

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

5:30 P.M.

AGENDA

Tuesday, November 3, 2015

REGULAR MEETING

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

INVOCATION

The invocation will be given by Pete Ernst of Manzanita Baptist 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

- a. The Regular Meeting minutes of October 20, 2015. MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0.**

2. APPOINTMENTS

- a. Reappointment of a commissioner to KART Transit Advisory Commission (TAC)**

During the quarterly meeting of the TAC held on October 21, 2015, the Commission voted unanimously to recommend reappointing Margaret Daw. Ms. Daw's term would be for a period of three years, expiring in October, 2018. Reappointment requires a "Super Majority of Council." **Staff recommends reappointing Margaret Daw to the TAC. MOTION TO REAPPOINT MARGARET DAW WAS PASSED BY A VOTE OF 6-0.**

3. AWARDS/RECOGNITION

- a. National Runaway Prevention Month Proclamation**

Arizona Youth Partnership has requested a proclamation recognizing November as National Runaway Prevention Month.

- b. Presentation to the Lee Williams High School Student Council**

Each year the City of Kingman Youth Advisory Commission and Lee Williams High School Student Council organize and plan the Badges of Courage Charity Basketball Game. The event is a fundraiser to assist both groups with projects throughout the year. The 2015 Badges of Courage Game was a great success! Mayor Anderson, Councilmember Abram and Councilmember Young will present a check to members of the LWHS Student Council for their portion of the proceeds from the event.

4. **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. **THIS ITEM WAS TAKEN OUT OF ORDER AND WAS HEARD BEFORE ITEM "2A"**.

5. **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. **Emergency Operations Plan revision adoption**

The City of Kingman Emergency Operations Plan has not been revised since 2007 and since that time numerous changes in personnel, resources, and operational capabilities have occurred. The proposed revision accounts for current operational capabilities as well as activities before, during, and after an emergency. **Staff recommends adoption of the revised Emergency Operations Plan. MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0.**

b. **Resolution 4978 approving a two year extension of time of the preliminary plat for Legacy at Walleck Ranch, Tract 1965**

The subject property is located along the east side of N. Willow Road, north of Kino Avenue, south of Coronado Avenue, and west of N. Irving Street. Under the Kingman Subdivision Ordinance, the Council may extend the preliminary plat approval for two years if there is no change in conditions within or adjoining the preliminary plat that would warrant a revision in the design of the original preliminary plat. There have been multiple extensions granted over the years and four of five final plat phases have been recorded. The developer is proposing to split the final phase of Walleck Ranch, Tract 1965 into two phases, with 26 lots in Phase 5 and 25 lots in Phase 6. **Staff recommends approving Resolution 4978. MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0.**

c. **Resolution 4979 declaring the assurance agreement forfeited for Diamondback Ridge, Tract 1974 and prescribing conditions**

Diamondback Ridge, Tract 1974 is a ten-lot residential subdivision located along the north side of Canyon Hills Road and along the east side of N. Harvard Street. A cash escrow assurance agreement in the amount of \$14,980.00 offered by First American Title as Trustee under Trust 4948 was accepted by the Council under Resolution 4064 in 2005. The 18 month assurance agreement was for the completion of sidewalk improvements and a berm along N. Harvard Street to direct drainage away from residences; however, not all improvements have been finished. Runoff along N. Harvard Street has impacted at least two homes downstream on Canyon Hills Road.

As a result the City completed sidewalk improvements on N. Harvard and constructed an 8-inch high curb at the back of the sidewalk to protect the single curb from scour. The construction cost to the City for the portion of these improvements within the subdivision boundary was \$3,737.16. There is a public interest in the timely completion of the remaining sidewalk improvements within Diamondback Ridge, Tract 1974 as well as in recouping the costs of the above described improvements. The Council is asked to consider declaring the cash assurance agreement forfeited so that it may be used to pay for the completion of the rest of the sidewalks in the subdivision and defray the expenses incurred by the City for the improvements completed within the subdivision along N. Harvard Street. Any remaining funds would then be released back to the beneficiary of Trust 4948. **Staff recommends approving Resolution 4979. MOTION TO REMOVE WAS PASSED BY A VOTE OF 6-0.**

- d. **Resolution 4976-Revised requiring the submission of a cash payment for the required off-site improvements, including curbs and sidewalks along Southern Avenue associated with Fripps Ranch, Tract 1964-D and eliminating certain conditions of Resolution 4880-R**

Raymond W. Stadler, P.E., applicant and project engineer, on behalf of Fripps Mohave Land, LLC, property owner, requested the elimination of the requirement for rolled curbs and sidewalks along Southern Avenue associated with Fripps Ranch, Tract 1964-D. The request was reviewed by the Council at their meeting on October 20, 2015. A future drainage improvement project is planned for Southern Avenue which may require the removal and replacement of these improvements. The Council voted to accept a cash payment in the amount of \$38,580 for the costs of the curbs, gutters and sidewalks along Southern Avenue. Resolution 4976-R will require the cash payment and final plat approval no later than July 5, 2016 unless an extension is granted by the Council. It will also eliminate the rolled curb and sidewalk requirement of Resolution 4880-R so that standard improvements including vertical curbs can be constructed. **Staff recommends approving Resolution 4976-R. MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0.**

- e. **Authorization for purchase of used 2013 John Deere 210K skip loader**
RDO Equipment recently received a used 2013 John Deere 210K skip loader, which they are selling. This unit has two years of the factory warranty remaining. RDO also lowered the original price from \$86,000 plus taxes and delivery to \$84,752.87 including taxes and delivery. Per City of Kingman Municipal Code 2-160G, used equipment can be purchased without competitive bidding. This tractor will be used for grading of shoulders and alleys. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0.**

- f. **Vehicle purchases for Public Works Department, City Complex and I.T. Department**

The Public Works Department's Fleet Maintenance Division requests that Council approve the purchase of seven vehicles: one service truck for the Water Department; one service truck for the Wastewater Department; one service truck for the Street

Department; two service trucks for the Sanitation Department; one SUV for the City Complex Staff; and one SUV for the I.T. Department. **Staff recommends awarding the purchase of the seven vehicles. MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0.**

6. **OLD BUSINESS**

a. **Public Hearing and consideration of Ordinance 1806 to create the Kingman Crossing Planned Development District (PDD) and to amend this zoning district to the 151 acres owned by the City of Kingman in the Kingman Crossing Area to the official zoning map to apply this zoning district. Case No. CI15-001**

A public hearing and consideration of Ordinance 1806 that, if adopted, will create the Kingman Crossing Planned Development District (PDD) as Section 18.000 of the Zoning Ordinance of the City of Kingman and to apply this zoning district to the approximately 151 acres located on the south portion of Section 9, T.21N., R.16W., of the G&SRM, Mohave County, Arizona. The area is located south of Interstate-40 on 151 acres of the approximately 168 acres owned by the City of Kingman. The Kingman Crossing area is designated on the Projected Land Use Map of the Kingman General Plan Update 2030 as "Regional Commercial." The proposed zoning district is compatible with the General Plan. **The Planning and Zoning Commission, by a 6-0 vote in the affirmative, and City staff recommend the adoption of Ordinance 1608. MOTION TO RETURN TO STAFF FOR REVISIONS TO THE LIGHTING AND BUILDING REQUIREMENTS WAS PASSED BY A VOTE OF 6-0.**

b. **Ban handheld electronic device driving ordinance**

Staff has reviewed several ordinances from other Arizona cities and modeled the proposed ordinance from one recently enacted by the City of Tempe. The ordinance bans the use of electronic devices by a driver of a vehicle while on the public right of way, though it does allow for some exceptions. This ordinance may be adopted tonight or Council may make revisions for later adoption. Unless directed otherwise, the ordinance will take effect 30 days after passage. **Council discretion. MOTION TO REVISE WAS DENIED BY A VOTE OF 3-3 WITH MAYOR ANDERSON, COUNCILMEMBER CARVER, AND COUNCILMEMBER MILES VOTING NAY.**

NO FURTHER ACTION WAS TAKEN ON THIS ITEM.

c. **Climatec agreement**

Since receiving and reviewing Climatec's agreement documents, Staff has discovered discrepancies between Climatec's verbal proposal and the written documents. The following items in particular stood out to Staff: agreeing to apply excess energy savings from one year to a previous or future year's savings to offset an energy savings shortfall; applying verified excess project savings from construction and/or utility rebates to the guaranteed project savings; an annual service agreement charge; and a requirement to complete a minimum of 50% of the

identified projects or submit payment to reimburse Climatec for the audit. **Staff recommends continuing with the project.**

d. Primary Property Tax Discussion

On October 6, 2015, Council adopted Ordinance 1799 which extended the sunset date on the increased 1/2% TPT rate from June 30, 2016 until December 31, 2017 in an effort to establish a primary property tax. A primary property tax has not been a form of revenue since 1980 when the primary property tax was permanently removed. Staff will provide Council with information surrounding the establishment of a primary property tax to include: a general overview of property taxes, historical valuations, considerations in determining a base levy, and public safety priorities in the upcoming fiscal years. **This item is for discussion only.**

7. NEW BUSINESS

a. Amendment to agreement with Kingman Airport Authority

Councilmember Abram requested discussion and possible action regarding amending the current agreement between the City of Kingman (City) and Kingman Airport Authority (KAA) to incorporate a set of Performance Measures. Such Performance Measures will be negotiated between the City and KAA Board of Directors and will be used to measure forward progress within the Kingman Industrial Park on an annual basis. **Staff concurs with the recommendation. THIS ITEM WAS TAKEN OUT OF ORDER AND WAS HEARD BEFORE ITEM “2A”.**

MOTION TO TABLE WAS PASSED BY A VOTE OF 4-0 WITH COUNCILMEMBER MILES AND COUNCILMEMBER YOCUM ABSTAINING.

b. Consideration of an exception to the preliminary plat extension regulations

Doug Angle of Hualapai Development LLC received a preliminary plat approval on the Vista Bella Ranchitas Subdivision, Tract 6029 on October 2, 2006. This proposed 71 lot subdivision is a 21.69 acre tract of land located southeast of Airway Avenue and Prospector Street. A preliminary plat is valid for 24 months and several extensions have been granted; however, an extension was not requested in 2014 and the preliminary plat approval has lapsed. Mr. Angle is now requesting a preliminary plat extension, which requires the Council to grant an exception to Section 2.2.(8).b.(iv) of the Subdivision Ordinance. This area has drainage issues and if the subdivision is fully improved in accordance with the engineered design the drainage issues should be addressed. The interim drainage mitigation structures are not being maintained and need to be maintained to avoid flooding issues. **Because there are no changes in design standards, staff recommends granting the exception to Section 2.2.(8).b.(iv) of the Subdivision Ordinance so Hualapai Development LLC can request another extension. Staff believes an extension needs to address current and future drainage issues. MOTION TO GRANT THE EXCEPTION WAS PASSED BY A VOTE OF 6-0.**

c. TDC/KVC follow up to work session

On October 26, 2015 the Tourism Development Commission (TDC) and Council met to discuss the following proposals for the future of the TDC: disbanding the TDC and contracting with the Kingman Visitors Center, Inc. (KVC); continuing current operations; or bringing the tourism function in house. **Staff recommends bringing the tourism function in house beginning July 1, 2016 and retaining the TDC as an advisory commission. MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0.**

8. REPORTS

Board, Commission and Committee Reports by Council Liaisons

9. ANNOUNCEMENTS BY MAYOR, COUNCIL MEMBERS, CITY MANAGER

Limited to announcements, availability/attendance at conferences and seminars, requests for agenda items for future meetings.

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