

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

5:30 PM

Regular Meeting AGENDA Tuesday, December 6, 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 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

2. APPOINTMENTS

a. Consideration of Reappointing Mike Blair to the Planning and Zoning Commission

Commissioner Blair is completing a full three year term after completing a less than half of the unexpired term of Commissioner Kathleen Murray beginning in November 2012. The appointment will be for a three-year term, beginning January 1, 2017 and ending December 31, 2019. The Planning and Zoning Commission recommends the reappointment of Commissioner Mike Blair. **Staff recommends approval.---**
MOTION TO REFER THIS ITEM BACK TO THE PLANNING AND ZONING COMMISSION FOR REVIEW OF ADDITIONAL CANDIDATES WAS PASSED BY A VOTE OF 7-0.

b. Appointments to Clean City Commission

The terms of commission members Kathleen Bowman, Clarence "C" Russell, and Marianne Van Hasselt end on December 31, 2016. Commissioner Bowman was appointed in November to fill a vacant seat and is eligible for reappointment to a full three-year term. Commissioner Russell is completing his first term and may be reappointed for a second three-year term. Commissioner Van Hasselt is completing her second term of office in December. All three commissioners are city residents. The commission members voted unanimously, 6-0, to recommend that the City Council reappoint Kathleen Bowman, Clarence "C" Russell, and Marianne Van Hasselt to three-year terms on the Clean City Commission ending on December 31, 2019. Under Section 2-157g(1)b of the Kingman Municipal Code, it will require a supermajority of the Council to approve a third term for Ms. Van Hasselt. **Staff recommends approval.---**
MOTION TO APPROVE APPOINTMENT OF KATHLEEN BOWMAN AND CLARENCE RUSSELL WAS PASSED BY A VOTE OF 7-0.

MOTION TO APPROVE APPOINTMENT OF MARIANNE VANHASSLET WAS PASSED BY A VOTE OF 7-0.

3. AWARDS/RECOGNITION

a. Award of Plaques

Mayor Monica Gates will present awards to outgoing Mayor Richard Anderson, Vice Mayor Carole Young, Councilmember Larry Carver, and Councilmember Kenneth Dean.

b. Mayor's Inaugural Comments

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.

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. Liquor License Application

Applicant Angela Dawn Patterson of Beale Street Brews Coffee has applied for a Series#12 Restaurant Liquor License for a coffee shop located at 510 E. Beale St. in Kingman. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

b. Liquor License Application

Applicant, Douglas Koch, of QK, Inc., has applied for a Series 12 - Restaurant Liquor License for a Denny's restaurant located at 3255 E Andy Devine in Kingman. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

c. Liquor License Application

Applicant Nilesh P. Patel of India Masala, Inc. has applied for a Series#12 Restaurant Liquor License for a restaurant located at 2890 E. Andy Devine Ave. in Kingman. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

d. 2017 UNIT 1-2-3 REFUSE TRUCKS (3)

The Sanitation Division budgeted for two new refuse trucks this fiscal year. On April 8th, we lost two trucks to an electrical fire. A third truck was significantly damaged. Although insurance reimbursement has been received for the totaled trucks, those funds cannot be used this fiscal year to purchase replacements as it was not budgeted. In an effort to replace one of the totaled trucks this fiscal year, bids were solicited for three refuse trucks in September: (1) Round Body Truck - Universal (2) Square Body Trucks - Residential. A total of ten bids were received: Rush Truck Center - 3 Bids, Vanguard Trucks - 4 Bids, Freightliner, Western Star, Autocar of Arizona - 4 Bids, Two did not meet specifications. The lowest bidder does not have a local body service and warranty center in the Kingman area. **Staff recommends accepting the second lowest bid from Rush Truck Center. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

e. Approval of Resolution 5048 , A Facilities Use Agreement Between The City Of Kingman And Mohave Community College

The City owns and operates Fire Station #2 (Station) located at 1605 Harrison Ave, Kingman AZ. It is a staffed and operating emergency operations fire station. It staffed

and operational 24 hours a day. The City is desirous of permitting MCC to utilize certain equipment and portions of this facility for educational purposes. The purpose of this agreement is to provide a facility for the MCC Fire Academy. The MCC Fire Academy is a 16-week, 272-hour course that provides manipulative and technical training in basic firefighting concepts such as fire behavior, fire hose handling and water supply, ladder design and use, physical fitness, fire history, personal protective equipment, rescue procedures, command and control, fire suppression, hazardous materials, and firefighter safety, along with many additional aspects related to a firefighting career. **Staff recommends approval of Resolution No. 5048 MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

f. Award of bid for emergency equipment for police vehicles

The Kingman Police Department solicited bids for emergency equipment for four (4) Ford Police Interceptors. Only one bid was submitted and opened on November 22, 2016. The bid was submitted by Arizona Emergency Products of Phoenix at a unit cost of \$13,439.58 or a total cost of \$53,758.32. The department has worked with Arizona Emergency Products in the past and their workmanship and customer service is acceptable. **Staff recommends accepting and awarding the bid to Arizona Emergency Products. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

g. Acceptance of property donation at Hibbert Street and Turquoise Avenue

Staff was contacted by the family of Louise Davis regarding the donation of property at Hibbert Street and Turquoise Avenue. This parcel is .05 acre in size, and in an area of frequent flooding. Improvements on this lot could lessen drainage impacts on other neighboring properties. **Staff recommends accepting this property to help address drainage issues in the area. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

h. Resolution No. 5051 - Prescribing standards of financial disclosure for local elected officials

Pursuant to the provisions of A.R.S. § 38-545, as amended, the City of Kingman is required to adopt standards of financial disclosure consistent with the provisions of Title 38, Chapter 3.1, Article 1, Arizona Revised Statutes, as amended. Resolution No. 5051 will reaffirm state statute as set by the legislature in 2016. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

6. OLD BUSINESS

a. Public Hearing - Ordinance 1819 - Decrease Wastewater User Charge Rates

With the recent WIFA Board approval of a \$3.9 million prepayment of the HTWWTP loan, the sewer fund will experience a reduction in annual debt service of just over \$400,000. These savings, as directed by Council, are to be utilized to reduce sewer rates. Sewer rate reduction options, fiscal impact analysis, and the sewer 5-year CIP were presented to the Municipal Utilities Commission on September 22, 2016. After consideration and discussion, the Commission recommended a user rate reduction be passed on to residential users. The same presentation was given to City Council on October 4, 2016 - the Commission's recommendation was discussed. Council agreed that a user rate reduction would be the most beneficial to customers but recommended commercial users be included in the calculation. Staff drafted several user rate reduction options and presented such to Council on November 1, 2016. At that meeting, Council adopted a public notice to hold a public hearing on December 6, 2016 for a sewer rate reduction which will provide both residential and commercial users a decrease in their user rates by 14.83% and 1.21%, respectively. **Staff recommends Council review the attached information and after consideration of public comment, adopt Ordinance 1819. MOTION TO SEEK APPROVAL FROM WIFA FOR AN OPTION TO INCREASE THE CUSTOMER BASE THROUGH SYSTEM EXPANSION WAS PASSED BY A VOTE OF 7-0.**

7. NEW BUSINESS

a. **Public Hearing and Consideration of Ordinance #1823, to Require the Landscaping of Front and Street Side Yards of Residences on Lots or Parcels Prior to Final Inspection and Occupancy. Case #ZO16-0004**

With the revisions to the landscaping regulations that took place in June 2016, one provision was inadvertently omitted. This provision was the requirement of landscaping the front and street side yard of a new residence. Kingman is actively striving to improve its appearance to have it be a more attractive and desirable place to live, work, and play. Property presence and maintenance is an important factor to making the City a desirable place to live. The initial landscaping of new homes allows for a weed-free and an attractive street presence. This proposed regulation will aid in addressing the need and desire to have the community landscaped by requiring the front yard and street side yard (for corner lots) to be landscaped prior to final inspection and occupancy. **The Planning and Zoning Commission and staff recommends approval of this text amendment. Ordinance #1823 contains the proposed amendment. MOTION TO APPROVE ORDINANCE NO. 1823 WAS PASSED BY A VOTE OF 7-0.**

b. **Public Hearing and Consideration of Resolution #5047, A Request for a Conditional Use Permit to allow the construction of a 150-foot monopole style communication tower near Sunrise Avenue**

The applicant, Greg Yocum, Business Development Manager, St Charles Tower, Inc., is requesting a Conditional Use Permit (CUP) to construct a 150-foot monopole style communication tower near Sunrise Avenue on property zoned R-R: Rural Residential. The proposed telecommunication tower is for the purpose of wireless communications with the capability of providing additional coverage such as 4G and 5G to areas such as Kingman Regional Medical Center and Interstate 40. The tower is capable of handling 3 major wireless carriers, is required to have a light on top and will be surrounded by a block wall. The applicant has submitted applications to the FAA and FCC in order to meet any requirements they may have. Staff contacted local air ambulance services to notify them of the proposal and they were appreciative to know the location of the tower but no objection. Engineering recommended the applicant submit a street deferral request due to such a small portion of Sunrise Avenue required to be improved. UniSource recommended the initially proposed 11' private access easement be revised to a 20' public utility easement. One comment of objection was received by a neighbor as stated in the Planning and Zoning Commission Report. Landscaping of the site is required. The Planning and Zoning Commission held a public hearing on this application on November 8, 2016. There was no opposition voiced at the Planning and Zoning Commission public hearing. The Commission recommended that the communication tower be surrounded by a block wall and the tower to be self-collapsible. They also recommended that the 20' public utility easement be improved with a dust free surface, not necessarily ABC. These recommendations are incorporated into the CUP conditions. The Planning and Zoning Commission, on a 6 to 0 vote, recommended approval of the conditional use permit with the conditions contained in Resolution #5047. **Staff recommends Adoption of Resolution 5047. MOTION TO APPROVE RESOLUTION NO. 5047 WAS PASSED BY A VOTE OF 7-0.**

c. **Flower boxes on Beale Street**

Ms. Rosalie Hunt asked permission from the Mayor several months ago to put a couple of flower boxes in the downtown area on Beale Street. Ms. Hunt was given permission to put one flower box in front of the pawn shop and one in front of the City Attorney's office. Ms. Hunt was also told that no additional boxes could be started until she had written authorization from the adjoining property owner stating that they would maintain the boxes. Ms. Hunt was advised that after the first few were installed that staff would

assess the situation and work with her on any additional boxes. Flower boxes are now outside of Beale Celebrations and on Fourth Street without authorization or permits. Ms. Hunt informed Mr. Dougherty in November that the staff person assigned to her was not cooperative and that she would not work with him anymore. In addition, Ms. Hunt would like to put wagon wheel trellises in the flower boxes. Mr. Dougherty has spoken with Risk Management, Engineering, and Development Services and all departments agree that it would be an attractive nuisance and potential liability for the City. Mr. Dougherty advised Ms. Hunt that no additional flower boxes were to be installed and that the addition of trellises would not be allowed. Mr. Dougherty let her know that she would need to work with the staff liaison assigned to this project. At this time Ms. Hunt would like to appeal Mr. Dougherty's decision. **Staff recommends that Council follow the City Code and not allow any more flower boxes without cooperation and following procedure. In addition, Staff recommends not allowing trellises in the boxes. MOTION TO TABLE THIS ITEM AND CREATE A PLANNING SESSION BETWEEN COUNCILMEMBER ABRAM, COUNCILMEMBER SCOTT STEHLY, AND THE KINGMAN DOWNTOWN MERCHANTS ASSOCIATION TO DRAFT A PROPOSAL TO SUBMIT TO COUNCIL AND THAT NO ADDITIONAL CONSTRUCTION IS TO OCCUR UNTIL THAT POINT WAS PASSED BY A VOTE OF 7-0.**

d. UniSource Donation-Ramada with Solar Panels at the Splash Pad

UniSource would like to make a donation to the City of Kingman Park and Recreation Department. The donation would be the installation of a Ramada with Solar Panels on top of the roof. This Ramada would be located at Cecil Davis Park between the new Splash Pad that was donated by the Venture Club of Kingman and the Soccer field. This would provide another great shaded picnic area for families watching the children playing at the Splash Pad as well as on the Soccer field. The Solar panels would produce enough energy over the year to run the Splash Pad for the season. The Park and Recreation Commission voted unanimously to send this to Council for approval. **Staff recommends approval of the Ramada with Solar Panels that provide enough power over the year to run the Splash Pad for the season. MOTION TO ACCEPT THE DONATION OF SOLAR PANELS AND RAMADA FROM UNISOURCE AND WAIVE PROJECT ASSOCIATED PERMIT FEES WAS PASSED BY A VOTE OF 7-0.**

e. Consideration of Approval of Design Contract for Kingman Crossing Boulevard, ENG16-0026

The current budget includes funds for Engineering Services for design of Kingman Crossing Boulevard between Southern Avenue and Airway Avenue with a grade separated crossing of Interstate 40 (I-40). The purpose of the project is to improve traffic circulation and public safety response across I-40 in the east Kingman area. Staff has proceeded with the process of hiring an engineering consultant under Arizona Revised Statute 34-603, which requires a committee to review qualifications and recommend the highest ranked firm. Staff received Statements of Qualifications from five firms and is recommending AECOM Technical Services, Inc. to complete the plans and specifications for the design of Kingman Crossing Boulevard. The design will include the ultimate bridge width for I-40 with KC Boulevard passing under the interstate, but will not include any freeway ramps or access to I-40. The design plans for the project will meet all City, State and Federal standards and must also meet utility, flood control, and State Trust Land requirements including environmental clearances. Major items of design include interim roadway alignments including curb and gutter, sidewalks and possible bicycle lanes, bridges for the I-40 crossing, State Trust Land acquisition, right of way acquisition including subdivision documents, drainage facilities, and utility and agency coordination. AECOM has submitted a proposal dated October 31, 2016 and is ready to proceed with preparing the design plans and specifications. Staff is proposing at least one public involvement meeting, and at least one Council presentation to review public comments and discuss preliminary

designs. It is anticipated that final plans will be complete by late 2017 or early 2018. **Staff recommends that the October 31, 2016 proposal from AECOM be accepted and that the Mayor be authorized to sign the agreement. MOTION TO DELAY THIS ITEM UNTIL THE NEW COUNCIL CAN HOLD A WORKSHOP TO DISCUSS IT WITH A FINANCIAL EXPERT WAS PASSED BY A VOTE OF 7-0.**

- f. **Resolution No. 5049, accepting certain completed public improvements in Walleck Ranch, Tract 1961-I for city maintenance and accepting a cash escrow assurance for uncompleted sidewalks.**

The final plat and improvement plans for Walleck Ranch, Tract 1961-I was approved by the City Council under Resolution No. 5014 on June 7, 2016. The subdivision is located south of Gordon Drive and east of N. Glen Road. The developer agreed to complete all required subdivision improvements prior to recording the final plat. At this time all off-site subdivision improvements are completed except for sidewalks. A cash assurance has been offered by Pioneer Title for the completion of sidewalks in the amount of \$80,600.00. The amount is acceptable and includes a 30% contingency as required by the Subdivision Ordinance. There are retaining walls between some of the lots that are not yet completed per the approved improvement plans. Staff has recommended to the project engineer that the retaining walls be completed prior to recording of the final plat. The walls are integral to the subdivision improvements as they assure the lots drain properly and that the lots may be served by the public improvements including streets, water and sewer. Assurances are not normally accepted for improvements that are not located in public rights-of-way. The developer, however, is requesting that the final plat be allowed to be recorded without the completion of the retaining walls. The intent would be to finish those improvements within 90 days or before a certificate of occupancy is issued for the first residence built in the subdivision, whichever comes first. The only assurance for the completion of the walls would be the withholding of the certificate of occupancy. No staff objection to acceptance of the sidewalk cash assurance. Staff has expressed concerns over recording the final plat prior to completion of the retaining walls. **Council discretion. MOTION TO APPROVE RESOLUTION NO. 5049 WAS PASSED BY A VOTE OF 7-0.**

8. REPORTS

- a. **Board, Commission and Committee Reports by Council Liaisons**

- b. **Status Report Capital Projects**

Engineering Staff will provide a brief status report on the current budgeted projects.

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 7-0.