

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

5:30 PM

Regular Meeting AGENDA

Tuesday, August 2, 2016

****A member of the Common Council may be attending the meeting
telephonically****

REGULAR MEETING CALL TO ORDER AND ROLL CALL---ALL COUNCIL

MEMBERS WERE PRESENT.

INVOCATION

The invocation will be given by Paul Daniel of First Southern Baptist Church.--- **A MOMENT OF SILENT PRAYER WAS OBERVED IN PLACE OF THE INVOCATION.**

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. Resolution 5030 - Establishing New Funds for the MAGNET Grant and RICO Funds

The City records it's grants and grant related activities in Fund 752, Grants Fund. By doing so, inter-grant activities between the Kingman Police Department's MAGNET grant and RICO funds have been recorded as expenditures and revenues rather than as inter-fund transfers, which is a more acceptable practice for these types of activities. During the FY2015 financial audit, HintonBurdick, the City's auditors, suggested that separate Funds be established for the MAGNET grant and RICO funds for the purpose of recording inter-fund transfer activities, and staff agrees. In establishing separate Funds for the MAGNET grant and RICO funds, each of their related budgets will need to be transferred from Fund 752 to the new Funds. **Staff recommends Council approve 1) Resolution 5030 which establishes separate Funds for the MAGNET grant and RICO funds, and 2) the MAGNET grant and RICO budget transfers. MOTION**

TO APPROVE WAS PASSED BY A VOTE OF 7-0

b. Resolution No. 5028 - Authorization for the Mayor to Sign an IGA with the Arizona Department of Revenue

Last year all cities and towns entered into a new Intergovernmental Agreement (IGA) with the Arizona Department of Revenue (ADOR) in regard to joint taxpayer audits and the uniform method of administration, collection, audit and licensing of transaction privilege taxes, use taxes or other taxes imposed by the City of Kingman or State of Arizona, as required under ARS 42-6001. The IGA allowed for the parties to modify the agreement if necessary by mutual agreement. Several areas of improvement were identified over the course of the past year that needed to be addressed. A review process was initiated by the ADOR who worked with the League and key city and town representatives. Such amendments and inclusions will be included in the IGA dated July 1, 2016. The term will extend for one year and renew automatically. The amendments and inclusions are summarized in the attached Summary of Modifications. **Staff recommends Council approve Resolution No. 5028 authorizing the Mayor to sign the Modification to the Intergovernmental Agreement between the Arizona Department of Revenue and the City of Kingman regarding joint taxpayer audits and the uniform method of administration, collection, and audit and licensing of transaction privilege taxes, use taxes or other taxes imposed by the State or City.**

MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0

c. Authorizing the purchase of real property on Hunt Avenue for drainage purposes, ENG15-018

On March 17, 2015 Council approved Resolution No. 4936, which authorized staff to proceed with acquiring vacant property for drainage purposes at various locations, including Hunt Avenue. The subject property is owned by Marlin Investments and is identified as tax parcel 311-10-046. The property is 25,000 square feet in area and is a natural low point which ponds with drainage that crosses Eastern Street at Broudy Drive. The owner has indicated that \$24,000 is the minimum that they will accept for the property. As there are potentially five build-able sites, the price per site computes to \$4,800. The price is generally lower than other properties that the City has acquired in the Golden Gate Addition subdivision. **Staff recommends approval of the property purchase for \$24,000 plus escrow fees and authorizing the Mayor to sign all property deeds and acceptance statements associated with this acquisition.**

MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0

d. Consideration of Resolution 5027 for a City owned sewer payback

The City installed a sewer line with 2 manholes and service stub outs on Southern Avenue between Monroe Street and Adams Street. The City designed the sewer line and Freiday Construction completed the work. The construction was accepted on July 1, 2016 under project ENG14-088. The City Utility Regulations allow paybacks for water and sewer lines constructed by the City. The proposed payback agreement in Resolution 5027 is based on actual costs expended by the City for both design and construction. The only design cost is for ADEQ review fees. The costs are proportioned out along Southern Avenue based on the frontage of adjacent properties. The term of the payback will be twenty years from the date of acceptance. The payback will be collected as adjacent properties connect to the sewer. **Staff recommends approval of Resolution 5027. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0**

e. Proposed Resolution No. 5031, approving a release of a property escrow assurance agreement for a portion of Kingman Crossing, Tract 1993-A, a single family residential subdivision

Kingman Crossing Tract 1993-A is a single family residential subdivision located on the south side of Airway Avenue at Santa Rosa Drive and is not associated with nor a part of the city-owned parcel south of I-40. On January 17, 2012 the Kingman Common

Council passed Resolution No. 4762-R which accepted a new property escrow assurance and released a surety bond for Kingman Crossing, Tract 1993-A. The property escrow assurance was accepted to assure the completion of all remaining uncompleted off-site subdivision improvements for Kingman Crossing, Tract 1993-A east of Santa Rosa Drive. Under the assurance agreement no individual lots can be sold until all required subdivision improvements were completed. The project engineer, Raymond W. Stadler, P.E. has requested the release of the property escrow assurance agreement. The City Engineer and Public Works Inspectors have verified that the remaining subdivision improvements including curb, gutter, sidewalks, sidewalk ramps, street pavement, water lines and sewer lines have been completed and all punch list items have been addressed. **Staff recommends approval of Resolution No. 5031 MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0**

4. OLD BUSINESS

a. **Combine Parks & Rec and the Golf Commissions**

Council directed staff to draft an ordinance that combined the Parks & Recreation Commission and the Golf Commission into a new Commission. **Staff recommends approval of Ordinance No. 1817. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0**

b. **Update and possible action regarding November 8, 2016, property sale election**

At the June 21st Regular Meeting Council approved Resolution No. 5023 for a Call of Election to seek voter approval for the sale of City-owned property know as "Kingman Crossing". At the time the resolution was presented staff believed that a publicity pamphlet was required for this ballot measure; however, it has since been discovered that this is not the case. Not doing a publicity pamphlet will amount to approximately \$12,000 in savings for the City. Alternatively, staff is recommending that a fact sheet including factual answers to frequently answered questions be developed and put on the City of Kingman website to help inform voters regarding this issue. It would also be made to any Council members speaking to groups on this measure and the public. **Staff recommends developing a fact sheet for this ballot measure and making it available on the City website and to the public. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0**

5. NEW BUSINESS

a. **Public hearing and consideration of Ordinance No. 1816, amending Sections 14.000, 15.000, 22.000, and 35.000 of the Zoning Ordinance of City of Kingman**

Section 1-12 DRIVEWAYS of the *Streets and Sidewalks Development Rules and Regulations of the City of Kingman*, was revised under Ordinance No. 1813 on May 17, 2016 with regard to driveway distances from street intersections. Several sections of the Kingman Zoning Ordinance reference driveway standards and requirements. Staff has determined that certain references to the driveway standards in various sections of the Zoning Ordinance need to be revised in order to maintain consistency with the changes approved in the Streets and Sidewalks Development Rules and Regulations. The Planning and Zoning Commission initiated the text amendment on June 14, 2016, and held a public hearing on July 12, 2016 to consider the proposed text amendment. **The commission voted 7-0 to recommend approval of the proposed text amendment as shown in Exhibit "A" of the attached Ordinance No. 1816. MOTION TO ADOPT ORDINANCE NO. 1816 WAS PASSED BY A VOTE OF 7-0**

b. **Procurement Code**

At the July 19th Council meeting, Councilmember Yocum requested a discussion regarding the City's procurement process. Specifically, he wanted to discuss a local preference option tied with the City's TPT, as well as the requirement for the selection

of Professional Service Contracts to go through an RFP/Bid process unless the purchase was for an emergency or urgent need. **Staff recommends that Council direct staff to update the entire procurement code. MOTION TO DIRECT STAFF TO REVIEW AND ADJUST THE PROCUREMENT CODE AS NECESSARY WAS PASSED BY A VOTE OF 7-0.**

c. Public hearing and consideration of Resolution No. 5029 to approve the vacation (abandonment) of a portion of Simon Avenue and a land swap

This is a request from UniSource Energy Services to vacate (abandon) a portion of Simon Avenue located east of N. Fairfax Street, south of Berk Avenue, and north of Sunrise Avenue. The Planning and Zoning Commission held a public hearing on July 12, 2016. There was no objection from nearby property owners or reviewing staff. Planning staff recommended that the portion of Simon Avenue be vacated because the street would be of no use to the City for utilities or other purposes. The applicant proposed that in lieu of a cash payment for the portion of Simon Avenue proposed to be vacated, a land swap would occur with other property owned by UniSource in the area. The subject property to be considered for land swap is located at the intersection of Anson Smith Road, N. Fourth Street and Wilshire Avenue. Both the City of Kingman and the applicant agree that the land swap is beneficial to both parties and are equal in value. The Planning and Zoning Commission voted 6-0 to recommend approval of the vacation of a portion of Simon Avenue and the land swap requested by the applicant. **Staff recommends approval. MOTION TO APPROVE RESOLUTION NO. 5029 WAS PASSED BY A VOTE OF 7-0.**

6. REPORTS

a. European Route 66 Festival

Jim Hinckley will be present to discuss his recent marketing tour of Kingman at the 1st European Route 66 Festival.

7. 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 7-0