Price History

Date	Event	Price	Price/Sq.Ft.	Change	Source
02/07/2015	Listed	\$1,500	—	—	WesternArizona

Property Taxes Tax data from local public records.

No property tax history available for this property.

The Property Price and Tax history data displayed is obtained from public records and/or MLS feeds from the local jurisdiction in which the applicable property is located. As realtor.com® cannot guarantee that all public records and MLS data is accurate and error-free, it is important that you contact your REALTOR® directly in order to obtain the most up-to-date information available.

Formatted for easy printing so you can take this with you. Remember to say you found it on realtor.com®.

This information has been secured from sources we believe to be reliable, but we make no representations or warranties, expressed or implied, as to the accuracy of the information. You must verify the information and bear all risk for inaccuracies.



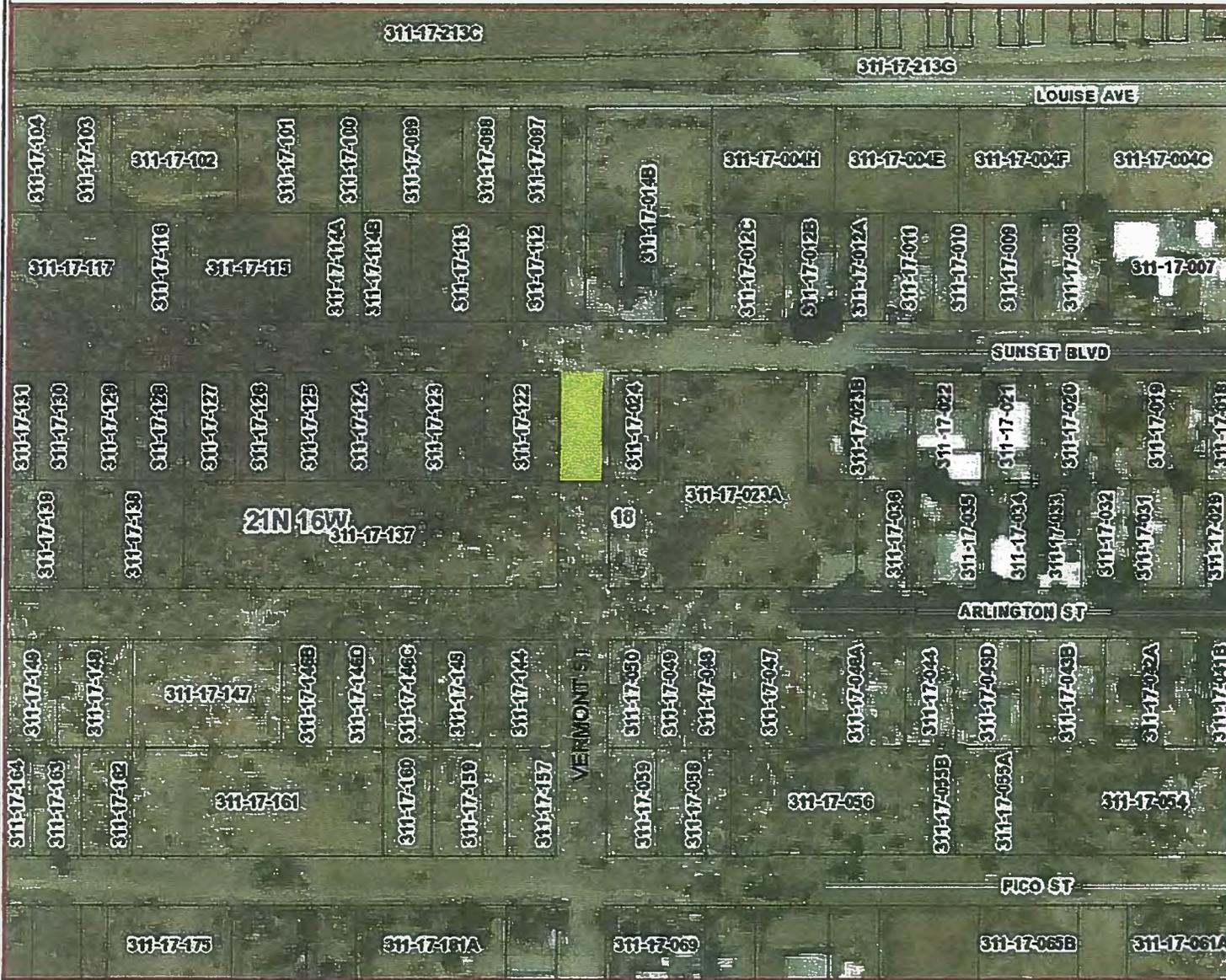
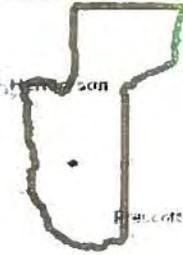
Scan this QR code to see this listing online.

Kingman, AZ 86401

http://www.realtor.com/realestateandhomes-detail/34-36-Arlington-St_Kingman_AZ_86401_M22174-08399

Request to Vacate Westerly 42 Feet of Vermont Street Abutting APN 311-17-122

Las Vegas



Legend

- City Limits (> 200,000 scale)
- Mohave County Boundary
- Surrounding Counties
- ADOT Mileposts
- COUNTY Mileposts
- Highways
- Main Arterials
- Collectors
- Local
- Railroad
- Tax Parcel
- Township/Range
- Section

Surface Management

- AZ Game and Fish
- Bureau of Land Management
- Bureau of Reclamation
- City or County Parks
- US Forest Service
- Indian Reservation
- Military Reservation
- National Parks
- Other
- Private
- State Parks
- State Trust
- National Wildlife Refuge

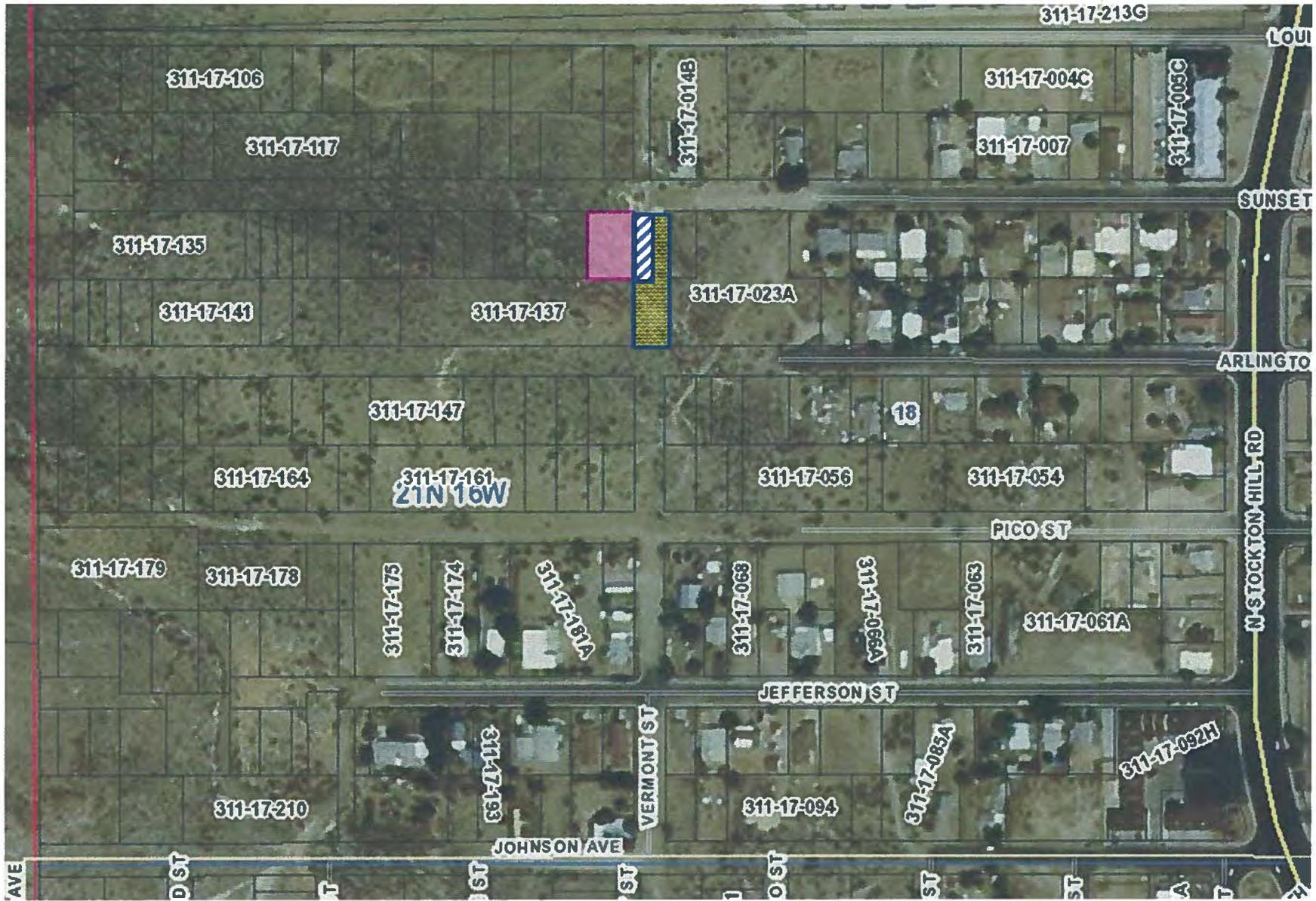
1: 2,164



Map Created: 6/6/2015

This map is a user generated static output from the Mohave County Interactive Map Viewer and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION, AS A LEGAL DOCUMENT, FOR PROPERTY DESCRIPTIONS, OR DETERMINATION OF LEGAL TITLE, AND SHOULD NEVER BE SUBSTITUTED FOR SURVEY OR DEED INFORMATION. The user agrees to comply with the Limitation of Use, and Assumption of Risk as stated in the full disclaimer at <http://gis.mohavecounty.us>

Notes:
 Requested Vacation of Vermont Street Right-of-Way



R-1-6

STOCKTON HILL

R

R-1-6



LOUISE AVE

LOUISE AVE

SUNSET

SUNSET BLVD

ARLINGTON ST

ARLINGTON ST

PICO ST

PICO ST

JEFFERSON ST

JEFFERSON ST

JOHNSON

WICKIEUP AVE

CHAMBERS AVE

SIMMS AVE

LOUISE AVE

SUNSET BLVD

ARLINGTON ST

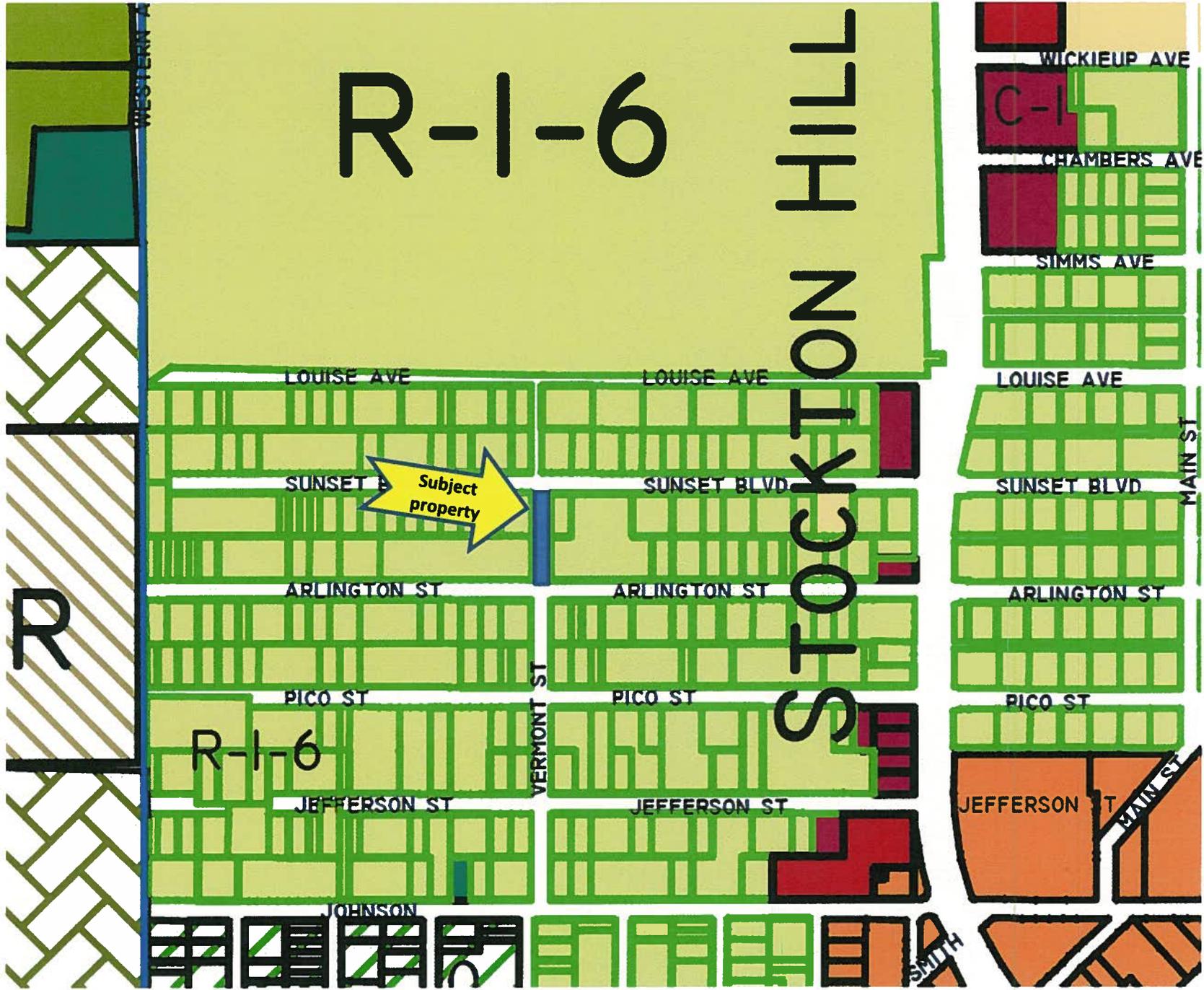
PICO ST

JEFFERSON ST

MAIN ST

MAIN ST

SMITH



CITY OF KINGMAN COMMUNICATION TO COUNCIL



TO: Honorable Mayor and Council Members

FROM: Development Services Department

MEETING DATE: August 4, 2015

AGENDA SUBJECT: Public hearing and consideration of Ordinance No. 1796-R, amending Section 10.000 LANDSCAPING of the *Zoning Ordinance of City of Kingman*.

SUMMARY: 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.

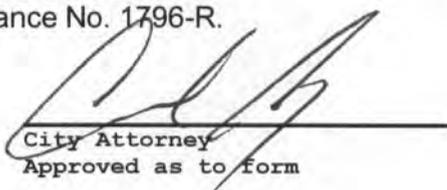
The Planning and Zoning Commission held the public hearing on July 14, 2015 to consider the proposed text amendment. The commission voted 5-0 to recommend approval of the proposed text amendment as shown in Exhibit "A" of the attached Ordinance No. 1796-R.

ATTACHMENT: Proposed Ordinance No. 1796-R, P&Z Commission Report.

FISCAL IMPACT: None expected at this time.

RECOMMENDATION: Approve Ordinance No. 1796-R.


Signature of Dept. Head


City Attorney
Approved as to form


City Manager's Review

AGENDA ITEM: 6b

WHEN RECORDED HOLD FOR
KINGMAN CITY CLERK
310 N. 4th Street
Kingman, Arizona 86401

CITY OF KINGMAN ORDINANCE NO. 1796-R

AN ORDINANCE BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF KINGMAN, ARIZONA AMENDING SECTION 10.000 LANDSCAPING OF THE ZONING ORDINANCE OF THE CITY OF KINGMAN, REGARDING THE REPEAL OF THE APPEAL PROCESS, REPEAL OF THE 2:1 CREDIT FOR LANDSCAPING IN THE RIGHT-OF-WAY, ADDING AN UPDATED RECOMMENDED PLANT LIST, REQUIRING AN AREA EQUIVALENT TO FIVE-PERCENT OF THE DEVELOPMENT AREA TO BE LANDSCAPED FOR REMODELS AND EXPANSIONS OF EXISTING DEVELOPMENT, ADDING PARKING LOT LANDSCAPING STANDARDS, REVISING PLAN SUBMITTAL REQUIREMENTS AND IRRIGATION STANDARDS, PERMITTING ARTIFICIAL TURF AS A LANDSCAPE ELEMENT, REDUCING THE TIME FRAME TO REPLACE DEAD PLANT MATERIAL FROM 90-DAYS TO 45-DAYS, AND PROVIDING AN EXEMPTION FROM LANDSCAPING REQUIREMENTS FOR PROPERTIES OVER 95-PERCENT DEVELOPED.

WHEREAS, Section 10.000 LANDSCAPING of the *Zoning Ordinance of the City of Kingman*, adopted under Ordinance No. 1171 on April 20, 1998, provides minimal standards for landscaping that are required for new commercial, industrial, and multiple family developments, as well as for remodels and expansion of existing developments; and

WHEREAS, updating Section 10.000 LANDSCAPING of the *Zoning Ordinance of the City of Kingman* with additional standards and requirements will have the desirable effect of enhancing the beauty and environment of the City of Kingman and to provide developers with additional clarification regarding landscaping requirements; and

WHEREAS, on February 10, 2015, the City of Kingman Planning and Zoning Commission initiated a text amendment to consider possible changes to Section 10.000 LANDSCAPING; and

WHEREAS, the City of Kingman Planning and Zoning Commission held a number of public meetings and workshops and met with representatives of the local development community to develop a consensus regarding the draft language of the proposed ordinance; and

WHEREAS, on July 14, 2015, the City of Kingman Planning and Zoning Commission held a public hearing on the proposed text amendment to Section 10.000 LANDSCAPING of the *Zoning Ordinance of the City of Kingman*; and voted 5-0 to recommend approval of the proposed text amendment as shown in Attachment "A" of this ordinance, and

WHEREAS, on August 4, 2015, the Mayor and Common Council of the City of Kingman held a public hearing on the proposed text amendment to Section 10.000 LANDSCAPING of the *Zoning Ordinance of the City of Kingman*.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the City of Kingman, Arizona as follows:

SECTION 1. Section 10.000 LANDSCAPING of the *Zoning Ordinance of the City of Kingman* is hereby amended as shown in Attachment "A" with the bold blue underline text to show the additions and red strikeout text to show the deletions.

SECTION 2. Penalties for violations of these sections shall be in accordance with Section 1-8 of the Code of Ordinances of the City of Kingman, Arizona.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Common Council of the City of Kingman, Arizona this 4th day of August, 2015.

ATTEST:

APPROVED:

Sydney Muhle, City Clerk

Richard Anderson, Mayor

APPROVED AS TO FORM:

Carl Cooper, City Attorney

ATTACHMENT "A"

10.000 LANDSCAPING

10.100 INTENT AND PURPOSE

To promote attractive and high quality development, it is the purpose of these regulations to establish standards for landscaping in order to preserve and enhance the natural beauty of the City. Creative, safe, attractive landscaped areas will be encouraged to be installed adjacent to public streets, dispersed throughout parking areas and used to ensure compatibility of adjacent land uses. It is hereby recognized that the effective use of plant landscaping controls dust, glare, and erosion; assists in the screening of objectionable light and noise; visually softens building masses; improves air quality; and helps to create harmony, continuity and the enhancement of property values throughout the community. The style of landscape is not prescribed by the City of Kingman; however, the planting of indigenous, drought tolerant, and low maintenance plants that conserve water and minimize fire hazards will be encouraged.

10.200 APPLICABILITY

These standards shall apply to Commercial, Industrial and Multiple-Family developments in the following manner:

1. This section shall apply to all new commercial, industrial, and multiple-family development.
2. These regulations shall also apply to any redevelopment, addition or remodeling of any multiple-family, commercial, or industrial property that requires a building permit and for which the improvement increases the area of the building or area of the developed portion of the property by twenty-five percent (25%) or more, or for which the improvement costs exceed twenty-thousand dollars (\$20,000.00) in value, based on the City's valuation schedule used to compute building permit fees.
3. Further, these provisions shall apply to any building or site that might require rezoning, variance, or conditional use permit approval.

~~Any appeals to this section shall be presented to the Kingman Planning and Zoning Commission for consideration and action. Appeals shall be submitted in writing to the Planning Director at least fourteen (14) days prior to the commission meeting for which the appeal is to be heard. The City Planning Director shall forward copies of the appeal to the City Manager, City Engineer, and City Public Works Director for review and comment. These officers shall have five (5) working days to review and comment on the request. Upon receipt of the review comments, the City Planning Director will prepare a report to the Planning Commission, outlining the required landscaping improvements, the reason for the appeal, and the review comments, and place the appeal on the next regularly scheduled Kingman Planning and Zoning Commission meeting.~~

~~The Kingman Planning and Zoning Commission may waive or defer the installation of all, or a portion of the required landscaping improvements if it is determined that:~~

- ~~1. Due to topography, the installation of landscaping would pose a fire hazard,~~
- ~~2. Right-of-way area to be landscaped is scheduled for street construction or utility work,~~

- ~~3. Construction of the project is phased and landscaping installation would be better in a later phase,~~
- ~~4. Due to weather conditions, planting should be delayed, or~~
- ~~5. Required parking limits the area of site available for landscaping.~~

~~If the Commission grants a waiver or deferment, they may designate such conditions as deemed necessary to secure the intent and purpose of these regulations. The decision of the Kingman Planning and Zoning Commission may be appealed to the Kingman Common Council, who would hear this appeal at their next regularly scheduled meeting.~~

10.300 LANDSCAPING PLAN REVIEW

10.310 SITE PLAN CONTENT

A scaled drawing of the site shall be provided showing the ~~site and~~ area, location, and type of ground cover. ~~The drawing shall also show the~~ plant type, size, location and counts for each type of plant ~~and the means and location of irrigation.~~ An irrigation plan shall be provided indicating the layout and details of the irrigation system, including the size of water meter, backflow preventer, and all materials utilized.

10.320 SUBMITTAL OF PLAN

The landscaping plan ~~may~~ shall either be incorporated into the site plan required for building permit purposes, or ~~it may~~ be provided as a separate document within the plan set that is submitted for a building permit. The plans for required landscaped areas will be reviewed for compliance with minimum standards as set forth in this section. The approval of landscaping plans shall also serve as the approval of non-substantial encroachment permits, and right-of-way permits, and those fees shall be waived.

10.400 LANDSCAPING STANDARDS/PROVISIONS

10.410 GENERAL REGULATIONS

A. MINIMUM LANDSCAPED AREAS FOR NEW BUILDINGS, REMODELINGS AND EXPANSIONS OF EXISTING BUILDINGS:

1. For all new development, ten percent (10%) of the net site area shall be provided with on-site landscaping. Landscape areas shall consist of ground treatments including any combination of landscape rock, decomposed granite five-eighths inches (5/8") and above, and/or turf. Landscaped areas shall also include trees, shrubs, vines, succulents, and groundcovers with minimum numbers and sizes specified in Sections 10.410(B) and 10.410(C). ~~Credit will be given for the landscaping/maintenance of public right-of-way at two-to-one (2:1). Example: One (1) square foot of landscaped right-of-way area will account for two (2) square feet of required landscaping. The portion of the public right-of-way between the property line and public sidewalk shall be similarly landscaped and maintained in addition to the on-site requirements.~~
2. Remodeling and expansions of existing buildings located on properties that as of September 1, 2015 have less than five percent (5 %) of the net site area landscaped shall provide a minimum of on-site landscaping that is equal to five percent (5%) of the ~~gross floor area of the building~~ development area, except where exempt as provided in Section 10.430. The development area includes the gross floor area

of the building(s) as well as any parking areas, outdoor display areas, or storage areas that are a part of the building permit approval requirements. Landscape areas shall consist of ground treatments including any combination of landscape rock, decomposed granite five-eighths inches (5/8") and above, and/or turf. Landscaped areas shall also include trees, shrubs, vines, succulents, and groundcovers with minimum numbers and sizes as specified in Sections 10.410(B) and 10.410(C). Credit will be given for the landscaping/maintenance of public right-of-way at two-to-one (2:1). The portion of the public right-of-way between the property line and public sidewalk shall be similarly landscaped and maintained in addition to the on-site requirements.

B. MINIMUM PLANT NUMBERS: All landscaped areas shall be composed of any combination of ground cover, shrubs, succulents and trees as set forth below:

1. **Trees:** Minimum of one (1) per five-hundred (500) square feet of required landscaped area. Additionally, a minimum of one (1) tree shall be required within the parking lot for each twenty (20) required parking spaces each landscape island, where required by Section 10.410(E).
2. **Shrubs, Vines, Succulents and Ground Covers:** Minimum of two (2) per three-hundred (300) square feet of required landscaped area. Additionally, a minimum of two (2) shrubs, vines, succulents and/or groundcovers shall be required within the parking lot for each twenty (20) required parking spaces each landscape island, where required by Section 10.410(E).

C. MINIMUM PLANT SIZES:

1. **Trees:** Fifteen (15) gallon size, with ~~two-inch to two-and-one-half-inch (2"-1 1/2")~~ three-quarter inch to one-and-one-quarter inch (3/4" to 1 1/4") caliper at the time of planting. A multiple trunk tree shall have no less than two (2) one-inch (1") caliper trunks.
2. **Shrubby Shrubs, Vines, Succulents and Ground Covers:** Five (5) gallon size, ~~which are minimum. Shrubs, vines, and succulents shall be~~ approximately one (1) to two (2) feet in height and one (1) foot in width at the time of planting.
3. **Vines, Annuals/Perennials, Grasses, and Accent Grasses:** No minimum number or plant size.

D. RECOMMENDED PLANT LIST:

1. See attached Exhibit 1 for a list of recommended plants for Kingman, Arizona. Staff may approve other varieties or alternatives to the listed plants provided they are suitable to the local climate and soil conditions.

E. PARKING LOT LANDSCAPING:

1. Applicability: The following landscaping standards shall apply to all off-street parking lots for all new development containing fifteen (15) or more parking spaces. See also Section 22.000 OFF STREET PARKING AND LOADING REQUIREMENTS. Parking lot landscaping shall be counted as part of the required landscape area.

2. Design Standards:

- a. One (1) landscape island shall be provided at each end of each row of parking spaces between the spaces and the adjacent drive aisle. In addition, one (1) landscape island shall be provided for every fifteen (15) contiguous parking spaces within the parking space row. The specific location of the landscape island may vary within the parking row provided that there are no more than 15 parking spaces in a row without an intervening landscape island.
- b. Each landscape island shall be a minimum of nine (9) feet in width and be the same length as the adjacent parking space. Where double-row parking areas exist, the landscape islands shall be the length of two parking spaces. All measurements are to the outside face of the curbs.
- c. Radius curbing for landscape islands shall be provided along drive aisles with a minimum four (4) foot radius.
- d. Parking areas used exclusively for outdoor sales and display of automobiles, recreational vehicles, and watercraft shall be exempt from the landscape island requirements. Customer and employee parking areas are not exempt from these requirements.
- e. A landscape area at least ten (10) feet deep shall be provided along the site perimeter between the parking lot area and a street where the parking area directly abuts the street.

F. **INSTALLATION:**

1. For all new construction and additions to existing buildings, landscaping, watering devices, walls and screening structures shall be installed in accordance with the approved final landscape and site plan prior to issuance of a Certificate of Occupancy Permit, or final inspection for the building or use.
2. Vegetation shall be selected, planted, and maintained so that at maturity, it will not interfere with utility lines, vehicular parking, pedestrian circulation, site triangles, and will not cause damage of sidewalks, pavement, and underground, overhead, or at grade utility lines and equipment.

G. **SITE SIGHT TRIANGLE:**

1. To ensure that landscape materials do not constitute a driving hazard, a "sight triangle" will be maintained at all street intersections or intersections of driveways with streets. Within this sight triangle, there shall be no visual obstructions. The height of mature landscaping, walls and fences shall not exceed three (3) feet measured from the top of the existing curb grade.
2. Trees are permitted within the sight triangle ~~as~~ as long as no branches, limbs or leaves are permitted to obscure views between the ground and eight feet above ground. See Figure 1, Section 26.000: GENERAL DEVELOPMENT STANDARDS.

H. **PROHIBITED PLANTS:** Due to pollen/seeds which can aggravate allergies and other health problems:

1. **Fruiting** Mulberry or Olive is prohibited.
2. **Fruitless** varieties of Mulberry or Olive are *not* prohibited.

10.420 DESIGN ELEMENTS

- A. **ARTIFICIAL LANDSCAPE:** For water conservation purposes, artificial turf may be a maximum of ten percent (10%) of the required minimum landscape area. Other artificial landscape materials such as: artificial trees, shrubbery, turf or plants shall not count toward the required landscape area.
- B. ~~An appropriate irrigation system shall be provided to all landscaped areas.~~ **IRRIGATION STANDARDS:**
1. All landscape areas containing living plant materials shall be supported by an automatic irrigation system.
 2. A backflow prevention assembly shall be provided with the installation of all irrigation systems according to standard details adopted by the City of Kingman.
 3. Under certain soil conditions, irrigation systems shall be located a minimum distance from structures as may be recommended by a geotechnical report.
 4. All irrigation systems and landscape areas shall be designed, constructed, and maintained to promote water conservation, and to prevent water overflow or seepage into the street, sidewalk, or parking areas.
- C. **EXTENT OF LANDSCAPING AREAS:** Any part of a site not graded, developed, and used for buildings, parking, driveways, sidewalks, utilities, stormwater detention areas, and approved storage shall be retained in its present vegetative natural state or landscaped.
- D. ~~All landscaped areas adjacent to vehicular parking and access areas shall be protected from vehicular traffic.~~ **PROTECTION OF LANDSCAPE AREAS:** All landscape areas and islands adjacent to vehicular parking and access drives shall be protected from vehicular traffic by the provision of concrete curbs, except where curb breaks are necessary to accommodate stormwater drainage flows from the parking lot into retention areas.
- E. **OUTDOOR LIGHTING:** Installation of outdoor lighting in conjunction with landscaped areas shall adhere to the ~~City of Kingman~~ OUTDOOR LIGHTING CODE, Section 34.000, of the City of Kingman Zoning Ordinance.
- F. **STORM WATER DETENTION AREAS:** Storm water detention areas, including detention areas located in perimeter landscape areas defined in Section 10.410(E)2(e), may be landscaped in accordance with the requirements of this code. When used, weed barriers, such as landscape fabric, should be permeable to aid in the absorption of storm water generated by the development on-site. If non-permeable sheet plastic is used in landscape areas, the project engineer shall account for the effects on runoff when calculating the storm detention required for the site.

10.430 EXEMPTION

Properties with over ninety-five percent (95%) of the gross site area developed with buildings, off-street parking, sidewalks, and other similar hardscape are exempt from the requirements of 10.410(A)2 when a building is being remodeled. However, any expansion of the existing building envelope or the construction of additional buildings on the same property remains subject to the requirements of 10.410(A)2.

~~10.430~~ 10.440 MAINTENANCE

Maintenance of all landscaping shall be the responsibility of the owner, lessee, heirs, assigns, agent, or other liable entity of the property. Landscaped areas shall be regularly maintained, including pruning, mowing, weeding, trimming, watering, refuse removal, fertilizing, and maintenance of the irrigation systems, to create an attractive appearance for the development. Any dead plant material shall be replaced by the property owner within ~~ninety (90)~~ forty-five (45) days of its demise.

Public and private utilities will be responsible for the replacement and repair of landscaping materials specifically damaged by their construction in the public right-of-way. However, unless otherwise specified, the continuing maintenance of landscaping in the public right-of-way is the responsibility of the adjacent property owner.

~~10.440~~ 10.450 ENFORCEMENT

Any person violating any of the provisions of this ordinance shall be guilty of a zoning violation and upon conviction shall be subject to penalties as outlined in Section 32.000: SEPARABILITY of the Kingman Zoning Ordinance.

EXHIBIT 1
RECOMMENDED PLANT LIST
For Kingman, Arizona

For further information and advice, please contact the Mohave County University of Arizona Cooperative Extension Office or local area plant nurseries and landscape professionals.

*Asterisk indicates trees not recommended within parking lot islands or adjacent to sidewalks due to thorns and/or surface rooting tendencies that can disrupt paved surfaces.

TREES

COMMON NAME

SCIENTIFIC NAME

<u>*Afghan Pine (Mondel, Goldwater)</u>	<u>Pinus eldarica</u>
<u>*Aleppo Pine</u>	<u>Pinus halepensis</u>
<u>*American Sycamore</u>	<u>Platanus occidentalis</u>
<u>*Arizona Ash</u>	<u>Fraxinus velutina</u>
<u>Arizona Cypress</u>	<u>Cupressus arizonica</u>
<u>*Arizona Sycamore</u>	<u>Platanus racemosa wrightii</u>
<u>*Arizona Velvet Mesquite</u>	<u>Prosopis velutina</u>
<u>*Berrinda Ash</u>	<u>Fraxinus velutina Berrinda</u>
<u>*Black Locust</u>	<u>Robinia pseudoacacia</u>
<u>*Catclaw Acacia</u>	<u>Acacia greggii</u>
<u>Chinese Pistache</u>	<u>Pistacia chinensis</u>
<u>Cork Oak</u>	<u>Quercus suber</u>
<u>Desert Willow</u>	<u>Chilopsis linearis</u>
<u>Eastern Redbud</u>	<u>Cercis canadensis</u>
<u>Edible Fig</u>	<u>Ficus carica</u>
<u>Evergreen Elm</u>	<u>Ulmus parvifolia</u>
<u>*Fan-Tex Ash</u>	<u>Fraxinus velutina Rio Grande</u>
<u>*Fruitless Mulberry</u>	<u>Morus alba</u>
<u>*Hybrid Cottonwood</u>	<u>Populus deltoides sel siouxland</u>
<u>Hybrid Palo Verde</u>	<u>Parkinsonia hybrid var.</u>
<u>Italian Cypress</u>	<u>Cupressus sempervirens</u>
<u>*Italian Stone Pine</u>	<u>Pinus pinea</u>
<u>*Japanese Black Pine</u>	<u>Pinus thunbergeri</u>
<u>*Mesquite</u>	<u>Prosopis juliflora</u>
<u>Mexican Elderberry</u>	<u>Sambucus caerulea mexicana</u>
<u>Mexican Palo Verde</u>	<u>Parkinsonia aculeata</u>
<u>Pecan</u>	<u>Carya illinoinesis</u>
<u>*Pinyon Pine</u>	<u>Pinus edulis</u>
<u>*Raywood Ash</u>	<u>Fraxinus oxycarpa Raywood</u>
<u>Red Push Pistache</u>	<u>Pistacia x Red Push</u>
<u>*S. American Hybrid Mesquite</u>	<u>Prosopis alba</u>
<u>Southern Live Oak</u>	<u>Quercus virginiana</u>
<u>*Sweet Acacia</u>	<u>Acacia smallii</u>
<u>*Texas Mesquite</u>	<u>Prosopis glandulosa</u>
<u>Thornless Honey Locust</u>	<u>Gleditsia triacanthos inermis</u>
<u>Western Hackberry</u>	<u>Celtis laevigata v. reticulata</u>
<u>Western Redbud</u>	<u>Cercis occidentalis</u>
<u>*White Thorn Acacia</u>	<u>Acacia constricta</u>

SHRUBS AND VINES

<u>COMMON NAME</u>	<u>SCIENTIFIC NAME</u>
<u>Apache Plume</u>	<u>Fallugia paradoxa</u>
<u>Arizona Yellow Bell</u>	<u>Tecoma stans v. angustata</u>
<u>Arizona Grape</u>	<u>Vitis arizonica</u>
<u>Arizona Rosewood</u>	<u>Vauquelinia californica</u>
<u>Cassia</u>	<u>Cassia spp.</u>
<u>Cats Claw</u>	<u>Macfadyena unguis-cati</u>
<u>Chuparosa</u>	<u>Justicia californica</u>
<u>Common Myrtle</u>	<u>Myrtus communis</u>
<u>Cotoneaster</u>	<u>Cotoneaster horizontalis</u>
<u>Creosote Bush</u>	<u>Larrea tridentata</u>
<u>Crepe Myrtle</u>	<u>Lagerstromia indica</u>
<u>Desert Broom</u>	<u>Baccharis sarothroides</u>
<u>Desert Honeysuckle</u>	<u>Anisacanthus thurberi</u>
<u>Dwarf Coyote Brush</u>	<u>Baccharis pilularis</u>
<u>Dwarf Periwinkle</u>	<u>Vinca minor</u>
<u>Euonymus</u>	<u>Euonymus japonica</u>
<u>Fairy Duster</u>	<u>Calliandra eriophylla</u>
<u>Flame Honeysuckle</u>	<u>Anisacanthus quadrifidus</u>
<u>Firethorn</u>	<u>Pyracantha walderi</u>
<u>Four-Wing Saltbush</u>	<u>Atriplex canescens</u>
<u>Globe Mallow</u>	<u>Sphaeralcea coccinea</u>
<u>Goldflame Honeysuckle</u>	<u>Lonicera heckerottii</u>
<u>Grape Ivy</u>	<u>Cissus trifoliata</u>
<u>Greythorn</u>	<u>Ziziphus obtusifolia</u>
<u>Hop Bush</u>	<u>Dodonaea viscosa</u>
<u>Indian Marrow</u>	<u>Abutilon palmeri</u>
<u>Indigo Bush</u>	<u>Dalea bicolor</u>
<u>Japanese Wisteria</u>	<u>Wisteria floribunda</u>
<u>Junipers (many species)</u>	<u>Juniperus spp.</u>
<u>Lady Bank's Rosea</u>	<u>Rosa banksiae</u>
<u>Lilac</u>	<u>Syringa vulgaris</u>
<u>Menodora</u>	<u>Menodora scabra</u>
<u>Mexican Buckeye</u>	<u>Ungmadia speciosa</u>
<u>Mexican Oregano</u>	<u>Aloysia wrightii</u>
<u>Mountain Mahogany</u>	<u>Cercocarpus montanus</u>
<u>New Mexico Privet</u>	<u>Forestiera neomexicana</u>
<u>Nandina</u>	<u>Nandina domestica</u>
<u>Ocotillo</u>	<u>Fouquieria splendens</u>
<u>Oleander</u>	<u>Nerium oleander</u>
<u>Pampas Grass</u>	<u>Cortaderia spp.</u>
<u>Pomegranate</u>	<u>Punica granatum</u>
<u>Pyracantha</u>	<u>Pyracantha coccinea</u>
<u>Red Bird of Paradise</u>	<u>Caesalpinia pulcherrima</u>
<u>Sage – Texas Ranger</u>	<u>Leucophyllum frutescens</u>
<u>Salvia (many species)</u>	<u>Salvia spp.</u>
<u>Siberian Peashrub</u>	<u>Caragana arborescens</u>
<u>Silverberry</u>	<u>Eleagnus pungens</u>
<u>Spanish Broom</u>	<u>Genista hispanica</u>

[Sugar Bush](#)
[Texas Mountain Laurel](#)
[Trailing Dalea](#)
[Triangle Bursage](#)
[Trumpet Flower](#)
[Utah Serviceberry](#)
[Viburnum](#)
[Violet trumpet vine](#)
[Virginia Creeper](#)
[Waxleaf Privet](#)
[White Bursage](#)
[Winterfat](#)
[Wright Silktassel](#)
[Woolly Butterfly Bush](#)
[Yellow Bird of Paradise](#)
[Yellow Orchid Vine](#)

[Rhus ovata](#)
[Sophora secundiflora](#)
[Dalea greggii](#)
[Franseria deltoides](#)
[Tecoma stans](#)
[Amelanchier utahensis](#)
[Viburnum tinus and](#)
[Robustum](#)
[Clytostoma callistegioides](#)
[Parthenocissus inserta](#)
[Ligustrum japonicum](#)
[Franseria dumosa](#)
[Ceratoides lanata](#)
[Garrya wrightii](#)
[Buddleja marrubiifolia](#)
[Caesalpinia gilliesii](#)
[Callaeum macropterum](#)

GROUND COVERS

COMMON NAME

SCIENTIFIC NAME

[Gazania](#)
[Germander](#)
[Ice Plant](#)
[Lippia](#)
[Peruvian Verbena](#)
[Rosemary](#)
[Saltillo Primrose](#)
[Santolina](#)
[Star Jasmine](#)
[Stonecrop](#)
[Thyme](#)
[Tufted Evening Primrose](#)

[Gazania ringens](#)
[Teucrium chamaedrys](#)
[Cephalophyllum](#)
[Lippia canescens](#)
[Verbena peruviana](#)
[Rosmarinus officinalis](#)
[Oenothera stubbei](#)
[Santolina chamaecyparissus](#)
[Trachelospermum jasminoids](#)
[Sedum spp.](#)
[Thymus](#)
[Oenothera caespitosa](#)

SUCCULENTS

COMMON NAME

SCIENTIFIC NAME

[Agave \(many species\)](#)
[Bigelow Nolina](#)
[Candelilla](#)
[Century Plant](#)
[Desert Milkweed](#)
[Desert Spoon](#)
[Giant Hesperaloe](#)
[Grass Tree](#)
[Joshua Tree](#)
[Yucca \(many species\)](#)

[Agave spp.](#)
[Nolina bigelovii](#)
[Euphorbia antisiphilitica](#)
[Agave chrysantha](#)
[Asclepias subulata](#)
[Dasyliirion wheeleri](#)
[Hesperaloe funifera](#)
[Dasyliirion longissimum](#)
[Yucca brevifolia](#)
[Yucca spp.](#)

ANNUALS/PERENNIALS

COMMON NAME

African Daisy
Alyssum
California Poppy
Desert Marigold

SCIENTIFIC NAME

Arctotis spp.
Alyssum spp.
Eschscholzia californica
Baileya multiradiata

GRASSES AND ACCENT GRASSES

COMMON NAME

Bamboo Muhly
Bear Grass
Bermuda Grass (Turf varieties)
Blue Gama
Bull Grass
Clover
Deer Grass
Dichondra
Eulalia Grass
Japanese Blood Grass
Mexican Feather Grass
Mondo Grass
Pink Muhly
Ryegrass
Sideoats Grama
Tall Fescue Grass

SCIENTIFIC NAME

Muhlenbergia dumosa
Nolina microcarpa
Cynodon daetylon
Bouteloua gracilis
Muhlenbergia emersleyi
Tritolium spp.
Muhlenbergia rigens
Dichondra carolinensis
Miscanthus sinensis
Imperata cylindrical
Nassella tenuissima
Ophiopogon japonicus
Muhlenbergia capillaries
Lolium multiflorum
Bouteloua curtipendula
Festuca arundinacea



CITY OF KINGMAN
Development Services Department
ZONING ORDINANCE TEXT AMENDMENT CASE: ZO15-001
Revised P&Z Commission Report

Applicant: City of Kingman
310 N. Fourth Street
Kingman, AZ 86401
(928) 753-8130

Contacts: Rich Ruggles, Principal Planner
Sylvia Shaffer, Planner

Requested Action: A request to amend Section 10.000: LANDSCAPING of the *Zoning Ordinance of the City of Kingman*. The proposed text amendment, if approved, would repeal the appeal process and the 2:1 credit for landscaping in the right-of-way, add an updated recommended plant list, add parking lot landscaping standards, require an area equivalent to five-percent of the development area to be landscaped for remodels and expansion of existing development, clarify plan submittal requirements, update design elements including the irrigation standards, permit some artificial turf as a landscape element, change the time frame for replacement of dead plant material from 90 days to 45 days, and provide an exemption from the landscape requirement for remodeled properties that are over 95-percent developed.

RECOMMENDATION

The Planning and Zoning Commission voted 5-0 to recommend amending Section 10.000 LANDSCAPING of the *Zoning Ordinance of the City of Kingman* as shown in Attachment "A".

STANDARDS FOR REVIEW

Recommended Plant List from Sections 14.000 and 35.000, Section 10.000: Landscaping, Section 31.000: Amendments and Zone Changes (See attached).

FINDINGS OF FACT

1. Section 10.000 Landscaping of the Kingman Zoning Ordinance was adopted under Ordinance No. 1171 on April 20, 1998.
2. This ordinance was intended to require a minimal amount of landscaping for new commercial, industrial, and multiple family developments. Ten-percent of the net site

area is required to be landscaped for new development while an area equal to five-percent of the building area is required to be landscaped for remodels or expansions of existing developments where the improvement costs exceed \$20,000.00 and/or the developed portion of the property exceeds 25-percent of the area.

3. A minimum number of trees and shrubs were required in the landscape areas based upon the amount of required landscape area and number of required parking spaces.
4. No changes to this ordinance have been made since its adoption over 17 years ago.

ANALYSIS

The Planning and Zoning Commission and planning staff have worked for several months on updating the Landscape Ordinance. The purpose of updating the ordinance is to enhance the beauty and attractiveness of the city and to provide developers and staff with additional clarification regarding landscaping requirements. The adoption of specific parking lot landscape design standards is of primary interest. The ordinance currently requires landscaping in parking areas, but there are no specific design standards. The adoption of new design standards for landscaping in parking lots will improve the appearance of the parking lot, reduce the scale and amount of paved areas, provide more shade for vehicles and pedestrians, reduce headlight glare, and add seasonal interest.

Over the course of several months, the commission met with members of the Northwest Arizona Builders Association (NABA) and consulted with local landscape businesses to develop a consensus regarding the draft language of the proposed Landscape Ordinance.

The following time line details the process to revise the Landscape Ordinance:

- **December 9, 2014 and January 13, 2015 P&Z Commission meetings.**
Staff provided research regarding landscape ordinances from other Arizona cities, and provided a comparative analysis of landscaping ordinances in Kingman, Lake Havasu City and Bullhead City. The results of a discussion and feedback between staff and three local landscaping businesses and plant nursery owners were discussed.
- **February 3, 2015 P&Z workshop and February 10, 2015 meeting.**
The commission discussed updating the recommended plant list, the landscape island to parking ratio, requirements for remodeling and expansion of existing buildings, and the maintenance and enforcement requirements. A draft of the proposed text amendment was presented to the commission for review at the meeting of February 10, 2015. At that meeting the commission initiated the text amendment and set a public hearing for March 10, 2015.
- **March 10, 2015 P&Z Commission Public Hearing.**
The commission recommended by a 4-0-1 vote the approval of the revised Landscape Ordinance.
- **April 7, 2015 City Council Public Hearing.**
The Council voted 7-0 to deny the text amendment as proposed by the P&Z Commission and directed that it be sent back for revisions to address concerns expressed by representatives of the Northwest Arizona Builders Association (NABA) and several realtors who previously had not been involved in the drafting of the ordinance language.

- **May 12, 2015 P&Z Commission meeting.**
The commission voted to set up a subcommittee of three P&Z commissioners to meet in a workshop with members of NABA and possibly others in the development community to discuss the proposed ordinance and work out changes to address the expressed concerns.
- **May 28, 2015 Landscape Subcommittee Workshop.**
Two members representing NABA and a landscape contractor met with the subcommittee and came to an agreement on certain changes to the text language for the proposed landscape ordinance. Changes included going back to the net site area for determining the landscape area requirement, creating a definition of “development area” for large properties being redeveloped, clarifying parking lot standards including flexibility regarding the location of the parking lot islands, excluding parking areas used for approved outdoor sales and display areas from the landscape island requirements, adding language which stated that perimeter landscape areas are only required where parking lots of 15 or more spaces abut a street, and clarifying that detention areas may be landscaped and are part of the landscape calculation.
- **June 9, 2015 P&Z Commission meeting.**
P&Z Commission reviewed an updated draft of the Landscape Ordinance containing the revised language discussed during the workshop. The commission reinitiated the text amendment and set a public hearing for July 14, 2015.

The revised proposed text amendment to Section 10.000, if approved, would make the following changes:

1. The repeal process in which an applicant can ask the Planning and Zoning Commission and City Council for a waiver or deferral of the requirements of the landscape ordinance under certain conditions would be repealed. Appeals would still be allowed in the form of a request for a variance that would be heard by the Board of Adjustment.
2. The site plan content and plan submittal requirements are updated and the requirements for ground treatments and plants are revised.
3. The 2:1 credit for landscaping in the right-of-way is repealed. Landscaping in right-of-way would be required in addition to the minimum on-site landscaping.
4. A definition of “development area” for calculating the landscape requirement for remodelings and expansions of existing buildings has been added.
5. The required caliper size for 15-gallon trees is reduced. Desert adapted trees, which are encouraged by the recommended plant list, typically have smaller trunks at the time of planting.
6. A modified version of the existing recommended plant list currently located in Sections 14.000 and 35.000 of the Kingman Zoning Ordinance has been added to the Landscape section.
7. Parking lot landscaping standards are added which are applied to off-street parking lots with 15 or more spaces for all new development. The parking lot landscaping is counted toward the total required landscape area. The standards require landscape islands at

the ends of every parking row as well as one for every 15 parking spaces in a contiguous row. The exact location of the islands may vary in the row. Islands are required to be the size of a typical parking space which normally is 9 feet by 19 feet. Parking areas used exclusively for outdoor sales and display purposes are exempt from the landscape island requirements. Finally, a 10-foot wide landscape buffer area is required around the site perimeter wherever a parking lot with 15 + spaces for new development directly abuts a public street.

8. Artificial turf may be counted towards ten-percent of the minimum landscape area.
9. Irrigation standards are added in which an automatic irrigation system is required, a backflow assembly is required, as well as other system design requirements.
10. Language concerning the extent of the landscape area and protection requirements of landscape areas is added.
11. Storm water detention areas are permitted to be landscaped.
12. An exemption from landscape requirements is permitted when over 95-percent of the gross site is already developed with buildings and parking areas and a building is being remodeled. The exemption does not apply to any expansions of a building beyond the existing building envelope.
13. Changes the time frame for replacement of dead plant material from 90 days to 45 days.
14. Some new language has been proposed regarding the use of weed barriers in landscape areas. The Engineering Department has recommended that permeable landscape fabric or plastic be used instead of sheet plastic in landscape areas. Sheet plastic tends to act as a barrier to water absorption which can affect the amount storm water runoff that is generated by the development of the site. Language has been added under Storm Water Detention which states that if sheet plastic is used, the project engineer will need to take into account the effects this barrier will create when making calculations for the on-site detention requirements. Additional detention may be needed in that situation.

The latest draft of the proposed text amendment is attached to this report. Language proposed to be added is in **bold blue underline**, while language proposed to be removed is ~~struck out in red~~.

RECOMMENDATION

The Planning and Zoning Commission voted 5-0 to recommend amending Section 10.000 LANDSCAPING of the *Zoning Ordinance of the City of Kingman* as shown in Attachment "A".

ATTACHMENTS

1. Attachment "A", proposed text amendment
2. Sections 10.000 and 31.000 of the Kingman Zoning Ordinance

ATTACHMENT “A”

10.000 LANDSCAPING

10.100 INTENT AND PURPOSE

To promote attractive and high quality development, it is the purpose of these regulations to establish standards for landscaping in order to preserve and enhance the natural beauty of the City. Creative, safe, attractive landscaped areas will be encouraged to be installed adjacent to public streets, dispersed throughout parking areas and used to ensure compatibility of adjacent land uses. It is hereby recognized that the effective use of plant landscaping controls dust, glare, and erosion; assists in the screening of objectionable light and noise; visually softens building masses; improves air quality; and helps to create harmony, continuity and the enhancement of property values throughout the community. The style of landscape is not prescribed by the City of Kingman; however, the planting of indigenous, drought tolerant, and low maintenance plants that conserve water and minimize fire hazards will be encouraged.

10.200 APPLICABILITY

These standards shall apply to Commercial, Industrial and Multiple-Family developments in the following manner:

1. This section shall apply to all new commercial, industrial, and multiple-family development.
2. These regulations shall also apply to any redevelopment, addition or remodeling of any multiple-family, commercial, or industrial property that requires a building permit and for which the improvement increases the area of the building or area of the developed portion of the property by twenty-five percent (25%) or more, or for which the improvement costs exceed twenty-thousand dollars (\$20,000.00) in value, based on the City's valuation schedule used to compute building permit fees.
3. Further, these provisions shall apply to any building or site that might require rezoning, variance, or conditional use permit approval.

~~Any appeals to this section shall be presented to the Kingman Planning and Zoning Commission for consideration and action. Appeals shall be submitted in writing to the Planning Director at least fourteen (14) days prior to the commission meeting for which the appeal is to be heard. The City Planning Director shall forward copies of the appeal to the City Manager, City Engineer, and City Public Works Director for review and comment. These officers shall have five (5) working days to review and comment on the request. Upon receipt of the review comments, the City Planning Director will prepare a report to the Planning Commission, outlining the required landscaping improvements, the reason for the appeal, and the review comments, and place the appeal on the next regularly scheduled Kingman Planning and Zoning Commission meeting.~~

~~The Kingman Planning and Zoning Commission may waive or defer the installation of all, or a portion of the required landscaping improvements if it is determined that:~~

- ~~1. Due to topography, the installation of landscaping would pose a fire hazard,~~
- ~~2. Right-of-way area to be landscaped is scheduled for street construction or utility work,~~
- ~~3. Construction of the project is phased and landscaping installation would be better in a later phase,~~
- ~~4. Due to weather conditions, planting should be delayed, or~~

~~5. Required parking limits the area of site available for landscaping.~~

~~If the Commission grants a waiver or deferment, they may designate such conditions as deemed necessary to secure the intent and purpose of these regulations. The decision of the Kingman Planning and Zoning Commission may be appealed to the Kingman Common Council, who would hear this appeal at their next regularly scheduled meeting.~~

10.300 LANDSCAPING PLAN REVIEW

10.310 SITE PLAN CONTENT

A scaled drawing of the site shall be provided showing the ~~site and~~ area, location, and type of ground cover. The drawing shall also show the plant type, size, location and counts for each type of plant ~~and the means and location of irrigation.~~ An irrigation plan shall be provided indicating the layout and details of the irrigation system, including the size of water meter, backflow preventer, and all materials utilized.

10.320 SUBMITTAL OF PLAN

The landscaping plan ~~may~~ shall either be incorporated into the site plan required for building permit purposes, or ~~it may~~ be provided as a separate document within the plan set that is submitted for a building permit. The plans for required landscaped areas will be reviewed for compliance with minimum standards as set forth in this section. The approval of landscaping plans shall also serve as the approval of non-substantial encroachment permits, and right-of-way permits, and those fees shall be waived.

10.400 LANDSCAPING STANDARDS/PROVISIONS

10.410 GENERAL REGULATIONS

A. MINIMUM LANDSCAPED AREAS FOR NEW BUILDINGS, REMODELINGS AND EXPANSIONS OF EXISTING BUILDINGS:

1. For all new development, ten percent (10%) of the net site area shall be provided with on-site landscaping. Landscape areas shall consist of ground treatments including any combination of landscape rock, decomposed granite five-eighths inches (5/8") and above, and/or turf. Landscaped areas shall also include trees, shrubs, vines, succulents, and groundcovers with minimum numbers and sizes specified in Sections 10.410(B) and 10.410(C). ~~Credit will be given for the landscaping/maintenance of public right-of-way at two to one (2:1). Example: One (1) square foot of landscaped right-of-way area will account for two (2) square feet of required landscaping.~~ The portion of the public right-of-way between the property line and public sidewalk shall be similarly landscaped and maintained in addition to the on-site requirements.
2. Remodeling and expansions of existing buildings located on properties that as of September 1, 2015 have less than five percent (5%) of the net site area landscaped shall provide a minimum of on-site landscaping that is equal to five percent (5%) of the ~~gross floor area of the building development area, except where exempt as provided in Section 10.430.~~ The development area includes the gross floor area of the building(s) as well as any parking areas, outdoor display areas, or storage areas that are a part of the building permit approval requirements. Landscape areas shall consist of ground treatments including any combination of landscape rock, decomposed granite five-eighths inches (5/8") and above, and/or turf. Landscaped areas shall also include trees, shrubs, vines, succulents, and groundcovers with minimum numbers and sizes as specified in Sections 10.410(B) and 10.410(C). ~~Credit will be given for the landscaping/maintenance of public right-of-way at two to one (2:1).~~ The portion of the public right-of-way between the

property line and public sidewalk shall be similarly landscaped and maintained in addition to the on-site requirements.

B. MINIMUM PLANT NUMBERS: All landscaped areas shall be composed of any combination of ground cover, shrubs, succulents and trees as set forth below:

1. **Trees:** Minimum of one (1) per five-hundred (500) square feet of required landscaped area. Additionally, a minimum of one (1) tree shall be required within the parking lot for each twenty (20) required parking spaces each landscape island, where required by Section 10.410(E).
2. **Shrubs, Vines, Succulents and Ground Covers:** Minimum of two (2) per three-hundred (300) square feet of required landscaped area. Additionally, a minimum of two (2) shrubs, vines, succulents and/or groundcovers shall be required within the parking lot for each twenty (20) required parking spaces each landscape island, where required by Section 10.410(E).

C. MINIMUM PLANT SIZES:

1. **Trees:** Fifteen (15) gallon size, with ~~two-inch to two-and-one-half inch (2"-1 ½")~~ three-quarter inch to one-and-one-quarter inch (¾" to 1 ¼") caliper at the time of planting. A multiple trunk tree shall have no less than two (2) one-inch (1") caliper trunks.
2. **Shrubby Shrubs, Vines, Succulents and Ground Covers:** Five (5) gallon size, ~~which are minimum.~~ Shrubs, vines, and succulents shall be approximately one (1) to two (2) feet in height and one (1) foot in width at the time of planting.
3. **Vines, Annuals/Perennials, Grasses, and Accent Grasses:** No minimum number or plant size.

D. RECOMMENDED PLANT LIST:

1. See attached Exhibit 1 for a list of recommended plants for Kingman, Arizona. Staff may approve other varieties or alternatives to the listed plants provided they are suitable to the local climate and soil conditions.

E. PARKING LOT LANDSCAPING:

1. Applicability: The following landscaping standards shall apply to all off-street parking lots for all new development containing fifteen (15) or more parking spaces. See also Section 22.000 OFF STREET PARKING AND LOADING REQUIREMENTS. Parking lot landscaping shall be counted as part of the required landscape area.
2. **Design Standards:**
 - a. One (1) landscape island shall be provided at each end of each row of parking spaces between the spaces and the adjacent drive aisle. In addition, one (1) landscape island shall be provided for every fifteen (15) contiguous parking spaces within the parking space row. The specific location of the landscape island may vary within the parking row provided that there are no more than 15 parking spaces in a row without an intervening landscape island.
 - b. Each landscape island shall be a minimum of nine (9) feet in width and be the same length as the adjacent parking space. Where double-row parking areas exist, the landscape islands shall be the length of two parking spaces. All measurements are to the outside face of the curbs.

- c. Radius curbing for landscape islands shall be provided along drive aisles with a minimum four (4) foot radius.
- d. Parking areas used exclusively for outdoor sales and display of automobiles, recreational vehicles, and watercraft shall be exempt from the landscape island requirements. Customer and employee parking areas are not exempt from these requirements.
- e. A landscape area at least ten (10) feet deep shall be provided along the site perimeter between the parking lot area and a street where the parking area directly abuts the street.

F. INSTALLATION:

- 1. For all new construction and additions to existing buildings, landscaping, watering devices, walls and screening structures shall be installed in accordance with the approved final landscape and site plan prior to issuance of a Certificate of Occupancy Permit, or final inspection for the building or use.
- 2. Vegetation shall be selected, planted, and maintained so that at maturity, it will not interfere with utility lines, vehicular parking, pedestrian circulation, site triangles, and will not cause damage of sidewalks, pavement, and underground, overhead, or at grade utility lines and equipment.

G. SITE SIGHT TRIANGLE:

- 1. To ensure that landscape materials do not constitute a driving hazard, a "sight triangle" will be maintained at all street intersections or intersections of driveways with streets. Within this sight triangle, there shall be no visual obstructions. The height of mature landscaping, walls and fences shall not exceed three (3) feet measured from the top of the existing curb grade.
- 2. Trees are permitted within the sight triangle. ~~A, as~~ long as no branches, limbs or leaves are permitted to obscure views between the ground and eight feet above ground. See Figure 1, Section 26.000: GENERAL DEVELOPMENT STANDARDS.

H. PROHIBITED PLANTS: Due to pollen/seeds which can aggravate allergies and other health problems:

- 1. *Fruiting* Mulberry or Olive is prohibited.
- 2. *Fruitless* varieties of Mulberry or Olive are *not* prohibited.

10.420 DESIGN ELEMENTS

A. ARTIFICIAL LANDSCAPE: For water conservation purposes, artificial turf may be a maximum of ten percent (10%) of the required minimum landscape area. Other artificial landscape materials such as; artificial trees, shrubbery, turf or plants shall not count toward the required landscape area.

~~B. An appropriate irrigation system shall be provided to all landscaped areas.~~ IRRIGATION STANDARDS:

- 1. All landscape areas containing living plant materials shall be supported by an automatic irrigation system.
- 2. A backflow prevention assembly shall be provided with the installation of all irrigation systems according to standard details adopted by the City of Kingman.

3. Under certain soil conditions, irrigation systems shall be located a minimum distance from structures as may be recommended by a geotechnical report.
 4. All irrigation systems and landscape areas shall be designed, constructed, and maintained to promote water conservation, and to prevent water overflow or seepage into the street, sidewalk, or parking areas.
- C. **EXTENT OF LANDSCAPING AREAS:** Any part of a site not graded, developed, and used for buildings, parking, driveways, sidewalks, utilities, stormwater detention areas, and approved storage shall be retained in its present vegetative natural state or landscaped.
- D. ~~All landscaped areas adjacent to vehicular parking and access areas shall be protected from vehicular traffic.~~ **PROTECTION OF LANDSCAPE AREAS:** All landscape areas and islands adjacent to vehicular parking and access drives shall be protected from vehicular traffic by the provision of concrete curbs, except where curb breaks are necessary to accommodate stormwater drainage flows from the parking lot into retention areas.
- E. **OUTDOOR LIGHTING:** Installation of outdoor lighting in conjunction with landscaped areas shall adhere to the ~~City of Kingman~~ OUTDOOR LIGHTING CODE, Section 34.000, of the City of Kingman Zoning Ordinance.
- F. **STORM WATER DETENTION:** Storm water detention areas, including detention areas located in perimeter landscape areas, defined in Section 10.410(E)2(e), may be landscaped in accordance with the requirements of this code. When used, weed barriers, such as landscape fabric, should be permeable to aid in the absorption of storm water generated by the development on-site. If non-permeable sheet plastic is used in landscape areas, the project engineer shall account for the effects on runoff when calculating the storm water detention required for the site.

10.430 EXEMPTION

Properties with over ninety-five percent (95%) of the gross site area developed with buildings, off-street parking, sidewalks, and other similar hardscape are exempt from the requirements of 10.410(A)2 when a building is being remodeled. However, any expansion of the existing building envelope or the construction of additional buildings on the same property remains subject to the requirements of 10.410(A)2.

~~10.430~~ 10.440 MAINTENANCE

Maintenance of all landscaping shall be the responsibility of the owner, lessee, heirs, assigns, agent, or other liable entity of the property. Landscaped areas shall be regularly maintained, including pruning, mowing, weeding, trimming, watering, refuse removal, fertilizing, and maintenance of the irrigation systems, to create an attractive appearance for the development. Any dead plant material shall be replaced by the property owner within ~~ninety (90)~~ forty-five (45) days of its demise.

Public and private utilities will be responsible for the replacement and repair of landscaping materials specifically damaged by their construction in the public right-of-way. However, unless otherwise specified, the continuing maintenance of landscaping in the public right-of-way is the responsibility of the adjacent property owner.

~~10.440~~ 10.450 ENFORCEMENT

Any person violating any of the provisions of this ordinance shall be guilty of a zoning violation and upon conviction shall be subject to penalties as outlined in Section 32.000: SEPARABILITY of the Kingman Zoning Ordinance.

EXHIBIT 1
RECOMMENDED PLANT LIST
For Kingman, Arizona

For further information and advice, please contact the Mohave County University of Arizona Cooperative Extension Office or local area plant nurseries and landscape professionals.

*Asterisk indicates trees not recommended within parking lot islands or adjacent to sidewalks due to thorns and/or surface rooting tendencies that can disrupt paved surfaces.

TREES

<u>COMMON NAME</u>	<u>SCIENTIFIC NAME</u>
<u>*Afghan Pine (Mondel, Goldwater)</u>	<u>Pinus eldarica</u>
<u>*Aleppo Pine</u>	<u>Pinus halepensis</u>
<u>*American Sycamore</u>	<u>Platanus occidentalis</u>
<u>*Arizona Ash</u>	<u>Fraxinus velutina</u>
<u>Arizona Cypress</u>	<u>Cupressus arizonica</u>
<u>*Arizona Sycamore</u>	<u>Platanus racemosa wrightii</u>
<u>*Arizona Velvet Mesquite</u>	<u>Prosopis velutina</u>
<u>*Berrinda Ash</u>	<u>Fraxinus velutina Berrinda</u>
<u>*Black Locust</u>	<u>Robinia pseudoacacia</u>
<u>*Catclaw Acacia</u>	<u>Acacia greggii</u>
<u>Chinese Pistache</u>	<u>Pistacia chinensis</u>
<u>Cork Oak</u>	<u>Quercus suber</u>
<u>Desert Willow</u>	<u>Chilopsis linearis</u>
<u>Eastern Redbud</u>	<u>Cercis canadensis</u>
<u>Edible Fig</u>	<u>Ficus carica</u>
<u>Evergreen Elm</u>	<u>Ulmus parvifolia</u>
<u>*Fan-Tex Ash</u>	<u>Fraxinus velutina Rio Grande</u>
<u>*Fruitless Mulberry</u>	<u>Morus alba</u>
<u>*Hybrid Cottonwood</u>	<u>Populus deltoides sel siouxland</u>
<u>Hybrid Palo Verde</u>	<u>Parkinsonia hybrid var.</u>
<u>Italian Cypress</u>	<u>Cupressus sempervirens</u>
<u>*Italian Stone Pine</u>	<u>Pinus pinea</u>
<u>*Japanese Black Pine</u>	<u>Pinus thunbergeri</u>
<u>*Mesquite</u>	<u>Prosopis juliflora</u>
<u>Mexican Elderberry</u>	<u>Sambucus caerulea mexicana</u>
<u>Mexican Palo Verde</u>	<u>Parkinsonia aculeata</u>
<u>Pecan</u>	<u>Carya illinoinesis</u>
<u>*Pinyon Pine</u>	<u>Pinus edulis</u>
<u>*Raywood Ash</u>	<u>Fraxinus oxycarpa Raywood</u>
<u>Red Push Pistache</u>	<u>Pistacia x Red Push</u>
<u>*S. American Hybrid Mesquite</u>	<u>Prosopis alba</u>
<u>Southern Live Oak</u>	<u>Quercus virginiana</u>
<u>*Sweet Acacia</u>	<u>Acacia smallii</u>
<u>*Texas Mesquite</u>	<u>Prosopis glandulosa</u>
<u>Thornless Honey Locust</u>	<u>Gleditsia triacanthos inermis</u>
<u>Western Hackberry</u>	<u>Celtis laevigata v. reticulata</u>
<u>Western Redbud</u>	<u>Cercis occidentalis</u>
<u>*White Thorn Acacia</u>	<u>Acacia constricta</u>

SHRUBS AND VINES

COMMON NAME

Apache Plume
Arizona Yellow Bell
Arizona Grape
Arizona Rosewood
Cassia
Cats Claw
Chuparosa
Common Myrtle
Cotoneaster
Creosote Bush
Crepe Myrtle
Desert Broom
Desert Honeysuckle
Dwarf Coyote Brush
Dwarf Periwinkle
Euonymus
Fairy Duster
Flame Honeysuckle
Firethorn
Four-Wing Saltbush
Globe Mallow
Goldflame Honeysuckle
Grape Ivy
Greythorn
Hop Bush
Indian Marrow
Indigo Bush
Japanese Wisteria
Junipers (many species)
Lady Bank's Rosea
Lilac
Menodora
Mexican Buckeye
Mexican Oregano
Mountain Mahogany
New Mexico Privet
Nandina
Ocotillo
Oleander
Pampas Grass
Pomegranate
Pyracantha
Red Bird of Paradise
Sage – Texas Ranger
Salvia (many species)
Siberian Peashrub
Silverberry
Spanish Broom

SCIENTIFIC NAME

Fallugia paradoxa
Tecoma stans v. angustata
Vitis arizonica
Vauquelinia californica
Cassia spp.
Macfadyena unguis-cati
Justicia californica
Myrtus communis
Cotoneaster horizontalis
Larrea tridentata
Lagerstromia indica
Baccharis sarothroides
Anisacanthus thurberi
Baccharis pilularis
Vinca minor
Euonymus japonica
Calliandra eriophylla
Anisacanthus quadrifidus
Pyracantha walderi
Atriplex canescens
Sphaeralcea coccinea
Lonicera heckrottii
Cissus trifoliata
Ziziphus obtusifolia
Dodonaea viscosa
Abutilon palmeri
Dalea bicolor
Wisteria floribunda
Juniperus spp.
Rosa banksiae
Syringa vulgaris
Menodora scabra
Unghadia speciosa
Aloysia wrightii
Cercocarpus montanus
Forestiera neomexicana
Nandina domestica
Fouquieria splendens
Nerium oleander
Cortaderia spp.
Punica granatum
Pyracantha coccinea
Caesalpinia pulcherrima
Leucophyllum frutescens
Salvia spp.
Caragana arborescens
Eleagnus pungens
Genista hispanica

Sugar Bush
Texas Mountain Laurel
Trailing Dalea
Triangle Bursage
Trumpet Flower
Utah Serviceberry
Viburnum
Violet trumpet vine
Virginia Creeper
Waxleaf Privet
White Bursage
Winterfat
Wright Silktassel
Woolly Butterfly Bush
Yellow Bird of Paradise
Yellow Orchid Vine

Rhus ovata
Sophora secundiflora
Dalea greggii
Franseria deltoides
Tecoma stans
Amelanchier utahensis
Viburnum tinus and
Robustum
Clytostoma callistegioides
Parthenocissus inserta
Ligustrum japonicum
Franseria dumosa
Ceratoides lanata
Garrya wrightii
Buddleia marrubiifolia
Caesalpinia gilliesii
Callaeum macropterum

GROUND COVERS

COMMON NAME

Gazania
Germander
Ice Plant
Lippia
Peruvian Verbena
Rosemary
Saltillo Primrose
Santolina
Star Jasmine
Stonecrop
Thyme
Tufted Evening Primrose

SCIENTIFIC NAME

Gazania ringens
Teucrium chamaedrys
Cephalophyllum
Lippia canescens
Verbena peruviana
Rosmarinus officinalis
Oenothera stubbei
Santolina chamaecyparissus
Trachelospermum jasminoids
Sedum spp.
Thymus
Oenothera caespitosa

SUCCULENTS

COMMON NAME

Agave (many species)
Bigelow Nolina
Candelilla
Century Plant
Desert Milkweed
Desert Spoon
Giant Hesperaloe
Grass Tree
Joshua Tree
Yucca (many species)

SCIENTIFIC NAME

Agave spp.
Nolina bigelovii
Euphorbia antisiphilitica
Agave chrysantha
Asclepias subulata
Dasyilirion wheeleri
Hesperaloe funifera
Dasyilirion longissimum
Yucca brevifolia
Yucca spp.

ANNUALS/PERENNIALS

COMMON NAME

SCIENTIFIC NAME

African Daisy
Alyssum
California Poppy
Desert Marigold

Arctotis spp.
Alyssum spp.
Eschscholzia californica
Baileya multiradiata

GRASSES AND ACCENT GRASSES

COMMON NAME

SCIENTIFIC NAME

Bamboo Muhly
Bear Grass
Bermuda Grass (Turf varieties)
Blue Gama
Bull Grass
Clover
Deer Grass
Dichondra
Eulalia Grass
Japanese Blood Grass
Mexican Feather Grass
Mondo Grass
Pink Muhly
Ryegrass
Sideoats Grama
Tall Fescue Grass

Muhlenbergia dumosa
Nolina microcarpa
Cynodon daetylon
Bouteloua gracilis
Muhlenbergia emersleyi
Tritolium spp.
Muhlenbergia rigens
Dichondra carolinensis
Miscanthus sinensis
Imperata cylindrical
Nassella tenuissima
Ophiopogon japonicus
Muhlenbergia capillaries
Lolium multiflorum
Bouteloua curtipendula
Festuca arundinacea

10.000 LANDSCAPING

10.100 INTENT AND PURPOSE

To promote attractive and high quality development, it is the purpose of these regulations to establish standards for landscaping in order to preserve and enhance the natural beauty of the City. Creative, safe, attractive landscaped areas will be encouraged to be installed adjacent to public streets, dispersed throughout parking areas and used to ensure compatibility of adjacent land uses. It is hereby recognized that the effective use of plant landscaping controls dust, glare, and erosion; assists in the screening of objectionable light and noise; visually softens building masses; improves air quality; and helps to create harmony, continuity and the enhancement of property values throughout the community. The style of landscape is not prescribed by the City of Kingman; however, the planting of indigenous, drought tolerant, and low maintenance plants that conserve water and minimize fire hazards will be encouraged.

10.200 APPLICABILITY

These standards shall apply to Commercial, Industrial and Multiple-Family developments in the following manner:

1. This section shall apply to all new commercial, industrial, and multiple-family development.
2. These regulations shall also apply to any redevelopment, addition or remodeling of any multiple-family, commercial, or industrial property that requires a building permit and for which the improvement increases the area of the building or area of the developed portion of the property by twenty-five percent (25%) or more, or for which the improvement costs exceed twenty-thousand dollars (\$20,000.00) in value, based on the City's valuation schedule used to compute building permit fees.
3. Further, these provisions shall apply to any building or site that might require rezoning, variance, or conditional use permit approval.

Any appeals to this section shall be presented to the Kingman Planning and Zoning Commission for consideration and action. Appeals shall be submitted in writing to the Planning Director at least fourteen (14) days prior to the commission meeting for which the appeal is to be heard. The City Planning Director shall forward copies of the appeal to the City Manager, City Engineer, and City Public Works Director for review and comment. These officers shall have five (5) working days to review and comment on the request. Upon receipt of the review comments, the City Planning Director will prepare a report to the Planning Commission, outlining the required landscaping improvements, the reason for the appeal, and the review comments, and place the appeal on the next regularly scheduled Kingman Planning and Zoning Commission meeting.

The Kingman Planning and Zoning Commission may waive or defer the installation of all, or a portion of the required landscaping improvements if it is determined that:

1. Due to topography, the installation of landscaping would pose a fire hazard,
2. Right-of-way area to be landscaped is scheduled for street construction or utility work,
3. Construction of the project is phased and landscaping installation would be better in a later phase,
4. Due to weather conditions, planting should be delayed, or
5. Required parking limits the area of site available for landscaping.

If the Commission grants a waiver or deferment, they may designate such conditions as deemed necessary to secure the intent and purpose of these regulations. The decision of the Kingman Planning and Zoning Commission may be appealed to the Kingman Common Council, who would hear this appeal at their next regularly scheduled meeting.

10.300 LANDSCAPING PLAN REVIEW

10.310 SITE PLAN CONTENT

A scaled drawing showing the site and plant type, size, location and counts for each type of plant, and the means and location of irrigation.

10.320 SUBMITTAL OF PLAN

The landscaping plan may be incorporated into the site plan required for building permit purposes, or it may be provided as a separate document. The plans for required landscaped areas will be reviewed for compliance with minimum standards as set forth in this section. The approval of landscaping plans shall also serve as the approval of non-substantial encroachment permits, and right-of-way permits, and those fees shall be waived.

10.400 LANDSCAPING STANDARDS/PROVISIONS

10.410 GENERAL REGULATIONS

MINIMUM LANDSCAPED AREAS FOR NEW BUILDINGS AND EXPANSIONS:

1. For all new development, ten percent (10%) of the net site area shall be provided with on-site landscaping. Credit will be given for the landscaping/maintenance of public right-of-way at two-to-one (2:1). Example: One (1) square foot of landscaped right-of-way area will account for two (2) square feet of required landscaping.
2. Remodeling and expansions of existing buildings that have less than five percent (5%) of the net site area landscaped shall provide a minimum of on-site landscaping equal to five percent (5%) of the gross floor area of the building. Credit will be given for the landscaping/maintenance of public right-of-way at two-to-one (2:1).

MINIMUM PLANT NUMBERS: All landscaped areas shall be composed of any combination of ground cover, shrubs, and trees as set forth below:

1. **Tree:** Minimum of one (1) per five-hundred (500) square feet of required landscaped area. One (1) tree shall be required within the parking lot for each twenty (20) required parking spaces.
2. **Shrub:** Minimum of two (2) per three-hundred (300) square feet of required landscaped area. Two (2) shrubs shall be required within the parking lot for each twenty (20) required parking spaces.

MINIMUM PLANT SIZES:

1. **Trees:** Fifteen (15) gallon size, with two inch to two-and-one half inch (2":1 ½") caliper at the time of planting. A multiple trunk tree shall have no less than two (2) one inch (1") caliper trunks.
2. **Shrubbery:** Five (5) gallon size, which are approximately one (1) to two (2) feet in height and one (1) foot in width at the time of planting.

3. **Vines, Annuals/Perennials, Grasses, and Accent Grasses:** No minimum plant size.

INSTALLATION:

1. For all new construction and additions to existing buildings; landscaping, watering devices, walls and screening structures shall be installed in accordance with the approved final landscape and site plan prior to issuance of a Certificate of Occupancy Permit, or final inspection for the building or use.
2. Vegetation shall be selected, planted, and maintained so that at maturity, it will not interfere with utility lines, vehicular parking, pedestrian circulation, site triangles, and will not cause damage of sidewalks, pavement, and underground, overhead, or at grade utility lines and equipment.

SITE TRIANGLE: To ensure that landscape materials do not constitute a driving hazard, a "sight triangle" will be maintained at all street intersections or intersections of driveways with streets. Within this sight triangle; there shall be no visual obstructions. The height of mature landscaping, walls and fences shall not exceed three (3) feet measured from the top of the existing curb grade. Trees are permitted within the sight triangle. As long as no branches, limbs or leaves are permitted to obscure views between the ground and eight feet above ground. See Figure 1, Section 26.000: GENERAL DEVELOPMENT STANDARDS.

PROHIBITED PLANTS: Due to pollen/seeds which can aggravate allergies and other health problems:

Fruiting Mulberry or Olive is prohibited.

Fruitless varieties of Mulberry or Olive are ***not*** prohibited.

10.420 DESIGN ELEMENTS

Artificial landscape materials such as; artificial trees shrubbery, turf or plants shall not count toward the required landscape area.

An appropriate irrigation system shall be provided to all landscaped areas.

Any part of a site not used for buildings, parking, driveways, sidewalks, utilities and approved storage shall be retained in its present vegetative natural state or landscaped.

All landscaped areas adjacent to vehicular parking and access areas shall be protected from vehicular traffic.

Installation of outdoor lighting in conjunction with landscaped areas shall adhere to the City of Kingman **OUTDOOR LIGHTING CODE**, Section 34.000, of the Zoning Ordinance.

10.430 MAINTENANCE

Maintenance of all landscaping shall be the responsibility of the owner, lessee, heirs, assigns, agent, or other liable entity of the property. Landscaped areas shall be regularly maintained, including pruning, mowing, weeding, trimming, watering, refuse removal, fertilizing, and maintenance of the irrigation systems, to create an attractive appearance for the development. Any dead plant material shall be replaced by the property owner within ninety (90) days of its demise.

Public and private utilities will be responsible for the replacement and repair of landscaping materials specifically damaged by their construction in the public right-of-way. However, unless otherwise specified, the continuing maintenance of landscaping in the public right-of-way is the responsibility of the adjacent property owner.

10.440 ENFORCEMENT

Any person violating any of the provisions of this ordinance shall be guilty of a zoning violation and upon conviction shall be subject to penalties as outlined in Section 32.000: SEPARABILITY of the Kingman Zoning Ordinance.

31.000 AMENDMENTS AND ZONE CHANGES

31.100 AMENDING THE ORDINANCE

Whenever the public necessity, convenience, and/or the general welfare of good zoning practices justifies such action, this Ordinance may be amended by changing the boundaries of zone districts, (hereinafter referred to as zone changes or changes of zone) or by amending any provision of the Ordinance. Zone changes or amendments may be initiated by the City Council or by the Planning and Zoning Commission or by an application of the owner of any property within the area proposed to be changed, or a request can be made by a citizen for an amendment.

31.110 GENERAL PLAN CONFORMANCE

All amendments which change the boundaries of any zoning district or change the text of the Zoning Ordinance must conform to the adopted General Plan of the City of Kingman. Any ordinance amending this ordinance shall further the implementation of, and not be contrary to the goals, policies, and applicable elements of the Plan. A zoning map amendment conforms to the land use element of the General Plan if it proposes land uses, densities, or intensities within the range for the subject property as stated in the General Plan or any amendments thereto.

31.120 APPLICATION

Application for a change of zone shall be made on a form provided by the City of Kingman. Fees shall be paid for such application according to the adopted schedule for such requests.

31.130 ACCOMPANYING MAPS AND DATA

Application for a change of zone shall be made accompanied by maps showing the subject property as well as the surrounding area, and a list of names and addresses of abutting property owners. All maps, applications and data will be available for public inspection upon submittal to the Planning Agency.

31.200 PUBLIC HEARING

The legislative body of the City, (the Mayor and Common Council), has adopted the following citizen review and participation process that applies to all rezoning cases. By law and policy the rezoning process is designed to give the greatest opportunity possible for citizen participation in such a public process. In the event of doubt regarding participation, more, not less public participation shall be the standard.

The purpose of the citizen participation process is to:

1. Ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts their application may have on the community;
2. Ensure that the citizens and property owners of Kingman have an adequate opportunity to learn about applications that may affect them and to work with applicants to resolve concerns at an early stage of the process; and
3. Facilitate ongoing communications between the applicant, interested citizens and property owners, City staff, and elected officials throughout the application review process.

The citizen participation plan is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors and to allow for informed decision making.

The process includes the following elements:

1. Two public hearings will be held on all rezoning cases and proposed text amendments. The first hearing will be before the Planning and Zoning Commission. The second hearing will be before the Mayor and Common Council.
2. A written notice on any proposed rezoning will be sent by first-class United States Postal Service mail to all property owners of record according to the most recent Mohave County Assessors rolls, within a minimum of 300 feet of any point of the property being proposed for rezoning. The notice will describe the proposed action, will include a map, and will state that public comment is encouraged before or during the public hearing. Other notices may be sent beyond the above described radii, if a person places his or her name on the notification list and pays \$5.00 a year.
3. A public notice poster, giving the time, date and location of the Planning and Zoning Commission and the Common Council public hearings, will be posted on the property in question in at least one location, if the property is less than one acre, at least 15 days before the Planning and Zoning Commission public hearing. If the property which is the subject of the rezoning request is greater than one acre, a minimum of two notices will be posted. Posted notices will be placed in such location as to afford the public the best opportunity to see the notice. In some cases the location affording the best opportunity to see the notice. In some cases the location affording the best opportunity for public view may be in front of or beyond the actual boundaries of the property being proposed for rezoning. The posted notice shall be printed so that the following are visible from a distance of one hundred feet: the word "zoning", the present zoning district classification, the proposed zoning district classification and the date and time of the hearing and state a location and phone number from which additional information can be received.

A public notice, display advertisement of not less than one-eighth page in size shall be published at least once in the newspaper of general circulation in the City of Kingman and surrounding area. The notice will be published not less than 15 days before the Planning and Zoning Commission public hearing and will provide information about the date, time and place of the proposed Common Council hearing, which will be held at least 10 days after the Commission hearing.

4. Adjacent land owners and all other potentially affected citizens will be provided an opportunity to express an opinion on any issue or concern they may have with the proposed rezoning prior to the hearing or during the hearing. Such persons may submit oral or written comments or testimony that can be presented to the Commission or Common Council.
5. In proceedings involving rezoning of land which abuts other municipalities or unincorporated areas of the county or a combination thereof, copies of the notices of the public hearing shall be transmitted to the Planning Agency of such governmental unit such land.
6. In addition to notice by publication, mailed notices and property postings, the City of Kingman, and its Planning and Zoning Commission reserve the right to give notice of the hearing in such other manner as it may be deemed necessary in the public interest. The Commission always encourages any person proposing a rezoning to contact surrounding property owners or neighbors to ascertain and possibly address issues and concerns before the public hearings. Such contacts could include neighborhood meetings or other methods of address citizen comments.

31.300 RECOMMENDATION OF THE PLANNING AND ZONING COMMISSION

After the public hearing, the Planning and Zoning Commission shall make a report and recommendation to the Common Council. This report shall be made by forwarding the applications for amendment to the City Council with the appropriate recommendations, unless the applicant shall request that the application be withdrawn. The Commission recommendation shall be reviewed at the Council public hearing. If the Planning and Zoning Commission cannot make a recommendation comments on both sides of the issue shall be presented to the Common Council.

31.400 CONSIDERATION BY COMMISSION

In considering any request for a change of the Official Zoning Map or text of this ordinance, the Planning and Zoning Commission shall find that the following conditions prevail before recommending approval of the change be granted:

1. If the request is for an Official Zoning Map Amendment:
 - A. That there is a real need in the community or area for the types of uses permitted in the proposed zoning district requested and if there are parcels in the area that already designated with the proposed zoning district that more area is needed for the uses allowed in the proposed zoning district.
 - B. That the property involved in the proposed change of zoning district designation is more suitable for the purposes permitted in the proposed change of zone than is permitted in the present zone classification.
 - C. That the proposed change of zoning district designation would not be detrimental in any way to persons or property in the surrounding area, nor to the community in general.
 - D. That the proposed change of zone is in conformance with the General Plan of the City of Kingman, not merely consistent with the General Plan.
2. If the request is a text amendment, the Planning and Zoning Commission shall find that the proposed text amendment is in conformance with and will better achieve the goals and objectives of the adopted general plan.

31.410 PLANNING AND ZONING COMMISSION OPTIONS

The Planning and Zoning Commission, based on the evidence submitted and its own study and knowledge of the circumstances involved, may recommend approval or denial of a requested amendment or may recommend that only a portion of the request for a change of zone be granted.

The Planning and Zoning Commission may also recommend a lesser intensity zoning of the same type requested. However, the Planning and Zoning Commission may not increase the intensity of the noticed request without a new public hearing with proper notice given in accord with this Section.

31.420 PLANNING AND ZONING COMMISSION'S RECOMMENDATION

The Commission in its consideration of any request for a change of zone may recommend to the City Council that if certain conditions concerning the development of the subject property and adjoining streets are first met, that said property would then be suitable for a change of zone.

The Common Council may approve a change of zone conditioned upon a schedule for development of the specified use or uses for which rezoning is requested. If at the expiration of the period the property has not been improved for the use for which it was conditionally approved, the legislative body, after notification by certified mail to the owner and applicant who requested the rezoning, shall schedule a public hearing to take administrative action to extend, remove, or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.

31.500 COMMON COUNCIL PUBLIC HEARING AND ACTION

The Common Council shall hold a second, separate public hearing from the Planning and Zoning Commission's public hearing to consider the recommendation of the Planning and Zoning Commission. The Common Council may take testimony and may consider matters not necessarily heard by the Planning and Zoning Commission. The Common Council may accept, modify, or reject the Planning and Zoning Commission recommendation based on information it received at the public hearing and knowledge the Common Council has of the matter. The Common Council may also return the request to the Planning and Zoning Commission for further consideration of issues as directed by the Common Council. Any Common Council modification to the requested official zoning map or zoning ordinance text amendment may include: reducing the area on the Official Zoning Map to be amended, modifying conditions of the rezoning request, or reducing the zoning district amendment to a less intense zoning district; or in the case of a zoning text amendment, reduce the intensity of the amendment.

The Common Council may sustain a Planning and Zoning Commission denial of a zoning case. If the Common Council wishes to approve a zoning case that the Planning and Zoning Commission recommended denial, the Common Council shall direct the preparation of an Ordinance for consideration at the next Council meeting.

The Common Council shall not change any property from the requested zoning district classification requested in the application to another zoning district classification that imposes any regulations not imposed by the zoning district requested or that removes or modifies any such regulations previously imposed on the property without following the procedure specified in Section 31.200 of this ordinance.

No rezoning or conditional use permit case that is the same or substantially the same (in site size or intensity or text) as a request which has been denied by the Common Council or was overturned by referendum shall be filed within one (1) year of the date of the Common Council's decision or referendum vote, whichever is greater.

31.600 PROTEST PROVISION

In the event that a written protest against a proposed amendment is filed with the City of Kingman Development Services Department or the City Clerk, no later than the close of business of the day preceding the date set for any Council hearing on the application for amendment, by the owners of twenty (20) percent or more, either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear or any side thereof extending one hundred fifty (150) feet therefrom, or if those directly opposite thereto extending one hundred fifty (150) feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of at least three-fourths of all members of the City Council, If any members of the governing body are unable to vote on such a question because of a conflict of interest, then the required number of votes for passage of the question shall be three-fourths of the remaining membership of the governing body, provided that such required number of votes shall in no event be less than a majority of the full membership of the legally established governing body.

31.700 CLASSIFICATION OF NEW ADDITIONS

All new additions and annexations of land to the City of Kingman shall be zoning classifications which permit densities and uses no greater than those permitted by the county immediately before annexation. Subsequent changes in zoning of the annexed territory shall be made as specified in this Chapter for the rezoning of land.

31.800 ADMINISTRATIVELY IMPOSED DEDICATIONS OR EXACTIONS

It is the policy of the City of Kingman that exactions and/or dedications requirements are made only when there is a direct, rational relationship (rough proportionality) between the increase in density and/or intensity of a development and their exaction and dedication.

Exactions and dedications are required by the City of Kingman only through the final actions of the Common Council action on rezoning cases or conditional use cases. Dedications and/or exactions will be clearly outlined in either an ordinance for a rezoning case or resolution for a conditional use case and will be in rough proportionality to the project impacts. These will not be calculated with mathematical precision but will be shown to be direct and rational relationships.

The Planning and Zoning Commission may recommend to the Common Council a necessary dedication and/or exaction that is rationally related to the increase in intensity or density or as may be reasonably required for public, health, safety and welfare. Property owners will not be asked to bear a burden far beyond that which the development impacts the community.

Administrative agencies of the City of Kingman, including but not limited to the Planning, Engineering, Building Safety, or Public Works Departments are not authorized to require a dedication or exaction as a condition of obtaining a building permit without an express authorization in ordinance or resolution as appropriate.

CITY OF KINGMAN COMMUNICATION TO COUNCIL



TO: Honorable Mayor and Council Members

FROM: Jackie Walker, Intergov

MEETING DATE: August 4, 2015

AGENDA SUBJECT: 2016 League Resolutions

SUMMARY: 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.

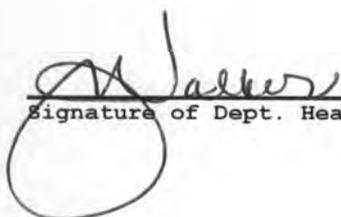
Attached you will find a summary chart of each of the proposed resolutions and a full text version, which also provides you with a brief overview of the discussion and recommendation by the League Policy Committees. Resolutions adopted to move forward by the Policy Committees will appear as resolutions on the agenda for the Resolutions Committee meeting on August 18th at 1:30 p.m. in Tucson, in conjunction with the annual League conference. Mayor Anderson will represent Kingman at this meeting and will be voting on each of the proposed resolutions. The purpose of this communication is to acquaint Council on the resolutions, to provide a forum for possible discussion, and to provide the Mayor guidance on any of the resolutions.

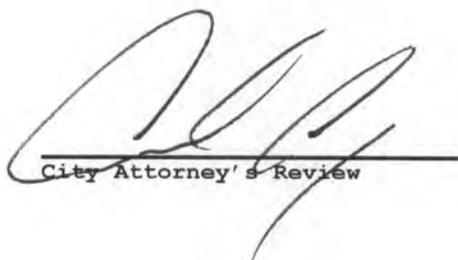
To simplify tonight's discussion, it is suggested that the Council as a whole discuss any policy differences with any one of the League Policy Committee's recommendations and provide guidance to the Mayor on just those differences.

ATTACHMENT: 2016 League Resolutions Summary, Full text of each of the proposed resolutions to include The Yardstick prepared for GAHRE #1

RECOMMENDED ACTION:

- Move to approve the recommendations of the League Policy Committees;
- OR -
- Move to approve the recommendations of the League Policy Committees with exceptions accompanied by direction to the Mayor.


Signature of Dept. Head


City Attorney's Review


City Manager's Review

AGENDA ITEM: 6cc

SUMMARY OF 2016 LEAGUE RESOLUTIONS:

- BFED #1 – Renewable Energy and Conservation Financing Districts: establishes a statutory mechanism enabling local governments to create renewable energy and conservation financing districts for commercial properties. This enables local governments the ability to facilitate the financing mechanism for property owners to opt-in to use the mechanism to finance their own energy efficiency improvements, renewable energy installation, and water conservation improvements. It also supports the requirements of A.R.S. 9-461.05 which directs cities over 50,000 populations to adopt energy efficiency elements in their general plan. **Staff recommends support.**
- BFED #2 – Economic Development Reimbursement Authority (EDRA): seeks to allow and towns to invest in infrastructure and other improvements in a designated area, and pay for the investments via the increased property tax revenue generated by the new development. The tool is designed to be a financing mechanism that reimburses eligible projects costs using the incremental gains attributed to project activity. **Staff recommends support, but not beneficial to Kingman as we have no primary property tax.**
- GAHRE #1 – Public Safety Pension Reform: recommends conducting a thorough reform of the PSPRS System based on the principles provided by the PSPRS Task Force in the Yardstick document adopted by the League of Arizona Cities and Towns Executive Committee (see attached). The Yardstick provides a tool to evaluate proposals related to PSPRS reform by providing criteria that are vital to a healthy system. This also includes specific aid for cities and towns to deal with unfunded liability of the system, such as providing an exemption to the state expenditure limit related to the unfunded liability of PSPRS for individual cities and towns as well as authority for cities and towns to finance unfunded liability. **Staff recommends support of the concept of evaluation of proposals related to PSPRS being evaluated for long term impact before the program is put into place and of pension reform. The overall impact of any final reform legislation from the Pension Taskforce is yet to be determined.**
- GAHRE #2 – Public Record Requests: seeks to amend A.R.S. § 39-121.01 to allow cities and towns to place reasonable balances on public record requests that are overbroad or abusive and on the frequency on requests. The Resolution seeks to give municipalities the ability, in limited instances, to place reasonable restrictions on the number or frequency of requests made by a single individual and to limit certain requests such as those with a broad scope or that cover an extensive time period, and where the individual is unwilling to narrow the request. This has been an ongoing League Resolution for many years and with support of newspaper association was introduced into legislation last year as SB1339. The bill passed the Senate and upon a hearing in the House was struck and replace by a ballot abuse issue bill. **Staff has been neutral on this issue.**
- GAHRE #3 – Annexation, Signature, Valuation: seeks to make the requirements for annexation a more simple and flexible process by amendments to the excessive signature requirements and the requirement to obtain signatures from utility companies, and other entities, that do not own real property in the proposed annexation area. Additionally, this Resolution seeks to amend the assessed valuation threshold. Cities and towns are required to meet an assessed valuation threshold; but when the city or town does not levy a property tax, the value of the property is irrelevant. This is a repeat resolution of the last few years; it makes it into bill hopper, but fails to receive a committee hearing. **Staff recommends continued support.**

- GAHRE #4 – Annexation, Width and Length: seeks relief from the proportional width and length requirements of current annexation statute if the minimum adjoining boundary of the property meets the minimum 300 foot requirement, there is a single property owner, and both the city or town and the property owner desire annexation, thus allowing the annexation of the entire parcel in one process. This concept made it into the bill hopper in 2014, passed out of the House, passed out of Senate committees, but was struck in Senate COW changing the entire bill. **Staff recommends support.**
- GAHRE #5 – Retention and Detention Basins: urges the legislature to explore methods to finance the operation and maintenance of retention and detention basins including amending A.R.S. § 48-574 to authorize retention and detention basin improvement districts to levy and expend money to operate, maintain, repair and improve retention and detention basins within a municipality. Off-site retention, which benefits only a small, localized area, is often subsidized by landowners outside of the area receiving the benefit (and who may already bear the burden of on-site retention on their parcel). This was adopted as part of the municipal policy statement last year, but didn't get into the bill hopper. **Staff recommends continued support.**
- NSQL #1 – AZ State Parks, Operation and Maintenance: urges the legislature to partner with cities and towns for the operation and maintenance of Arizona State Parks under long term leases, for a nominal amount, and participate financially by providing for a dedicated funding mechanism to share a portion of the costs. Has been a League resolution and adopted as part of the municipal policy statement for years. **Staff recommends continued support. While we have no state parks in our area, state parks are vital to the economy of our state.**
- NSQL #2 – Restore the AZ Housing Trust Fund: recommends restoration of the Arizona Housing Trust Fund. Due to the budgetary restraints of the recent recession, the Trust Fund was capped at \$2.5 million significantly down from \$30 million of prior years. Restoration of the Trust Fund will enable a greater number of grant applications to be funded and other funding to be leveraged to address housing needs and for use to further local housing objectives. **Staff recommends support.**
- NSQL #3 – Arizona State Park Heritage Fund: recommends reenactment of repealed ARS 41-501, 503 and 504 to restore the Arizona State Park Heritage Funds. Positive impacts of restoration include: recreational opportunities, environmental education for the K-12 curriculum and enrichment for educators, grants and research, response to and help with ameliorating human-wildlife conflicts in urban areas, as well as, viability of State Parks as the sweep of funds has left them without funds for capital improvements or for any structural emergency. **Staff recommends support.**
- NSQL #4- Sober Living Housing: proposes expansion of state licensure requirements and local enforcement authority for sober living housing. With the growth of sober living group homes, neighbors and other stakeholders have expressed concerns to municipalities, legislators, and the AZ Department of Health about the presence of these homes particularly in residentially zoned areas. Concerns also have been expressed regarding the need to protect the residents of some of these homes from unscrupulous providers. This resolution would allow increased state and local licensing and regulation authority. **Staff recommends support; cautions about not stepping on the Fair Housing Act.**
- TIPW #1 – FAA, Flight Paths: urge the Federal Aviation Administration (FAA) to improve its communication with municipalities when studying changes to potential flight paths that would have a significant adverse aircraft noise impact on residential communities and urge Congress to

amend key portions of the FAA Modernization and Reform Act of 2012 that would help achieve the aforementioned request. **Staff is neutral; appears to be Valley issue.**

- TIPW #2- HURF Restoration: urges the legislature to stop future sweeps of Highway User Revenue Funds (HURF) allocated to Arizona cities and towns, and to restore HURF funding to FY2008 levels. Distributes \$30 million in Highway User Revenue Fund (HURF) funds to counties, municipalities, Maricopa Assoc. of Gov'ts (MAG) and Pima Assoc. of Gov'ts (PAG) in proportions reflecting the HURF distribution formula but excluding ADOT's share. This reallocation was enacted last year impacting the current fiscal year. While this year's bill continues the reallocation for next year, it also eliminates the scheduled increase to a \$60 million redistribution for 2016-2017 maintaining a \$30 million level. The end result of these actions will decrease the HURF sweep from \$89 million in FY 2015 to \$54 million in FY 2016. Continues to be a League resolution and adopted as a legislative priority. Over the last two legislative sessions, cities and towns have continued to receive some of the reallocation back. **Staff recommends continues support.**
- TIPW #3 – SR 189, ADOT Five Year Plan: supports the inclusion of funding to accelerate design and construction of State Route 189 in ADOT's Five-Year Transportation Facilities Construction Program. **Staff is neutral.**

Chair's Report of the Budget, Finance, and Economic Development Policy Committee

(BFED)

Mayor Kenny Evans, Payson, Chair

Resolutions Committee Meeting, League Annual Conference Tuesday, August 18, 2015

On June 10 and June 30, the Budget, Finance, and Economic Development Policy Committee (BFED) convened to discuss six policy issues submitted by cities and towns for consideration in by the newly established policy committee process. Below is a summary of each of the policy issues considered by BFED:

1. Request and encourage the Arizona State Legislature to establish a mechanism enabling local government to establish renewable energy and conservation financing districts for commercial properties. – **Flagstaff**
2. Change ARS 32-144, Professions & Occupations, registration requirement where a commercial tenant improvement project of less than \$10,000 would not require an Arizona Registrant to design and stamp the project. – **Flagstaff**
3. Equalize the tax credit treatment (maximum allowable credits and collection deadlines) of contributions made to qualified charitable organizations, private schools, and public schools. – **Eagar**
4. Seek legislation to allow cities and towns to invest in infrastructure and other improvements in a designated area, and pay for the investments via the increased property tax revenue generated by the new development. – **Surprise**
5. Seek a study by the League staff to examine the structure of the state shared sales tax distribution formula and make recommendations on possible improvements.– **Scottsdale**
6. Seek legislation to provide for additional revenue generation authority to address the changing landscape of the Arizona economy, and address the shift in growth that directly impacts the current statewide revenue models. – **Prescott**

Below is a summary of the committee discussion and the recommendation:

The City of Flagstaff presented policy issue number 1. This proposal is seeking legislation to form an opt-in financing mechanism for renewable energy and conservation districts. Flagstaff noted that this issue is being discussed as an economic development tool among a number of cities and Tucson has led recent efforts to meet with business community representatives, finance experts, and other stakeholders. The committee also noted that the legislature has been resistant to creating additional special districts, but if the resolution is broad enough, the League can continue to work on finding the appropriate legislative “mechanism.” Committee members voted to move this issue forward as a resolution with the understanding that it remain broad as the details continue to be developed (now resolution BFED 1 on the resolutions summary chart).

The City of Flagstaff also presented policy issue number 2. The motivation for this proposal is to make it easier to complete work on commercial improvements that meet certain conditions. Flagstaff noted that they had worked on similar legislation in the past that created an exemption for residential improvements that met specified conditions. The committee raised a number of questions about how the legislation would ensure public safety and satisfy design professional concerns. Committee members voted to work on this issue with League staff and other interested parties.

The Town of Eagar presented policy issue number 3. The town noted that equalizing tax credit treatment among the beneficiaries is an important issue for rural Arizona and many White Mountain communities approved resolutions reflecting that. There is currently a deadline disparity and allowable credit disparity between public school tax credits and private school tax credits. The committee acknowledged that a strong public school system is an important community resource and considered it an economic development tool. The committee also remarked that this issue would be more

appropriate for public school associations to advocate for and that the League should maintain its core focus of advocating on behalf of direct municipal interests. The Committee voted to work on this issue with League staff and other interested parties.

The City of Surprise presented policy issue number 4. They are seeking a new economic development tool that would be available to cities and towns to help facilitate projects while nearly eliminating taxpayer risk. The tool is designed to be a financing mechanism that reimburses eligible projects costs using the incremental gains attributed to project activity. Oversight over the mechanism will be thorough and collaborative with affected property taxing jurisdictions. There are some outstanding questions that have yet to be answered, but stakeholders continue to be consulted in an effort to resolve them to ensure that the legislation has broad support and passes legal hurdles. Committee members voted to move this issue forward as a resolution (now resolution BFED 2 on the resolutions summary chart).

The City of Scottsdale presented policy issue number 5. The stated purpose of the issue is to explore the state shared sales tax revenue system to determine if there are inequities that can be resolved. Committee members noted that the data necessary to accurately determine how much each city contributes to the shared system may not be currently available among all cities and towns. Without that data, it is difficult to measure the statewide impact. After significant deliberation, the committee amended the original proposal and recommended that League staff further study the issue.

The City of Prescott provided background on policy issue number 6 informing the committee that this issue is appropriate for ongoing study of the policy committee and League staff. The town remarked that revenue sources are increasingly restricted and the changing economy requires municipalities to study alternative methods of raising revenue. Committee members voted to work on this issue with League staff and other interested parties.

The table below summarizes the BFED Committee’s actions:

Policy Issue	Disposition by Committee
1	Resolution BFED 1
2	Continued committee work
3	Continued committee work
4	Resolution BFED 2
5	Continued committee work
6	Continued committee work

Kenny Evans
 Mayor of Payson
 Chair, Budget, Finance, and Economic Development Policy Committee

League of Arizona Cities & Towns Resolution

Resolution: BFED 1

Establish a statutory mechanism enabling local government to create renewable energy and conservation financing districts for commercial properties.

Submitted by: City of Flagstaff

A. Purpose and Effect of Resolution

A renewable energy and conservation financing district authorizes local governments to facilitate the financing for related improvements for commercial property owners. Participation in the program should be voluntary, so property owners can opt-in to use the mechanism to finance their own energy efficiency improvements, renewable energy installation, and water conservation improvements. Such programs can deliver benefits beyond energy independence, including new economic development opportunities, increase property value, provide protection from increasing energy costs, and enhance community awareness.

Numerous communities across the nation already have energy efficiency, water conservation, and renewable energy financing programs. At least 30 states have passed enabling legislation allowing local government to establish similar financing districts. They also define energy efficiency, water conservation, and renewable energy as a public benefit, and grant local government the authority to issue bonds.

B. Relevance to Municipal Policy

State law (A.R.S. 9-461.05) requires local governments over a certain size to adopt energy efficiency elements in their general plan. This resolution supports municipalities that choose to promote energy efficiency, renewable energy and water conservation practices within their communities. Many Arizona communities are working to improve the efficiency of existing building stock in the residential and commercial sectors to promote sustainability and help protect community members from rising energy costs.

C. Fiscal Impact to Cities and Towns

With enabling legislation, local governments could voluntarily elect to establish an energy efficiency, renewable energy and water conservation financing program and participation in the program would be completely voluntary for interested property owners. There would be no fiscal impact on the city or town.

D. Fiscal Impact to the State

There are no fiscal impacts to the State. Energy district authority would allow for opt-in energy efficiency and renewable energy financing programs at the fiscal responsibility of the property owner.

E. Contact Information

Sponsoring City or Town: City of Flagstaff

Name: Jerene Watson, Deputy City Manager

Phone: 928-213-2073 Email: jerewatson@flagstaffaz.gov

League Staff: Ryan Peters

League of Arizona Cities & Towns Resolution

Resolution: BFED 2

Seek legislation to allow cities and towns to invest in infrastructure and other improvements in a designated area, and pay for the investments via the increased property tax revenue generated by the new development.

Submitted by: City of Surprise

A. Purpose and Effect of Resolution

Economic Development Reimbursement Authority (EDRA) is a mechanism that allows cities and towns to stimulate new development that may not otherwise take place by reimbursing developers for eligible costs within the authority's boundaries. The reimbursements are funded with the incremental difference between property tax collections before the project and after the project. This new tool can attract business and jobs to a community and can also be used to assist in business expansion for existing enterprise. It is also a carefully crafted tool to ensure taxpayers and taxing jurisdictions are protected from private risk. Reimbursement is only authorized if certain conditions are met and an oversight committee made up of city, county, and school district representatives approves the costs.

B. Relevance to Municipal Policy

Promoting economic development and job creation is important to every city in the state of Arizona. Economic Development Reimbursement Authority would give municipalities another option for supporting these projects. For those proposals or projects that are pending financing, this legislation could serve as a catalyst for economic development. For municipalities that choose not to use this tool, this legislation would have no impact.

C. Fiscal Impact to Cities and Towns

The legislation calls for EDRA's to capture NEW property tax revenue that is generated as a result of a project being built and to use only that revenue for reimbursement of approved development related needs. Once the EDRA expires all of the property tax revenue will be distributed as usual. An EDRA cannot be formed without the agreement and support of the county and school districts. Municipal taxpayers located outside the district would also be held harmless.

D. Fiscal Impact to the State

No state funds would be involved in the funding of an EDRA because the legislation pertains only to property tax. However, the state would receive increased income tax collections from the new employees that work within the district in addition to increased corporate income tax receipts from the companies that move into the district.

E. Contact Information

Sponsoring City or Town: City of Surprise

Name: Nicole Lance, Deputy City Manager

Phone: (623) 222-1030 Email: nicole.lance@surpriseaz.gov

League Staff: Ryan Peters

Chair's Report of the General Administration, Human Resources and Elections Policy (GAHRE) Committee

Mayor Lana Mook, El Mirage, Chair

Resolutions Committee Meeting, League Annual Conference Tuesday, August 18, 2015

On Friday, June 5, the General Administration, Human Resources and Elections Policy Committee (GAHRE) met at the League of Arizona Cities and Towns Office to discuss fourteen policy issues that had been submitted by cities and towns for consideration in the new policy committee format established by the League Executive Committee in 2014. Those fourteen policy issues and the sponsoring cities are summarized below:

1. Conduct thorough reform of the PSPRS System based on the principles provided by the PSPRS Task Force in the Yardstick document adopted by the League of Arizona Cities and Towns Executive Committee. – **League Staff**
2. Revise state law regarding the Public Safety Personnel Retirement System (PSPRS) to balance contribution rates between employers and employees at a reasonably affordable rate for both. – **Yuma**
3. Public Safety Pension Reform: Adopt further improvements to Arizona's public safety retirement system that will promote affordability for taxpayers while providing for the benefit promised to workers. These improvements should include a plan to effectively deal with the problem of unfunded liability, bringing a balance within a reasonable period of time while ensuring that Arizona remains competitive in its ability to recruit and retain talented public safety employees. – **Flagstaff**
4. All Arizona Cities and Towns would benefit from accurate actuarial, long term rate forecasting, new authority for pension funding options, and pension reform for PSPRS. – **Prescott**
5. Amend Arizona Revised Statutes (A.R.S.) § 39-121.01 to allow cities and towns to place reasonable balances on public record requests that are overbroad or abusive and on the frequency on requests. – **Yuma**
6. Allow publication of ordinances by summary rather than in full, with a statement of where the full text of the ordinance is available; coupled with requirements to publish the ordinances in full on the municipal website and to provide copies free of charge for 30 days. - **Jerome**
7. Affirmatively reject, oppose and renounce legislative proposals that are unfunded, diminish local authority, address matters of purely local concern, or that conflict with the organic law of Arizona's charter cities. – **Yuma**
8. Strengthen efforts of cities and towns to retain local control. Rights of municipalities to self-determine local legislation that reflects the desires of our community residents has been diminished notably in recent years.- **Flagstaff**
9. Develop legislation regarding annexation, resulting in a more simplified and flexible process with less excessive signature requirements.– **Oro Valley**
10. Develop a resolution that would simplify the annexation process when both the municipality and the property owner desire annexation. The proposed legislation would provide relief from the proportional width and length requirements if the minimum adjoining boundary of the property meets the minimum 300 foot requirement, there is a single property owner, and both the city or town and the property owner desire annexation, thus allowing the annexation of the entire parcel in one process. – **Queen Creek**
11. Develop and pass legislation that allows greater flexibility in annexing county islands. - **Yuma**

12. Amend A.R.S. § 48-574 to authorize retention and detention basin improvement districts to levy and expend money to operate, maintain, repair and improve retention and detention basins within a municipality. – Yuma
13. Set the super majority requirement as simply being "greater than 2/3." In the case of Phoenix and any other nine-member council, this would not change anything: 6 of 9 would still be required for 2/3, and 7 of 9 would still be required for a super majority. However, seven-member councils would get a more reasonable set of expectations: a 5 of 7 vote, which is 71% of the council, is at the midpoint between 2/3 and 3/4, so it would serve equally well, on average, for both requirements. - Sedona
14. Set the requirement(s) to achieve a valid legal protest relating to re-zoning as 20% of the area within the re-zoned area or 20% of the area of lots of property owners within 150 feet of the property to be re-zoned whether adjacent (sharing a border) or non-adjacent (e.g., across the street). – Sedona

Below is a summary of the committee discussion and the recommendation:

Discussion on Policy Issues 1-4 related to reform of the Public Safety Personnel Retirement System (PSPRS) was informative with a presentation from Scott McCarty on the "Yardstick" document developed by the League's Pension Task Force. The Yardstick is a statement of those elements that are critical to a healthy, sustainable retirement program. Committee members determined that Issues 2-4 were included within the elements identified by the Yardstick document. Committee members voted to move Policy Issues 1-4 forward as a Resolution (see Resolution GAHRE 1 on Resolutions Listing).

The City of Yuma provided background on Policy Issue 5 and informed the members of the Committee that they had consensus legislation that they had drafted last year with the newspaper Industry and an industry representative at the meeting confirmed that they were in support of the legislation that was considered in last year's session. Committee members voted to move Policy Issue 5 forward as a Resolution (see Resolution GAHRE 2 on Resolutions Listing).

The Town of Jerome provided background on Policy Issue 6 and informed the members of the Committee that they believed that similar legislation in other states had saved money and time for the municipal clerks tasked with the publication of ordinances and other documents in local papers. Committee members discussed that this was a sensitive issue with elected officials and it was suggested that perhaps a non-legislative solution could be found; at the very least, the newspaper association agreed to meet with League Staff and city/town staff to work on the issue. The Committee voted to work on Policy Issue 6 with League staff and other interested parties.

Discussion on Policy Issues 7-8 related to ongoing efforts of the League to protect local control and charter authority. Specific discussion was had concerning how to strengthen the League's ability to fight legislation that diminishes city and town authority to determine its own destiny. Committee members determined that Issues 7-8 were included within the continuing "Guiding Principles" provided each year in the League's Policy Statement. Committee members voted to move Policy Issues 7-8 forward as a Guiding Principles in the League's Policy Statement.

Discussion on Policy Issues 9 & 11 related to simplification of the annexation process as it relates to the signature requirements and eliminating counties islands. Input from the Town of Oro Valley and the City of Yuma stressed that having signature requirements based on both assessed valuation as well as the total number of property owners seemed to be too onerous. Committee members voted to move Policy Issues 9 & 11 forward as a Resolution (see Resolution GAHRE 3 on Resolutions Listing).

The Town of Queen Creek provided background on Policy Issue 10 informing the Committee that length and width requirements in annexation statutes had sometimes caused problems in a very specific situation. If one property owner and the city or town desired for a parcel to be annexed, if the parcel did not meet length and width requirements, it was necessary to do multiple, piecemeal annexations to complete the annexation of the entire parcel. Committee members voted to move Policy Issue 10 forward as a Resolution (see Resolution GAHRE 4 on Resolutions Listing).

The City of Yuma provided background on Policy Issue 12 and informed the members of the Committee that this policy issue is the same as an approved resolution from last year's resolution committee. Committee members voted to move Policy Issue 12 forward as a Resolution (see Resolution GAHRE 5 on Resolutions Listing).

Discussion on Policy Issues 13-14 related to simplification of the rezoning process as it related to supermajority vote and legal protest requirements. The Committee felt that because these issues are complicated and controversial that the Committee needed to have a more in-depth discussion and more work on these two policy issues. The Committee voted

to work on Policy Issues 13-14 with League staff, the City of Sedona and other interested parties.

The table below summarizes the GAHRE Committee's actions:

Policy Issue	Disposition by Committee
Policy Issues 1-4	Resolution GAHRE 1
Policy Issue 5	Resolution GAHRE 2
Policy Issue 6	Continued Committee Work
Policy Issues 7-8	Guiding Principles
Policy Issues 9 & 11	Resolution GAHRE 3
Policy Issue 10	Resolution GAHRE 4
Policy Issue 12	Resolution GAHRE 5
Policy Issues 13-14	Continued Committee Work

Lana Mook
Mayor of El Mirage
Chair, General Administration, Human Resources and Elections Policy Committee

League of Arizona Cities & Towns Resolution

Resolution: GAHRE 1

Conduct thorough reform of the PSPRS System based on the principles provided by the PSPRS Task Force in the Yardstick document adopted by the League of Arizona Cities and Towns Executive Committee. This also includes specific aid for cities and towns to deal with unfunded liability of the system.

Submitted by: League Staff

A. Purpose and Effect of Resolution

The League of Arizona Cities and Towns formed the Pension Task Force in the fall of last year to explore the reasons for the ever-increasing employer costs and unfunded liability related to the Public Safety Personnel Retirement System (PSPRS). The committee has undertaken nearly a year-long process of educating themselves on the various aspects of the system in order to determine what constitutes a healthy retirement system. After consultation with stakeholders as well as subject matter experts, both national and local, the Task Force has developed a tool called “The Yardstick”. The Yardstick provides a tool to evaluate proposals related to PSPRS reform by providing criteria that are vital to a healthy system. This resolution would give League staff the flexibility to work with the stakeholders in PSPRS Reform to make reasonable and effective changes to PSPRS based on the principles adopted in the Yardstick as well as explore other ideas that will aid cities and towns to reduce their unfunded liability in the system. Examples include providing an exemption to the state expenditure limit related to the unfunded liability of PSPRS for individual cities and towns as well as authority for cities and towns to finance unfunded liability.

B. Relevance to Municipal Policy

This resolution would lead to solutions and reforms that would save cities and towns significant revenue going forward. Public safety costs make up a significant portion of the budget for all cities and towns. Finding a way to curb those costs while providing a healthy, sustainable system for public safety personnel would be significant.

C. Fiscal Impact to Cities and Towns

This resolution would have a significant positive impact on the budgets of all cities and towns.

D. Fiscal Impact to the State

Because the Department of Public Safety participates in the PSPRS, they would benefit from the reforms being developed.

E. Contact Information

League Staff: Tom Belshe

The Yardstick

Preliminary Recommendations: May 15, 2015

Prepared by the League's Pension Task Force

1. DEFINED BENEFIT PLAN

- The pension benefit is predetermined by a formula based on employee compensation, age, and tenure of service

2. FREE FROM LEGAL CHALLENGE

- All current employees and all current retirees remain in the existing system

3. NEW STATEWIDE SYSTEM

- For employees hired after July 1, 2016

4. PLAN ELEMENTS OF THE NEW STATEWIDE SYSTEM

- **Pooled Assets and Liabilities.** Shares risk across the broadest base
- **Fully Funded.** Assets at least equal liabilities (at least 100%) over an economic cycle
- **Equal Cost Sharing.** Equal employer and employee contribution rates
- **Funding New Benefits or Benefit Increases.** Funded as a system component and only if the system is determined to be fully funded before and after the change
 - **Pension Increases.** To maintain purchasing power
- **In-Lieu of Social Security Program.** Mandatory participation in an employer-matched Defined Contribution plan for those members not in Social Security

5. GOVERNANCE STRUCTURE

- **System Design.** Structure which encourages sustainable outcomes
- **Funding Policy.** Identifies financial objectives to ensure equity and sustainability
- **Investment Policy.** Identifies beliefs and objectives regarding asset allocation
- **Board of Trustees.** Independent, qualified experts with fiduciary responsibility of ensuring compliance with Plan Elements
- **Administration.** Consolidated and one independent disability committee of qualified experts

League of Arizona Cities & Towns Resolution

Resolution: GAHRE 2

Urges the Legislature to amend A.R.S. § 39-121.01 to allow cities and towns to place reasonable balances on public record requests that are overbroad or abusive and on the frequency on requests.

Submitted by: City of Yuma

A. Purpose and Effect of Resolution

This Resolution seeks amendments to public records access laws that will allow cities and towns to facilitate and maintain timely and complete citizen's access to public records while discouraging frequent, overbroad, or abusive requests.¹

Municipalities receive and process thousands of requests for public records each year. Most of these requests are reasonable, coming from the media and persons who may or may not make other requests but who seek specific and limited information. However, there are times when filling these requests is delayed because of frequent, extensive, or excessive numbers of requests of other persons. Requests from these few individuals require a significant and disproportionate amount of staff time to locate, review, redact, and prepare voluminous amounts of documents or materials from multiple departments for inspection and/or copying. In some cases the requesting party doesn't review the records after having been notified they are available for inspection. This creates unnecessary work for employees, delays other important work (including filling public records requests from other persons), and drains the public coffers.

Some requests by these individuals are overbroad, such as requests for "All documents, e-mail, memoranda, etc. pertaining to the city action" These documents can cover many years, require production of hundreds or thousands of documents, and involve research and review by several City departments. Again, after spending many hours locating, assembling, redacting, and copying these records, some are never inspected by the requestor.

This resolution requests amendment of Title 39 to give municipalities the ability, in limited instances, to place reasonable restrictions on the number or frequency of requests made by a single individual and to limit certain requests such as those with a broad scope or that cover an extensive time period, and where the individual is unwilling to narrow the request. Such restrictions will allow cities to both comply with the spirit and intent of public records laws while discouraging the frequent, numerous, overbroad, or abusive requests. These limited restrictions will discourage abusive requests while maintaining public records access for all citizens. Those individuals making frequent, numerous or overbroad requests may be limited in the number of requests accepted within a specified time and have new requests held until all previous requests have been inspected. Additional requests beyond these numbers would still be filled, however the taxpayer would not have to continue bear costs of over-burdensome requests.

B. Relevance to Municipal Policy

Transparency is an essential component of a responsive, representative government. Cities endeavor at all times to be open, accessible and responsive to their citizens. Making records available for inspection by the public and the media is important to maintaining transparency and trust in government. Most citizens and the media are conscientious and purposeful in their requests. However, requests by a few individuals that are overbroad or abusive and require disproportionate amounts of city-wide staff time do not further the goal of transparency and will hurt citizen access to, and the availability of, public records. Last year, legislation was crafted that included the cities and towns and newspaper associations that recognized the importance of government transparency,

¹ Nothing in this Resolution is intended to limit media access to public records.

while recognizing those requests that were abusive and overreaching. We hope to pursue that same legislation this year.

Here are some bullet points of the specifics in last year's language:

- Establishes, as a defense to any action related to a request for access to public records, that the request is unduly burdensome or harassing.
- Specifies that a request for public records may be unduly burdensome if either of the following apply:
 - the request does not identify the requested records with reasonable particularity; or
 - the request cannot be narrowed or reduced to a manageable degree after the officer or public body explains in writing both why the request is not manageable and provides the person seeking the records a reasonable opportunity to narrow or reduce the request to a manageable degree.

C. Fiscal Impact to Cities and Towns

Cities will still respond to public records requests in the spirit of transparency and openness in government. Allowing cities some relief from abusive public records requests or to identify potentially abusive practices will free staff to perform other governmental functions.

D. Fiscal Impact to the State

There will be no fiscal impact to the State. However an amendment could include public records requests of the State, which will result in savings.

E. Contact Information

Sponsoring City or Town: City of Yuma

Name: Steve Moore: City Attorney

Phone: 928 373-5057 Email: steve.moore@yumaaz.gov

League Staff: Tom Belshe

League of Arizona Cities & Towns Resolution

Resolution: GAHRE 3

Develop and pass legislation to make the requirements for annexation a more simple and flexible process.

Submitted by: Town of Oro Valley; City of Yuma

A. Purpose and Effect of Resolution

The annexation process is cumbersome and needs examination. This resolution proposes to advocate for reasonable solutions to the annexation dilemma.

Excessive signature requirements are a deterrent to annexation. Cities and towns are required to obtain signatures from utility companies, and other entities, that do not own real property in the proposed annexation area. Cities and towns are also required to meet an assessed valuation threshold; but when the city or town does not levy a property tax, the value of the property is irrelevant.

Over time, cities created county islands by annexing around the areas that did not meet the statutory signature requirements for annexation. This has resulted in pockets of non-incorporated areas dotted throughout cities. These county islands do not receive the same level of public services, such as improved infrastructure, water and sewer services, sanitation, and public safety and emergency services, as the property as close as next door. An unintended consequence is that when an emergency arises in an unincorporated area that is wholly within or adjoining a city's boundaries, there is often confusion over which agency should respond. For example, when emergency assistance calls from an unincorporated area are received by a city, there may be delays in responding while the call is routed to the county. Or, both jurisdictions may respond to a public safety event when the boundaries are not readily known, and in the worst case neither may respond.

The irony is that unincorporated areas contribute to a city's economy, but cannot participate in decisions affecting their community, and, at the same time, create burdens on cities that adjoin or surround them, and on the counties they look to for services. This resolution seeks to alleviate this situation and will benefit all property owners within a city's annexation area and county islands.

The League, interested members, and other stakeholders should convene to discuss these problematic areas and design legislation that will enhance the annexation process without undue burden to any one party.

B. Relevance to Municipal Policy

Statutes regarding municipal annexation have become more complicated over time. Simplifying the annexation process to allow cities and towns to provide important urban services within their boundaries is good policy. Annexation also fosters civic engagement in the democratic process and a sense of shared responsibility for our communities.

C. Fiscal Impact to Cities and Towns

Residents living in unincorporated areas are affected by decisions made by cities and towns, yet they have no voice in the governing process. Reducing the unincorporated population is a key strategy for cities and counties to maintain fiscal stability. Annexation allows cities and towns a way to expand their retail sales tax base, providing greater fiscal stability. This increased governance capacity ensures that cities and towns are able to provide adequate services to all Arizona citizens. If legislation moves forward that allows greater flexibility in annexing county islands, it would be up to cities and towns themselves to determine when and if they annex these areas. Those communities that choose to move forward will need to extend their services to newly annexed areas. Those costs would be different for each community. But nothing in the legislation should require a city or town to annex county islands if they feel they cannot provide services.

D. Fiscal Impact to the State

There is no fiscal impact to the state when it comes to which local government provides local services. Minor adjustments in state-shared revenues would be made based on population changes, but it would be a reshuffling of the total allocation, not an increase in state revenues to local government. Eliminating barriers to annexation would also encourage economic development, which would ultimately result in increased revenue to the state.

E. Contact Information

Sponsoring City or Town: Town of Oro Valley, City of Yuma

Name: Chris Cornelison: Intergovernmental Relations Director

Phone: 520 229-4723 Email: ccornelison@orovalleyaz.gov

Name: Steve Moore: City Attorney

Phone: 928 373-5057 Email: steve.moore@yumaaz.gov

League Staff: Tom Belshe

League of Arizona Cities & Towns Resolution

Resolution: GAHRE 4

Provide relief from the proportional width and length requirements of current annexation statute if the minimum adjoining boundary of the property meets the minimum 300 foot requirement, there is a single property owner, and both the city or town and the property owner desire annexation, thus allowing the annexation of the entire parcel in one process.

Submitted by: Town of Queen Creek

A. Purpose and Effect of Resolution

The purpose of this resolution is to enact a change in state statute to simplify what can be an unnecessarily cumbersome annexation process. This legislative change would reduce the cost and time associated with the multi-step process that is currently required for certain annexations.

Under the current annexation statute it is possible to have a scenario where a large single property owner may wish to annex into a municipality, and the municipality wishes to annex the property, however due to the overall shape of the parcel the annexation is required to take place in several steps over a significant period of time due to the proportional width and length requirements. The proposed resolution would provide relief from the proportional width and length requirements if the property meets the minimum adjoining boundary requirement of 300 feet, there is a single property owner, and both the municipality and the property owner desire annexation, thus allowing the annexation of the entire parcel in one process.

B. Relevance to Municipal Policy

Annexation offers cities and towns the opportunity to expand their retail sales tax base, providing greater fiscal stability and promotes economic development. Annexation also improves cities' and towns' ability to plan for future growth and level of service needs for their community.

C. Fiscal Impact to Cities and Towns

This change would have a positive fiscal impact on cities and towns. It would lower the cost of annexation and increase municipal sales tax revenues in many cases.

D. Fiscal Impact to the State:

There would be no direct cost to the state to make this change.

E. Contact Information:

Sponsoring City or Town: Town of Queen Creek

Name: Tracy Corman: Assistant to the Town Manager

Phone: 480-358-3740 Email: tracy.corman@queencreek.org

League Staff: Tom Belshe

League of Arizona Cities & Towns Resolution

Resolution: GAHRE 5

Explore methods to finance the operation and maintenance of retention and detention basins including amending A.R.S. § 48-574 to authorize retention and detention basin improvement districts to levy and expend money to operate, maintain, repair and improve retention and detention basins within a municipality.

Submitted by: City of Yuma

A. Purpose and Effect of Resolution

Maintenance and operation of retention and detention basins has become an increasingly difficult and expensive proposition for cities and towns. This resolution would allow League staff to work on legislation that would help secure a funding mechanism in state law for such basins.

A.R.S. § 48-574 currently authorizes improvement districts for the operation, maintenance, repair and improvement of pedestrian malls, off-street parking facilities and parkways. The proposed statutory change makes retention and detention basins eligible for operation and maintenance cost payment through an improvement district.

Under current state law, improvement districts are not specifically authorized to maintain retention and detention basins. As a result, off-site retention, which benefits only a small, localized area, is often subsidized by landowners outside of the area receiving the benefit (and who may already bear the burden of on-site retention on their parcel). Alternatively, under current law, a municipality could require the formation of a homeowner's or neighborhood association to maintain basins. Permitting a developer the flexibility to form an improvement district would allocate such costs directly to and in proportion to the benefit without the requirement of a homeowner's or neighborhood association.

The proposed legislation would allow operation, maintenance, improvement and repair costs for retention and detention basins to be included in the tax levy as part of a property owner's tax bill in accordance with assessed value or assessment of each lot within the improvement district in proportion to the benefit to each lot. The district would not have the authority to issue improvement bonds or to engage in any activity other than operation, maintenance, repair and improvement of the retention and/or detention basin.

B. Relevance to Municipal Policy

Improvement districts are prevalent across the state. A uniform process that allows cities and towns to more fairly distribute the perpetual maintenance costs of retention and detention basins will provide long-term cumulative savings to municipalities, provide developers with an alternative to homeowner's or neighborhood associations, and facilitate ease of payment for homeowners.

C. Fiscal Impact to Cities and Towns

Cities and towns that approve retention and detention basin improvement districts would realize savings that could be spent for other improvements or services.

D. Fiscal Impact to the State

There is no fiscal impact to the state.

E. Contact Information:

Sponsoring City or Town: City of Yuma

Name: Steve Moore: City Attorney

Phone: 928 373-5057 Email: steve.moore@yumaaz.gov

League Staff: Tom Belshe

Chair's Report of the Neighborhoods, Sustainability and Quality of Life Policy Committee (NSQL)

Councilman Gilbert Lopez, Coolidge, Chair

Resolutions Committee Meeting, League Annual Conference Tuesday, August 18, 2015

On Wednesday, June 24, and Monday, July 6 the Neighborhoods, Sustainability and Quality of Life (NSQL) Policy Committee met at the League of Arizona Cities and Towns to discuss five policy issues submitted by cities and towns for. Below is a summary of each of the policy issues considered by NSQL along with the sponsoring municipalities:

1. Make provisions to allow towns, in certain circumstances, to bill property owners rather than tenants for utilities. - **Jerome**
2. Partner with cities and towns for the operation and maintenance of Arizona State Parks under long term leases, for a nominal amount, and to participate financially by providing for a dedicated funding mechanism to share a portion of the costs. – **Yuma**
3. Restore the Arizona Housing Trust Fund. – **Flagstaff**
4. Recommend the authorization of expenditures and full appropriations to restore the Arizona State Park Heritage Funds. **Sahuarita**
5. Expand the State Licensure Requirements and Local Enforcement Authority for Sober Living Housing - **Prescott**

Below is a summary of the committee discussion and the recommendations:

The Town of Jerome presented policy issue number 1. They proposed that there be revisions to statute to allow cities/towns, within certain circumstances, to bill property owners rather than tenants for utilities. After a historical review of the statute and other discussion it was concluded that this issue could be solved non-legislatively within the League. Stephanie Karlin, Vice Mayor of Avondale, volunteered to send information to Jerome as Avondale has already addressed the issue. Therefore, this submission will not become a resolution.

The City of Yuma presented policy issue number 2. Yuma would like to see a partnership between cities and towns and the state for the operation and maintenance of state parks under long term leases (e.g., 25 years) instead of having a short term lease (perhaps three years). The long term lease would justify the investments made to maintain the parks associated with Yuma and other municipalities that have parks in their areas. This would be enabling legislation, not a mandatory requirement. Committee members moved this issue forward as a resolution (now resolution NSQL 1 on the resolutions summary chart).

The City of Flagstaff presented policy issue number 3. They proposed that the state should restore the Arizona Housing Trust Fund. Currently the fund is capped at \$2.5 million. At its height it was \$55 million, and \$350 million was then leveraged through the Arizona Housing Alliance. Committee members moved this issue forward as a resolution (now resolution NSQL 2 on the resolutions summary chart).

The Town of Sahuarita presented policy issue number 4. They seek to restore the Heritage Fund. There was discussion about the need to keep this issue in front of the legislature even if there will be a ballot initiative on the matter in 2016. Committee members moved this issue forward as a resolution (now resolution NSQL 3 on the resolutions summary chart).

The City of Prescott presented policy issue number 5. They seek to expand the state's requirements and

local authority for sober living housing in order to have proper licensure, code enforcement, and tracking systems. There are other cities that have similar problems with these facilities. Problems include neighbor complaints, safety concerns due to overcrowding and potential fire hazards, and neighborhood deterioration. However, attention must simultaneously be paid to certain HUD regulations. The city has been working with experts and stakeholders across the state to help address this issue. There will be an ad hoc legislative committee as well, with the goal of finding a balanced regulatory scheme for resolving this issue. Committee members moved this issue forward as a resolution (now resolution NSQL 4 on the resolutions summary chart).

The table below summarizes the NSQL Committee’s actions:

Policy Issue	Disposition by Committee
1	To be resolved non-legislatively.
2	Resolution NSQL 1
3	Resolution NSQL 2
4	Resolution NSQL 3
5	Resolution NSQL 4

Gilbert Lopez
 Councilman, Coolidge
 Chair, Neighborhoods, Sustainability and Quality of Life Policy Committee

League of Arizona Cities & Towns Resolution

Resolution: NSQL 1

Partner with cities and towns for the operation and maintenance of Arizona State Parks under long term leases, for a nominal amount, and participate financially by providing for a dedicated funding mechanism to share a portion of the costs.

Submitted by: City of Yuma

A. Purpose and Effect of Resolution

Local governments and non-profit groups in Arizona have already entered into short term agreements to operate and maintain the parks in or near their jurisdictions. These agreements have proven to be successful. However, the state has been reluctant to enter into leases for longer than three years. In order to make the current partnerships between the state and local governments more viable over time and to encourage partnerships with both public and private non-profit organizations, longer term leases and a continuing, dedicated, and reliable funding stream from the state, local governments and non-profits will be needed.

Longer term leases and a dedicated funding stream will assure that Arizona's State Parks (ASP) remain open to the public as a recreational, environmental, and cultural benefit that supports and generates tourism, and provides important revenue to not only local, but also to the regional and statewide, economies. In addition, the availability of the State Parks system will continue to provide a high quality of life for Arizona residents and serve as an attraction to visitors and new residents.

B. Relevance to Municipal Policy

State parks are essential to the rural economies and people of Arizona. In addition, Arizona's natural environment, including access to the environment through availability of state parks across the state draws millions of tourists to Arizona, benefiting every entity that relies on tourism as part of its economy. ASP is reliant on partnerships with local governments to make its state parks viable.

C. Fiscal Impact to Cities and Towns

Increased tourism from state park activity means increased visitors to neighboring towns and cities. In 2007 this meant over \$20 million in state and local taxes. (Source available upon request.)

D. Fiscal Impact to the State

Calculated at the state level for FY07, the total economic impact of Arizona State Parks (direct, indirect and induced) on the state was \$266,436,582. (Source available upon request.)

E. Contact Information:

Sponsoring City or Town: City of Yuma

Name: Steven W. Moore, City Attorney

Phone: (928) 373-5050 Email: steve.moore@yumaaz.gov

League Staff: Dale Wiebusch

League of Arizona Cities & Towns Resolution

Resolution: NSQL 2

Restore the Arizona Housing Trust Fund.

Submitted by: City of Flagstaff

A. Purpose and Effect of Resolution

Created in 1988 to provide a flexible funding source to assist in meeting the needs of low-income households in Arizona, the Housing Trust Fund receives money from the sale of unclaimed property, such as stocks or savings accounts abandoned by the owner, often due to a death without a will. The Housing Trust Fund was initially funded by 35% of unclaimed property proceeds, and then increased over time to 55% to better address rural housing needs. Prior to the Great Recession, the Housing Trust Fund received over \$30 million annually. Due to state budgetary constraints, in 2010 the Housing Trust Fund was capped at \$2.5 million.

B. Relevance to Municipal Policy

Cities and towns, as well as non-profits, are eligible to apply to receive an allocation of the Housing Trust Fund to further housing objectives within their communities. Restoration of funding to the Trust Fund will enable a greater number of grant applications to be funded and other funding to be leveraged.

C. Fiscal Impact to Cities and Towns

Funding from the Housing Trust Fund has the potential to bring much needed funding to communities to address housing needs, either through the city, town or a non-profit application for use to further local housing objectives.

D. Fiscal Impact to the State

When the Housing Trust Fund was capped at \$2.5 million in 2010, the funding from the sale of unclaimed property was reallocated to other areas. Restoration of funding to the Trust Fund will potentially pull funding away from the areas to which it was reallocated.

E. Contact Information

Sponsoring City or Town: City of Flagstaff

Name: Jerene Watson, Asst. City Manager

Phone: (928) -213-2073 Email: jerewatson@flagstaffaz.gov

League Staff: Dale Wiebusch

League of Arizona Cities & Towns Resolution

Resolution: NSQL 3

Recommendation for the authorization of expenditure and full appropriations through the reenactment of repealed ARS 41-501, 503 and 504 to restore the Arizona State Park Heritage Funds.

Submitted by: Town of Sahuarita

A. Purpose and Effect of Resolution

For years the Heritage Fund was swept into the General Fund, and in 2011 was eliminated entirely. This resolution seeks to restore the Fund so that State Parks and local governments could once again avail themselves of these funds.

B. Relevance to Municipal Policy

Approval of this resolution and resulting policy changes would provide a vehicle for funding to continue municipalities' and the states' ability to provide and enhance the conservation of our state's natural, cultural, and historic resources. It would shift the responsibility for these programs back to the state and reinforce the voter approved initiative that originally placed the burden on the state.

C. Fiscal Impact to Cities and Towns

Reenactment of Arizona Heritage Fund appropriations would have a significant positive impact on recreational opportunities, environmental education for the K-12 curriculum and enrichment for educators, grants and research, and response to and help with ameliorating human-wildlife conflicts in urban areas. It also positively impacts the viability of State Parks as the sweep of funds has left them without funds for capital improvements or for any structural emergency. The loss of Heritage Funds has a direct impact on cities and towns due to the economic impact of State Parks.

D. Fiscal Impact to the State

The restoration of Arizona Heritage Fund dollars to pre-2009 levels would require \$10 million that currently is used by the state for other purposes.

E. Contact Information

Sponsoring City or Town: Town of Sahuarita

Name: Teri Bankhead, Asst. to the Town Manager
Phone: 520-344-7110 Email: tbankhead@sahuaritaaz.gov

League Staff: Dale Wiebusch

League of Arizona Cities & Towns Resolution

Resolution: NSQL 4

Proposing the expansion of state licensure requirements and local enforcement authority for sober living housing.

Submitted by: City of Prescott

A. Purpose and Effect of Resolution

Sober living homes have proliferated in recent years and they have little to no oversight. As they do not provide therapy per se, they are not regulated by the Arizona Department of Health. This resolution seeks to allow for increased state and local licensing and regulation authority.

B. Relevance to Municipal Policy

Sober living housing is a type of group housing that offers an alcohol and drug-free living environment for individuals recovering from alcohol or substance use disorders. Most sober living homes are considered “group homes for disabled persons” and therefore entitled to some level of protection under the Fair Housing Act of 1968, as amended. As one of the conditions of occupancy, residents agree not to use alcohol or prohibited substances. With the growth of these group homes, neighbors and other stakeholders have expressed concerns to municipalities, legislators, and the AZ Department of Health about the presence of these homes particularly in residentially zoned areas. Concerns also have been expressed regarding the need to protect the residents of some of these homes from unscrupulous providers.

C. Fiscal Impact to Cities and Towns

Due to the unregulated nature of these facilities, there are often issues related to complaints of deterioration of neighborhood aesthetics and potential decrease in property values. In addition, if some type of licensing was available the city could receive revenue from these fees.

D. Fiscal Impact to the State

Minimal costs to the state are expected for increased regulation and oversight, which could be offset through the establishment of a licensing fee.

E. Contact Information

Sponsoring City or Town: City of Prescott

Name: Alison Zelms, Deputy City Manager

Phone: 928-777-1220 Email: alison.zelms@prescott-az.gov

League Staff: Dale Wiebusch

(TIPW)

Chair’s Report of the Transportation, Infrastructure, and Public Works Policy Committee

Mayor Jonathan Rothschild, Tucson, Chair

Resolutions Committee Meeting, League Annual Conference
Tuesday, August 18, 2015

On June 12 and July 8, the Transportation, Infrastructure, and Public Works Policy Committee (TIPW) met to discuss policy issues submitted by cities and towns for consideration in by the newly established policy committee process. Below is a summary of each of the policy issues considered by TIPW:

1. Urge the Federal Aviation Administration (FAA) to improve its communication with municipalities when studying changes to potential flight paths that would have a significant adverse aircraft noise impact on residential communities and urge Congress to amend key portions of the FAA Modernization and Reform Act of 2012 that would help achieve the aforementioned request. – **Phoenix**
2. Stop future sweeps of Highway User Revenue Funds (HURF) allocated to Arizona cities and towns, and to restore HURF funding to FY2008 levels.-**Yuma**
3. Support the inclusion of funding to accelerate design and construction of State Route 189 in ADOT’s Five-Year Transportation Facilities Construction Program. - **Tucson**

Below is a summary of the committee discussion and the recommendation:

The City of Phoenix presented policy issue one. They are seeking greater collaboration between local communities and the Federal Aviation Administration when flight route changes are proposed. The goal of the collaboration is to avoid disruptions in the affected communities. In order to achieve this, portions of the FAA Modernization and Reform Act of 2012 need to be amended to require more timely notices of proposed changes. Committee members voted to move this issue forward as a federal resolution (now TIPW 1 on the resolutions summary chart).

The City of Yuma presented policy issue two. Statute provides a method of distributing HURF funds for the purpose of construction, improvements and maintenance of streets and roadways. The State has swept portions of these revenues each year since FY2008, mainly to support Arizona Department of Public Safety (DPS). These sweeps directly contribute to delayed maintenance on streets which has caused many streets to now need total replacement, at a much greater cost. Poor condition of transportation infrastructure is a detriment to attracting new commerce and industry. Committee members voted to move this issue forward as a resolution (now resolution TIPW 2 on the resolutions summary chart).

The City of Tucson presented policy issue three. Municipalities across Arizona are in need of transportation infrastructure projects. The expansion of SR-189 is an investment in Arizona’s transportation infrastructure that facilitates trade, keeping Arizona competitive as an import and export hub. Nogales and Santa Cruz County cannot accelerate the construction without the help of partners throughout the state, nor will they be the sole beneficiaries of the completed project, as an unrestricted flow of goods between Arizona and Mexico benefits businesses throughout the state. Committee members voted to move this issue forward as a resolution (now resolution TIPW 3 on the resolutions summary chart).

The table below summarizes the TIPW Committee's actions:

Policy Issue	Disposition by Committee
1	Resolution TIPW 1
2	Resolution TIPW 2
3	Resolution TIPW 3

Jonathan Rothschild
Mayor of Tucson
Chair, Transportation, Infrastructure, and Public Works Policy Committee

League of Arizona Cities & Towns Resolution

Resolution: TIPW 1

Urge the Federal Aviation Administration (FAA) to improve its communication with municipalities when studying changes to potential flight paths that would have a significant adverse aircraft noise impact on residential communities and urge Congress to amend key portions of the FAA Modernization and Reform Act of 2012 that would help achieve the aforementioned request.

Submitted by: City of Phoenix

A. Purpose and Effect of Resolution

On September 18, 2014, the Federal Aviation Administration (FAA) implemented changes in flight paths to and from Phoenix Sky Harbor International Airport as part of its effort to streamline departures and arrivals using Next Generation Air Transportation (NextGen) satellite-based navigation. Congress approved the program in 2003, and since then, the technology has been implemented in some of the busiest airports around the country. Phoenix was the tenth city on the FAA's list.

The FAA is now beginning a new Metroplex process, looking at the Phoenix regional airspace. The goal of the Phoenix Metroplex Project is to improve the efficiency of aircraft arrival and departure procedures to and from various airports, including but not limited to: Phoenix Sky Harbor International Airport (PHX), Phoenix-Mesa Gateway Airport (IWA), Scottsdale Airport (SDL), Deer Valley Airport (DVT), Falcon Field Airport (FFZ), Glendale Municipal Airport (GEU), Phoenix Goodyear Airport (GYR), and Tucson International Airport (TUS). The Project may involve changes in aircraft flight paths and altitudes in certain areas.

B. Relevance to Municipal Policy

Requiring collaboration between the FAA and affected cities, wherever flight path changes are being considered, will help achieve the intended goals of efficiency while mitigating impacts on the local communities. Municipalities know their constituencies well and better positioned to report on how flight path changes affects neighborhoods. Without municipal input, the federal agencies may miss some key data that would be adverse to the quality of life for many residents.

C. Fiscal Impact to Cities and Towns

FAA's rearrangement of flight routes since implementation upended decades of land-use compatibility planning that directed billions of dollars of private investment while the city invested hundreds of millions of dollars of noise mitigation efforts all based on the previous stable flight tracks.

D. Fiscal Impact to the State

There is no fiscal impact to the state.

E. Contact Information

Sponsoring City or Town: City of Phoenix

Name: Thomas Remes, Government Relations Director

Phone: (602) 262-4413 Email: thomas.remes@phoenix.gov

League Staff: Ryan Peters

League of Arizona Cities & Towns Resolution

Resolution: TIPW 2

Urges the Legislature to stop future sweeps of Highway User Revenue Funds (HURF) allocated to Arizona cities and towns, and to restore HURF funding to FY2008 levels.

Submitted by: City of Yuma

A. Purpose and Effect of Resolution

HURF funds come from a number of sources including use fuel taxes, motor carrier fees, vehicle license taxes and motor vehicle registration fees. Statutes provide a method of distributing these funds among the state, counties, and cities for the purpose of construction, improvements and maintenance of streets and roadways within their jurisdictions. The State has swept portions of these revenues each year since FY2008, mainly to support Arizona Department of Public Safety (DPS). These sweeps affect every municipality and county in the state. As a result of these sweeps, more than 38% of Yuma's major roadways are in poor or below average condition. Delayed maintenance on streets has caused many streets to now need total replacement, at a much greater cost. The poor condition of transportation infrastructure is a detriment to attracting new commerce and industry.

In addition to the direct impact on cities' streets and roadways, this slowdown and halt of street construction and maintenance has cost jobs. The Arizona chapter of the Associated General Contractors estimated in 2011 that an estimated 42,000 jobs have been lost due to the lack of highway construction. This loss has had a negative impact on the economic viability of the State.

B. Relevance to Municipal Policy

The longer the attention to street maintenance is neglected, the more costly it becomes to bring streets up to even average condition. Many Arizona counties, cities, and towns experience a significant rise in population during the winter months. The declining street infrastructure negatively affects the states' tourism industry and makes other warm states more attractive to these visitors.

C. Fiscal Impact to Cities and Towns

The sweeps have touched every county, city and town in Arizona. There are no replacement revenues for cities to tap. As maintenance is delayed, the cost rises. Restoring full HURF funding to local jurisdictions will allow much needed street replacement, repair, and maintenance.

D. Fiscal Impact to the State

Reinstating the statutory distribution of HURF monies, including the funds to be allocated to DPS pursuant to statutes, may require the State find other sources for revenue for DPS.

E. Contact Information

Sponsoring City or Town: City of Yuma

Name: Steven Moore, City Attorney

Phone: (928) 373-5050 Email: steve.moore@yumaaz.gov

League Staff: Ryan Peters

League of Arizona Cities & Towns Resolution

Resolution: TIPW 3

Supports the inclusion of funding to accelerate design and construction of State Route 189 in ADOT's Five-Year Transportation Facilities Construction Program.

Submitted by: City of Tucson

A. Purpose and Effect of Resolution

State Route 189 provides a critical international commerce connection from the Mariposa Land Port of Entry (LPOE) to Interstate 19, serving as a bypass route for commercial truck traffic to and from Mexico. Municipalities, county governments, and regional planning agencies throughout Arizona have advocated for the expansion of SR-189 to relieve congestion and protect this key trade corridor. ADOT has also recognized the importance of SR-189, having recently funded engineering and design work in the current five-year program. However, construction funding is not anticipated until 2021, a delay that will only benefit our competitors—Texas, New Mexico, and California.

The Mariposa LPOE is one of the ten busiest cargo ports along the U.S.-Mexico border, processing more than 85% of the commercial vehicles and approximately 89% of the trade value crossing the Arizona-Sonora border. The recent expansion of the Mariposa LPOE has further congested the state's most significant bottleneck in the flow of cross-border commerce, severely impacting Arizona's ability to compete in international trade. Arizona is in danger of losing significant portions of this trade, a key economic engine for the state, to Texas and other border states.

To support trade and relieve the current congestion, it is necessary to accelerate the improvements to SR-189 in ADOT's Five-Year Transportation Facilities Construction Program.

B. Relevance to Municipal Policy

Municipalities across Arizona are in need of transportation infrastructure projects. The expansion of SR-189 is an investment in Arizona's transportation infrastructure that facilitates trade, keeping Arizona competitive as an import and export hub. Nogales and Santa Cruz County cannot accelerate the construction without the help of partners throughout the state, nor will they be the sole beneficiaries of the completed project, as an unrestricted flow of goods between Arizona and Mexico benefits businesses throughout the state.

D. Fiscal Impact to Cities and Towns

Arizona cities and towns share a mutual interest in growing and strengthening our economy. Mexico is a growing world market, as well as Arizona's most important trading partner. A robust relationship with Mexico provides many opportunities for Arizona businesses, and helps grow our economy.

If we neglect to make this needed investment, our Mexican trading partners will look to Texas and other border states for business-friendly transportation infrastructure that facilitates trade.

D. Fiscal Impact to the State

Mexico is the largest bilateral trading partner with Arizona, accounting for an estimated \$30 million in two-way trade each day. Trade between the U.S. and Mexico is expected to increase dramatically over the next decade, and Arizona is well-positioned to become a global leader in international commerce by virtue of our proximity

to what is projected to become the world's 5th largest economy by 2050.

We must ensure that international commerce can efficiently and safely travel between Arizona and Mexico at the Mariposa Land Port of Entry, one of the busiest land ports in the United States.

E. Contact Information

Sponsoring City or Town: City of Tucson

Name: Ryan Anderson, Policy Advisor to Mayor Rothschild.

Phone: (520) 548-9755 Email: ryan.anderson@tucsonaz.gov

League Staff: Ryan Peters

CITY OF KINGMAN COMMUNICATION TO COUNCIL



TO: Honorable Mayor and Council Members

FROM: John A. Dougherty, City Manager

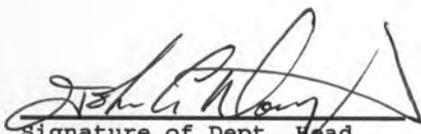
MEETING DATE: August 4, 2015

AGENDA SUBJECT: Per Council direction at the July 27, 2015 Work Session Meeting discussion and possible action on Council Member Yocum's request to discuss and review process for creating agenda for Council Meetings.

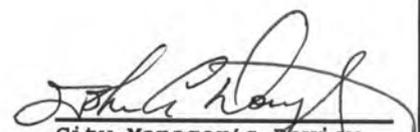
SUMMARY: At the July 27, 2015 Council Work Session discussion took place about how things get on or taken off the Council Agenda. Council Member Yocum requested that further discussion be put off until all Council Members are present and requested that it be put on the next available Council Agenda for further discussion and possible changes to the Ordinance.

ATTACHMENT: None

STAFF RECOMMENDATION: The discussion was that the current ordinance says that any Council Member can request an Agenda item. Staff recommends that verbiage be added that only the requesting Council Member can agree to have something removed or deferred from the next available Agenda.


Signature of Dept. Head


City Attorney
Approved as to form


City Manager's Review

AGENDA ITEM: *cod*



CITY OF KINGMAN COMMUNICATION TO COUNCIL

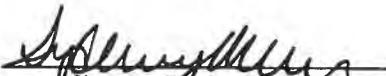
TO: Honorable Mayor and Common Council
FROM: Sydney Muhle, City Clerk
MEETING DATE: August 4, 2015
AGENDA SUBJECT: Discussion regarding adoption of an "entertainment district" in downtown Kingman

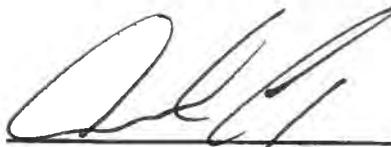
SUMMARY: The Kingman Downtown Merchants' Association has requested an agenda item, which it advised was approved by the Mayor, for the Council to discuss "adoption of Arizona Revised Statute 4-207". The Council has been provided with a letter and a copy of the A.R.S. code to be discussed. This item will be for discussion only.

ATTACHMENT: Letter from Matthew Wanner, President of the Downtown Merchants' Association; a copy of A.R.S. 4-207 as provided by Mr. Wanner.

FISCAL IMPACT:

STAFF RECOMMENDATION:


Signature of Department Head


City Attorney's Review


City Manager's Review



KINGMAN DOWNTOWN MERCHANTS' ASSOCIATION

221 East Beale Street • Suite B • Kingman, AZ 86401

City of Kingman
410 Spring Street, Kingman, AZ 86401
925-753-5561

Re: adoption of Arizona Revised Statute 4-207

July 27, 2015

Dear Sirs/Madam:

In reference to the attached copy of Arizona Revised Statute 4-207, the Kingman Downtown Merchants' Association and its membership did unanimously vote to bring to the City of Kingman common council a request to be heard in a matter that would create an "entertainment district" in accordance with A.R.S. 4-207.

The K.D.M.A. has learned of recent plans to establish a church within the building commonly described as the old Central Commercial building.

The Association does not presume to dictate or police the downtown area in regards to who should or who should not be allowed to rent, buy or occupy the buildings in our downtown; a church located in this area however, would be especially detrimental to future development of spirituous businesses within the three hundred foot no-liquor zone prescribed by law restricting a liquor license or the transfer of a liquor license within a 300 foot radius of a church or charter school.

As a work-around to this conflict, A.R.S. 4-207 seems to be agreeable with the K.D.M.A. and demonstrates a progressive solution for the need to protect existing and future spirituous businesses with the need to occupy vacant buildings with sustainable tenants including churches and schools.

Therefore, it is the intent and request of this letter to ask that the City of Kingman's common council place this matter on the agenda for consideration and discussion in establishing an "entertainment district".

Regards,

Matthew Wanner, President
Kingman Downtown Merchants' Association

Copy delivered: City Clerk, City of Kingman
Emailed copy: K.D.M.A. membership



4-207

A.R.S. §4-207: Restrictions on licensed premises near school or church buildings: definitions

- A. A retailer's license shall not be issued for any premises that are, at the time the license application is received by the director, within three hundred horizontal feet of a church, within three hundred horizontal feet of a public or private school building with kindergarten programs or any of grades one through twelve or within three hundred horizontal feet of a fenced recreational area adjacent to such school building. This section does not prohibit the renewal of a valid license issued pursuant to this title if, on the date that the original application for the license is filed, the premises were not within three hundred horizontal feet of a church, within three hundred horizontal feet of a public or private school building with kindergarten programs or any of grades one through twelve or within three hundred horizontal feet of a fenced recreational area adjacent to such school building.
- B. Subsection A of this section does not apply to a:
1. Restaurant issued a license pursuant to section 4-205.02.
 2. Special event license issued pursuant to section 4-203.02.
 3. Hotel-motel issued a license pursuant to section 4-205.01.
 4. Government license issued pursuant to section 4-205.03.
 5. Playing area of a golf course issued a license pursuant to this article.
 6. A beer and wine license at a not-for-profit performing arts theatre with a permanent seating capacity of at least two hundred fifty persons.
- C. Notwithstanding subsection A of this section:
1. A transferrable spirituous liquor license that is validly issued and that is, on the date an application for a transfer is filed, within three hundred horizontal feet of a church, within three hundred horizontal feet of a public or private school building with kindergarten programs or any of grades one through twelve or within three hundred horizontal feet of a fenced recreational area adjacent to such school building may be transferred person to person pursuant to sections 4-201, 4-202 and 4-203 and remains in full force until the license is terminated in any manner, unless renewed pursuant to section 4-209, subsection A.
 2. A person may be issued a spirituous liquor license pursuant to sections 4 201, 4 202 and 4 203 of the same class for premises that on the date the application is filed, have a valid transferable or nontransferable license of the same series if the premises are, on the date an application for such license is filed, within three hundred horizontal feet of a church, within three hundred horizontal feet of a public or private school building with kindergarten programs or any of grades one through twelve or within three hundred horizontal feet of a fenced recreational area adjacent to such school building and the license remains in full force until the license is terminated in any manner, unless renewed pursuant to section 4 209, subsection A.
 3. A person may be issued a liquor store license pursuant to sections 4-201, 4-202, 4-203 and 4-206.01 for premises that have a beer and wine store license validly issued if the premises, on the date an application for such license is filed, are within three hundred horizontal feet of a church, within three hundred horizontal feet of a public or private school building with kindergarten programs or any of grades one through twelve or within three hundred horizontal feet of a fenced recreational area adjacent to such school building and the license remains in full force until the license is terminated in any manner, unless renewed pursuant to section 4-209, subsection A.
 4. The governing body of a city or town, on a case-by-case basis, may approve an exemption from the distance restrictions prescribed in this section for a church or charter school that is located in an area that is designated an entertainment district by the governing body of that city or town. A city or town with a population of at least five hundred thousand persons may designate no more than three entertainment districts within the boundaries of the city or town

pursuant to this paragraph. A city or town with a population of at least two hundred thousand persons but less than five hundred thousand persons may designate no more than two entertainment districts within the boundaries of the city or town pursuant to this paragraph. A city or town with a population of less than two hundred thousand persons may designate no more than one entertainment district within the boundaries of the city or town pursuant to this paragraph.

5. A person may be issued a beer and wine store license pursuant to sections 4-201, 4-202, 4-203 and 4-206.01 for premises that have a liquor store license validly issued if the premises, on the date of an application for which the license is filed, are within three hundred horizontal feet of a church, within three hundred horizontal feet of a public or private school building with kindergarten programs or any of grades one through twelve or within three hundred horizontal feet of a fenced recreation area adjacent to such school building and the license remains in full force until the license is terminated in any manner, unless renewed pursuant to section 4-209, subsection A.

D. For the purposes of this section:

1. "Church" means a building which is erected or converted for use as a church, where services are regularly convened, that is used primarily for religious worship and schooling and that a reasonable person would conclude is a church by reason of design, signs or architectural or other features.
2. "Entertainment district" means a specific contiguous area that is designated an entertainment district by a resolution adopted by the governing body of a city or town, that consists of no more than one square mile, that is no less than one-eighth of a mile in width and that contains a significant number of entertainment, artistic and cultural venues, including music halls, concert facilities, theaters, arenas, stadiums, museums, studios, galleries, restaurants, bars and other related facilities.

CITY OF KINGMAN COMMUNICATION TO COUNCIL



TO: Honorable Mayor and Council Members
FROM: Public Works
MEETING DATE: August 4, 2015
AGENDA SUBJECT: Department Report on Water Division

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

ATTACHMENT:

FISCAL IMPACT:

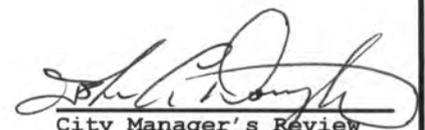
**STAFF
RECOMMENDATION:**



Signature of Dept. Head



City Attorney
Approved as to form



City Manager's Review

AGENDA ITEM: 7a

CITY OF KINGMAN COMMUNICATION TO COUNCIL



TO: Honorable Mayor and Council Members

FROM: Carl Cooper, City Attorney

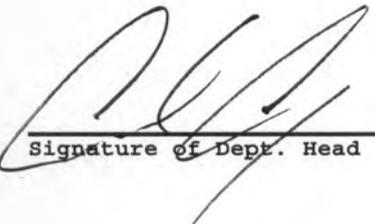
MEETING DATE: August 4th, 2015

AGENDA SUBJECT: Brown v. City of Kingman
Blaschak v. City of Kingman

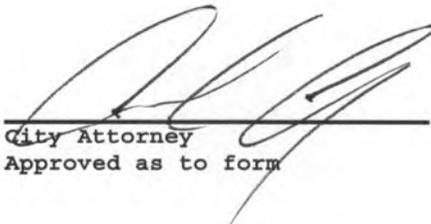
SUMMARY: Pursuant to ARS 38-431.03(A)(4), the City Attorney requests that the Mayor and Common Council vote to go into executive session for discussion and later possible action.

ATTACHMENT: none

STAFF RECOMMENDATION: Go into Executive Session for discussion with possible action outside of executive session.



Signature of Dept. Head



City Attorney
Approved as to form



City Manager's Review

AGENDA ITEM: 9