

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

**5:30 P.M.**

**ACTION AGENDA**

**Tuesday, June 21, 2016**

**REGULAR MEETING**

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

**INVOCATION**

The invocation will be given by Jerry Dunn of Oak Street 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**

**2. CALL TO THE PUBLIC-COMMENTS FROM THE PUBLIC**

Those wishing to address the Council should fill out request forms in advance. Action taken as a result of public comments will be limited to directing staff to study the matter or rescheduling the matter for consideration and decision at a later time. Comments from the Public will be restricted to items not on the agenda with the exception of those on the Consent Agenda. There will be no comments allowed that advertise for a particular person or group. Comments should be limited to no longer than 3 minutes.

**3. CONSENT AGENDA**

All matters listed here are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the CONSENT AGENDA and will be considered separately.

**a. Application for Permanent Liquor License Extension of Premises/Patio Permit**

Applicant, Blake Schritter, of Black Bridge Brewery has submitted an application for a permanent extension of premises/patio permit at 421 E. Beale Street in Kingman, Arizona. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

**b. Arizona Criminal Justice Commission Grant Award DC-17-007**

On June 7, 2016 the Arizona Criminal Justice Commission (ACJC) awarded the Kingman Police Department, on behalf of the Mohave Area General Narcotics Enforcement Team (M.A.G.N.E.T.), a grant in the amount of \$332,011.00 to fund our drug task force. Total grant funding is for \$332,011.00 with matching funds totaling \$83,003.00 required by M.A.G.N.E.T. Those matching funds will be paid from the M.A.G.N.E.T. RICO account. Staff recommends accepting the grant and authorizing the Mayor and City Attorney to sign the grant agreement. **MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

**c. Application for Temporary Liquor License Extension of Premises/Patio Permit**

Applicant Diana M Caldon of Diana's Cellar Door Wine Bar has submitted a request for a temporary liquor license extension of premises/patio permit for July 2 and July 3, 2016 at 414 E Beale Street, Kingman. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

**d. Transfer ownership of a 2013 Hyundai Genesis sedan from the Kingman Police Department/M.A.G.N.E.T. to the Kingman Police Department**

On February 26, 2016, a 2013 Hyundai Genesis (VIN# KMHHUGKJ9DU104867) 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 task force solely to the Kingman Police Department. Upon approval of the City of Kingman Council the vehicle will be transferred to the Kingman Police Department fleet operations. **Staff recommends approval to transfer ownership of the above listed vehicle from the M.A.G.N.E.T. Task Force to the Kingman Police Department. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

**e. Donation of rifle sight systems to the Kingman Police Department.**

The Kingman Police Department is an active member of the Defense Logistics Agency and Defense Realization and Marketing Office (DRMO) program. The program provides new and used equipment to law enforcement agencies for reutilization. The department recently acquired seventy five (75) reflex sights for our Colt rifles. The sights enhance accuracy and marksmanship for officers during firearm use. Each reflex sight is valued at \$365.00 for a total donation of \$23,375.00 to the department. **Staff recommends authorizing the department to accept the donation and place the equipment into our asset inventory for law enforcement use. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

**f. Consideration of Approval of Agreement with J.E. Fuller Hydrology & Geomorphology - ENG16-0013**

Staff has been in negotiations with J.E. Fuller Hydrology & Geomorphology regarding design of certain drainage improvements throughout the City. J.E. Fuller has previously performed drainage work for both the City and County, and is qualified and able to complete the work. **Staff recommends approval of the Agreement with J.E. Fuller Hydrology & Geomorphology, and authorizing the Mayor to sign the Agreement on behalf of the City. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

**g. Application for Temporary Extension of Premises/Patio Liquor License**

Blake Schritter of Black Bridge Brewery has applied for a temporary extension of premises/patio permit for June 24, 2016 through July 24, 2016 at 421 E. Beale Street in Kingman. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

**h. Resolution No. 5021 approving the release of the remainder of the cash escrow assurance for Sunrise Business Park, Tract 6037 and acceptance of the subdivision improvements for city maintenance**

The final plat, improvement plans, and surety for Sunrise Business Park, Tract 6037 were approved under Resolution No. 4964 on July 21, 2015. This subdivision is located along the north side of Detroit Avenue, east of Western Avenue and consists of five commercial lots on 10.74 acres. The final plat and surety in the form of a cash escrow assurance agreement in the amount of \$449,437.30 held by Pioneer Title Agency, Inc., was recorded on July 29, 2015. \$50,000 was released from the assurance on October 20, 2015 for the completion of rock excavation during grading. Another \$116,021 was released from the assurance on April 5, 2016 for the completion of curbs, gutters and sidewalks as well as utility conduit within the subdivision. Mohave Engineering Associates, Inc., project engineer, on behalf of the property owner, Lingenfelter Family Trust, has requested the approval of the remainder of the cash escrow assurance which is \$283,416 for the completion of the rest of the subdivision improvements. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

**i. Proposed Resolution No. 5022 approving a revised property escrow assurance agreement for Hualapai Foothill Estates, Tract 3003-G**

The final plat, improvement plans, and property escrow assurance agreement for Hualapai Foothill Estates, Tract 3003-G were approved under Resolution No. 4391 on February 5, 2007. This subdivision is located along the north side of Cheyenne Avenue, east of Omaha Drive and west of Cherokee Street. The subdivision consists of 43 single family residential lots on 66.75 acres. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

**4. OLDBUSINESS**

**a. Palo Christi School update**

Vice Mayor Young has requested an agenda item for staff to update the Council concerning the proposal to purchase Palo Christi School.

**b. Consideration of Adoption of the Council Handbook**

The Council directed staff to develop a Council Handbook. The staff has completed the included version for comment or adoption. **Council discretion. MOTION TO CHANGE REQUIRED APPROVAL OF MOTION TO TERMINATE DISCUSSION WAS PASSED BY A VOTE OF 7-0.**

**MOTION TO APPROVE COUNCIL HANDBOOK WITH APPROVED CHANGE TO MOTION TO TERMINATE VOTE WAS PASSED BY A VOTE OF 7-0.**

**c. Resolution No. 5023 - Call of Election for a Ballot Question to Seek Voter Approval for the Sale of City Owned Property**

At the June 7, 2016, Regular Meeting the Council directed staff to return with a resolution to send a ballot question to the voters regarding the sale of approximately 151.6 acres of city-owned property known as "Kingman Crossing". If approved, Resolution No. 5023 will send this question to the voters at the November 8, 2016, General Election. **Council discretion. MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-1 WITH COUNCILMEMBER CARVER VOTING NAY.**

**d. Ignite Marketing Agreement**

City staff has met with representatives of Ignite to discuss the marketing agreement. An agreement has been drafted for Council review, discussion, and action if desired. It is the City Attorney's recommendation that the City Council direct staff to issue an RFP for marketing services. This would more closely follow the procurement process. It would allow staff and Council to evaluate multiple proposals. Ignite indicated that they would submit a proposal pursuant to an RFP process if the Council went in that direction. **City Staff recommends the Council direct staff to issue an RFP for Tourism Marketing. Council's discretion. MOTION TO PURSUE A REQUEST FOR PROPOSAL (RFP) FOR MARKETING SERVICES AND PROVIDE PREFERENCE TO LOCAL COMPANIES AND THOSE WHO HIGHLIGHT ABILITY FOR PUBLIC-PRIVATE PARTNERSHIP WAS WITHDRAWN.**

**MOTION TO APPROVE IGNITE MARKETING AGREEMENT WAS APPROVED BY A VOTE OF 4-3 WITH MAYOR ANDERSON, COUNCILMEMBER CARVER, AND COUNCILMEMBER YOCUM VOTING NAY.**

**5. NEWBUSINESS**

**a. Golf Course Advisory Commission merger with Parks and Recreation Commission**

At the May 9th Common Council Budget Work Session, Mayor Anderson recommended merging the Parks and Recreation Advisory Commission with the Golf Course Advisory Commission. All Council members present supported bringing this back for Council action at a future meeting. This was on the Agenda for the May 18th meeting of the Golf Course Advisory Commission; there was

discussion about the possibility of combining the Golf Course Advisory Commission with the Park and Recreation Commission. A motion was made to recommend that Council reject the proposal to combine the two commissions. The Motion passed 4-0. **Council direction.**

**MOTION TO COMBINE THE GOLF COURSE ADVISORY COMMISSION AND THE PARKS AND RECREATION COMMISSION INTO ONE COMMISSION WAS PASSED BY A VOTE OF 6-1 WITH COUNCILMEMBER DEAN VOTING NAY.**

**b. Resolution No. 5015 - Adoption of Fiscal Year 2016-2017 Tentative Budget**

The tentative budget sets a ceiling on appropriations. This essentially means the final budget adopted July 19, 2016 can meet but not exceed the amounts adopted with this resolution. The tentative budget is within the state expenditure limitation as modified by the home rule option. The tentative budget as presented includes changes recommended at the budget work session on May 9, 2016 and at the special subcommittee meeting on May 18, 2016. **Staff recommends Council adopt Resolution 5015 thereby adopting the City's tentative budget for fiscal year 2016-2017. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

**c. Resolution No. 5024 - Revised IGA with Mohave County for administration of animal shelter**

The City and Mohave County have an Intergovernmental Agreement that the County will administer the City's program for licensing, impoundment and adoption of dogs and certain animals within the City. The contract can be modified with 90 days notice. On March 21, 2016 the Mohave County Board of Supervisors authorized County Administrator Hendrix to send a request to modify the IGA and delete any reference to the County or Contractor administering the City's animal licensing program. **Staff recommends approval. MOTION TO AMEND INTERGOVERNMENTAL AGREEMENT WITH MOHAVE COUNTY TO CREATE A SECOND LOCATION WHERE PEOPLE CAN GET THEIR LICENSES FOR ADOPTED OR REDEEMED ANIMALS UNTIL AN ALTERNATIVE METHOD IS DEVELOPED TO TAKE OVER THE FULL PROCESS WAS PASSED BY A VOTE OF 7-0.**

**d. Consideration of Resolution No. 5020, approving a cash payment street deferral for a portion of Broadway Avenue**

Hill Family Investments (66 Auto Sales) owns a parcel adjacent to their existing auto sales lot. The property is located at 1955 E. Andy Devine Avenue and the rear of the subject property abuts Broadway Avenue. A building permit to remodel an existing building on the property has been issued. Broadway Avenue is improved with asphalt paving only with no curb, gutter or sidewalk. Because the proposed construction will exceed \$20,000, the Street Policy requires that the street improvements to be completed on Broadway. Mike Hill, applicant, sent a letter requesting a non-cash payment street improvement deferral. The scope of the required improvements would be a section, 50- feet in length, with roll curb, gutter, a four-foot wide sidewalk thickened at the driveway, and asphalt paving. The City Engineering Department's opinion of probable cost of these improvements is \$5,017.00. If a cash payment deferral is approved, the city will receive \$5,017.00 that may be used to complete future improvements on this street. Staff recommends approval of Resolution No. 5020. **MOTION TO ACCEPT A NON-CASH STREET DEFERRAL WAS PASSED BY A VOTE OF 7-0.**

**6. REPORTS**

**a. Fair Labor Standards Act Changes**

The purpose of this report is to discuss the changes recently announced to the Fair Labor Standards Act (FLSA) and their impact on the City of Kingman.

**b. Report Regarding City-owned Property**

Council had requested information on city owned properties. Staff has updated the city property list and maps, and will present to Council.

**7. ANNOUNCEMENTS BY MAYOR, COUNCIL MEMBERS, CITY MANAGER**

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

**8. EXECUTIVESESSION**

**a. Legal Action Regarding Diane Richards and Heinfeld & Meech**

The City Attorney is requesting that the Council go into executive session to discuss legal options to recover the City's losses because of the action of Diane Richards and Heinfeld & Meech. The Council may go into executive session pursuant to ARS 38- 431.03(A)(4).

**MOTION TO GO INTO EXECUTIVE SESSION WAS PASSED BY A VOTE OF 7-0.**

**MOTION TO DIRECT THE CITY ATTORNEY TO WORK WITH THE RISK POOL TO PURSUE LITIGATION AGAINST THE FORMER CITY AUDITORS AND DIANE RICHARDS WAS PASSED BY A VOTE OF 7-0.**

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