

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

5:30 P.M.

MINUTES

Tuesday, February 17, 2015

REGULAR MEETING

Members	Officers	Visitors Signing in
Richard Anderson – Mayor	John Dougherty, City Manager	See attached list
Mark Wimpee, Sr. – Vice Mayor	Jackie Walker, Human Resource Director	
Mark Abram	Carl Cooper, City Attorney	
Larry Carver	Jake Rhoades, Fire Chief	
Jen Miles	Greg Henry, City Engineer	
Stuart Yocum	Rusty Cooper, Deputy Chief of Police	
Carole Young	Mike Meersman, Parks and Recreation Director	
	Diane Richards, Budget Analyst	
	Gary Jeppson, Development Services Director	
	Rob Owen, Public Works Director	
	Joe Clos, Information Services Director	
	Sydney Muhle, City Clerk	
	Erin Roper, Deputy City Clerk and Recording Secretary	

CALL TO ORDER & ROLL CALL

Mayor Anderson called the meeting to order at 5:29 P.M. and roll call was taken. All Council members were present except Councilmember Yocum who was absent. The invocation was given by Philip Shaw of Trinity Episcopal 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 February 3, 2015.

Vice Mayor Wimpee, Sr. made a MOTION to APPROVE the Regular Meeting and Executive Session minutes of February 3, 2015. Councilmember Abram SECONDED and it was APPROVED by a vote of 6-0.

2. **APPOINTMENTS**

Consideration of reappointing William Wales to the Economic Development and Marketing Commission (EDMC).

William Wales served on the EDMC in 2014 after the resignation of a commissioner. Mr. Wales expressed interest in continuing to serve at the commission's Regular Meeting on February 11, 2015. There was one other application in the talent bank; however, the applicant has since withdrawn the application due to work schedule conflicts. The commission recommends reappointing William Wales to serve on the EDMC for a term ending December 31, 2018.

Mr. Wales addressed the Council and stated he had a passion for economic development and wanted to serve on the commission for the next three years.

Vice Mayor Wimpee, Sr. made a MOTION to REAPPOINT William Wales to the EDMC. 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.

Councilmember Yocum arrived at 5:34 P.M.

There were no comments from the public.

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. Recommendation from the Tourism Development Commission (TDC) for the quarterly payment to Kingman Visitor Center, Inc. for tourism services

The tourism funding agreement between the City of Kingman and the Kingman Visitor Center, Inc. specifies that a quarterly payment be made in the amount of \$51,250 upon submission and acceptance of the tourism quarterly report. The most recent quarterly report was submitted and accepted by TDC at the February 5, 2015 meeting. **Staff supports the TDC recommendation for Council approval of the quarterly payment to Kingman Visitor Center, Inc. for tourism related services.**

b. Consideration of a development agreement with William L. Nugent for street improvements on Kino Avenue, ENG15-005

William L. Nugent is developing a residential subdivision known as the Legacy at Walleck Ranch Tract 1965-E. This subdivision is located north of Kino Avenue and east of Legacy Drive. The area of Kino Avenue adjacent to the subdivision is very flat and has drainage problems. In addition, this segment of Kino Avenue was constructed with recycled asphalt millings and has experienced pavement failures. The developer is required to reconstruct the north half of Kino

Avenue as part of their development. There is consensus among staff that it is best to construct the entire segment of Kino Avenue with the subdivision. Staff is proposing a Development Agreement with William L. Nugent to participate with the south half of the Kino Avenue improvements. Mohave Engineering has provided a letter and proposal from Desert Construction showing the cost for City participation to be \$30,830.00. Staff has reviewed the costs and recommends entering the Development Agreement with Mr. Nugent. **Staff recommends approving the Development Agreement utilizing up to \$30,830.00 of Flood Control Funds.**

c. Authorization to approve a contract with Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program for the purchase of a new Trailer Mounted Hydro-Jetter for the Waste Water Department.

Staff is requesting Council authorize a contract with H-GAC for the purchase of a 700 gallon, Model 747-FR2000 Trailer Jet for the Wastewater department. Section 2-160(e) of the City's Procurement Code allows cooperative purchasing without a formal bidding process when other government units have done so pursuant to competitive bidding for the same item or service if, in the opinion of the purchasing agent, a separate bidding process is not likely to result in a lower price for such items or services. Staff is recommending authorization to contract with the H-GAC Cooperative Purchasing Program because the City currently has an indefinite Interlocal Contract with them since 2012, and has utilized this service in the past to purchase equipment. The H-GAC is a regional planning commission and political subdivision of the state of Texas operating under Chapter 391, Texas Local Government Code. Staff is recommending Council approve a contract with H-GAC Cooperative Purchase Program for \$80,345.00. **Staff recommends Council authorize the purchase of a new Trailer Mounted Hydro-Jetter from H-GAC Cooperative Purchasing Program.**

d. Authorization for the purchase of a used Bucket Truck

Staff is requesting Council authorize the purchase of used Bucket Truck. This used International 4300 with a working height of 45 feet would replace our current 1997 Ford with a reach of 32 feet. The additional height is needed for safe street light maintenance. Section 2-160(g) of the City's Procurement Code allows purchase of used items without the formal bidding process. Prices for comparable new units ranged from \$150,000 to \$250,000. This vendor has a solid reputation in the industry for thorough service and component replacement and certification prior to re-sale. They also offer a limited warranty. **Staff is recommending Council authorize the purchase of a used Bucket Truck from I-80 Equipment for a price of \$55,600.00.**

e. Authorization to declare Personal Protective Equipment (PPE) as surplus so that it may be donated to Firefighters Crossing Borders Organization

The Kingman Fire Department has Personal Protective Equipment (PPE) that is currently out of compliance with NFPA 1971: Standard on Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting which states that PPE shall be removed from service after ten (10) years of service and shall not be utilized during live-fire response. The department has approximately 70 bunker coats and 68 bunker pants that are older than 10 years. In addition, there are approximately 15 sets of wildland gear in the same age range and condition. As such, the departments PPE replacement ensures that all front line/suppression personnel are in compliance with this standard to ensure safety and to eliminate liability issues. The Firefighters Crossing Borders (FFCB) is a US based non-profit organization founded by active Firefighters working to assist Firefighters in Mexico. The organization accepts donations that will be utilized in Mexico

to outfit firefighters from that country. Other organizations, including neighboring districts and Mohave Community College, have been contacted but are not interested due to compliance with NFPA 1971. The Kingman Fire Department recommends the declaration of the specified personal protective equipment that is out of compliance with the NFPA standard as surplus and of no value to the U.S Fire Service. The alternative to this donation is to destroy the PPE. The City Attorney and Finance Director reviewed the request to surplus this Personal Protective Equipment (PPE) for donation to the Firefighters Crossing Borders Organization. **Staff recommends declaring the PPE surplus and donating it to the Firefighters Crossing Borders Organization.**

f. Resolution 4932, Authorization to submit HOME grant application.

The City of Kingman is eligible for and intends to apply to the Arizona Department of Housing (ADOH) for FY 2014-15 HOME grant funding in the amount of \$275,000 (\$250,000 in program funds and \$25,000 in Administration funds) to partner with Mohave County to conduct Housing Rehabilitation Activities within the City, including private property sewer connections. The City intends to continue our successful Housing Rehabilitation Program through the use of HOME program grant funds rather than the regular use of CDBG funding for this popular activity. For this grant cycle, the City opted to utilize our entire CDBG allocation to fund the new sewer extension project on Beverly, Berk and Simon Avenues and utilize this HOME grant to conduct housing rehab services and sewer connections in this same area. Staff is asking council to adopt Resolution #4932 authorizing the submission of this HOME grant application. The Kingman City Council must authorize the submission and implementation of each HOME application by resolution, confirm and approve the HOME program applicant certifications and submit the required program disclosure report identifying all funds associated with each project. **Staff recommends adopting Resolution 4932.**

g. Resolution 4933, Enter Intergovernmental Agreement with Mohave County for HOME grant activities.

The City of Kingman is eligible for and intends to apply to the Arizona Department of Housing (ADOH) for FY 2014-15 HOME grant funding in the amount of \$275,000 (\$250,000 in program funds and \$25,000 in Administration funds). The City intends to continue our successful Housing Rehabilitation Program through the use of HOME program grant funds by partnering with Mohave County to conduct Rehabilitation activities within the City, including sewer connections. By adopting Resolution 4933 entering into an IGA with Mohave County, the City will allocate administration funds to the County to conduct specialized weatherization and energy efficiency duties under our Rehab program. Mohave County currently has the specialized energy efficiency equipment and trained staff to properly conduct this portion of the rehab program. Staff is asking council to adopt Resolution #4933 to enter into an IGA with Mohave County to conduct certain elements of the City's Owner Occupied Housing Rehabilitation program under our FY 2014-15 HOME grant contract. **Staff recommends adopting Resolution 4933 authorizing an IGA with Mohave County to conduct certain housing rehab administration activities of the City HOME grant program.**

Councilmember Miles made a MOTION to APPROVE the Consent Agenda as presented. Councilmember Young SECONDED and it was APPROVED by a vote of 7-0.

5. OLD BUSINESS

None.

6. **NEW BUSINESS**

None.

7. **REPORTS**

a. **Open Meeting Law and Conflict of Interest Presentation**

The City Clerk's Office will provide its annual presentation on Arizona Open Meeting Laws including information on conflicts of interest.

City Clerk Sydney Muhle presented the following slides:



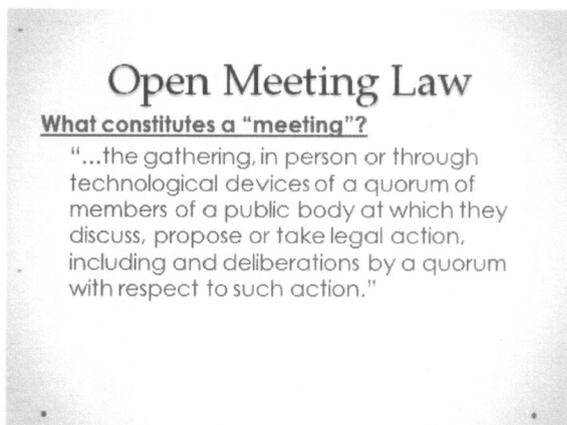
Slide one was an introductory slide. Ms. Muhle stated Open Meeting Law was required by the Arizona Revised Statutes (ARS) and read slide two.



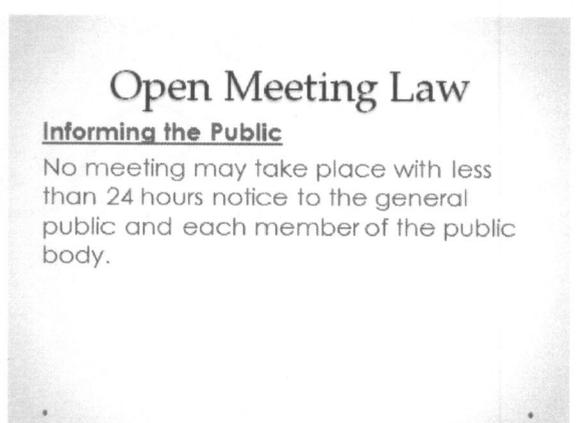
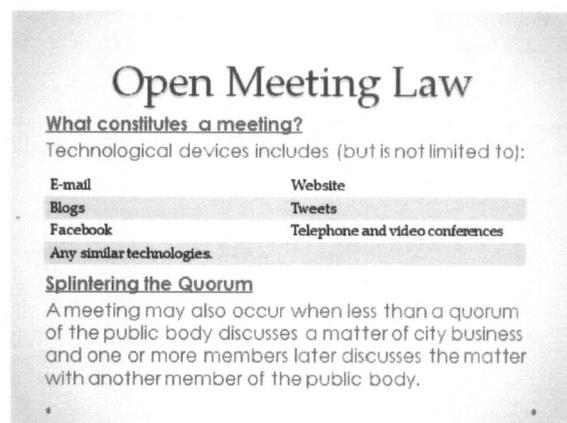
Ms. Muhle read slides three and four.



Ms. Muhle read slides five and six.



Ms. Muhle read slides seven and eight.



Ms. Muhle read slide nine and stated councilmembers should reply directly to staff members on group emails in order to prevent creating a quorum. Ms. Muhle stated councilmembers could inadvertently create quorum if a discussion between two councilmembers was relayed and/or continued with two different councilmembers.

Mayor Anderson stated social media was becoming prevalent in society and several

councilmembers had Facebook pages. Mayor Anderson asked what councilmembers should consider when posting on Facebook or news articles on the Kingman Daily Miner website.

Ms. Muhle stated councilmembers should scroll through the existing comments before submitting a new comment to see if any other councilmembers had previously commented. Ms. Muhle stated the other option was to refrain from commenting. Ms. Muhle stated it was best to be prudent with social media as it was easy for comments to be shared, which could result in a string of conversations that violated Open Meeting Law.

Mayor Anderson asked if a councilmember that posted a position or opinion on an issue on Facebook could be viewed as trying to influence the council.

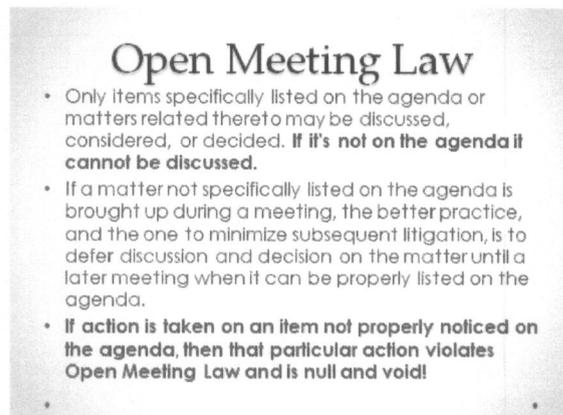
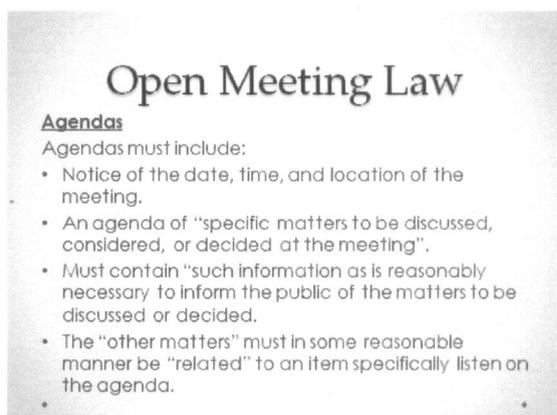
City Attorney Car Cooper stated councilmembers should not engage in discussion or deliberation on social media. Mr. Cooper stated it was permissible to post a view on Facebook, but to be careful, especially if it was City business that would go before the Council. Mr. Cooper stated it was important to watch phrasing as it would be detrimental if social media activity from one councilmember influenced the other councilmembers to the point where the councilmembers had essentially cast their votes before the issue was discussed in a public meeting. Mr. Cooper stated infractions of Open Meeting Law were investigated by the Attorney General.

Ms. Muhle stated other city clerks in the state reported problems with re-tweeting or commenting on tweets.

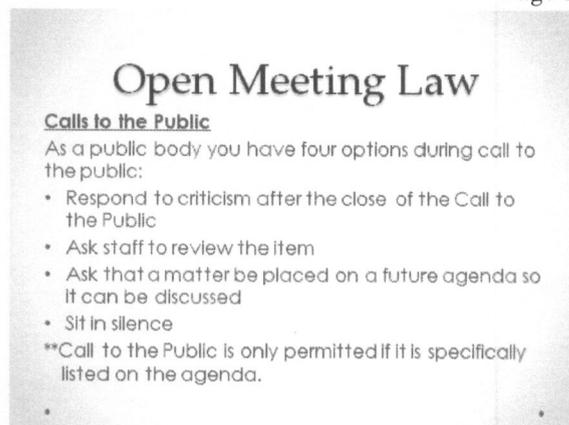
Mr. Cooper stated commenting can evolve into a discussion with councilmembers deliberating on issues and that was what needed to be avoided.

Mayor Anderson stated he wanted the public to understand that lack of councilmember activity on social media did not mean councilmembers did not care about an issue; it was the risks of violating Open Meeting Law that may discourage councilmembers from commenting.

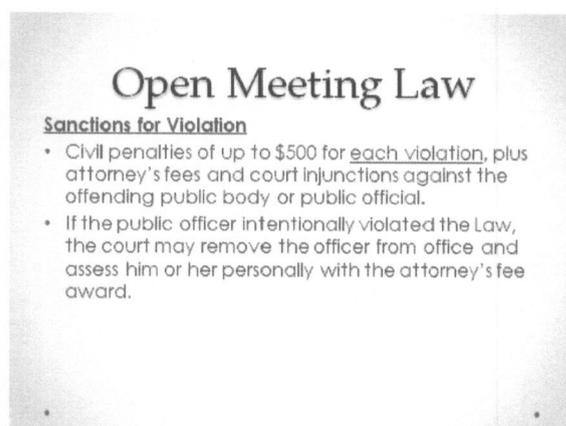
Ms. Muhle stated public meetings were the best forum for councilmembers to discuss issues. Ms. Muhle read slide 10.



Ms. Muhle read slides 11 and 12.



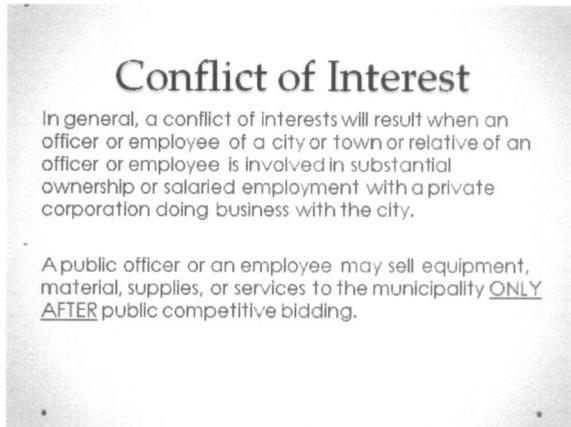
Ms. Muhle read slides 13 and 14 and stated Special Meetings did not generally include a Call to the Public.



Ms. Muhle read slides 15 and 16.



Ms. Muhle read slides 17 and 18.



Ms. Muhle read slides 19 and 20.

Mr. Cooper stated there was a list of 10 situations that were defined as "remote interest." Mr. Cooper asked the councilmembers to call him with any questions or to review the list. Mr. Cooper stated councilmembers would be able to best identify areas of their lives that posed a risk of a remote conflict of interest since City employees could not know all the specifics of each councilmember's life.



Ms. Muhle read slide 21.

b. Board, Commission and Committee Reports by Council Liaisons

Mayor Anderson attended the Western Arizona Council of Governments (WACOG) board meeting in which the board reviewed statistics from the last fiscal year of operations, discussed CDBG grants and other local grants for abuse programs. Mayor Anderson stated new officers were elected and Mohave County Supervisor Gary Watson was the new chair.

Councilmember Abram stated the Planning & Zoning Commission and City staff members were working on text amendments to the landscaping portion of the City Zoning Ordinances. Councilmember Abram stated the changes would be an improvement and help make the City a more beautiful place.

Councilmember Young stated the EDMC discussed arrangements for the upcoming International Convention of Shopping Centers (ICSC) show. Councilmember Young stated City Manager John Dougherty asked the commission to discuss Kingman Crossing at the March commission meeting.

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.

Mr. Dougherty stated he would attend a Northwest Arizona Employee Benefit Trust (NAEBT) meeting on Wednesday, February 18, 2015 and Thursday, February 19, 2015 in Lake Havasu City. Mr. Dougherty stated the meeting would discuss the employee benefits and health insurance for next year.

Councilmember Young stated there would be a Sandbox Committee meeting Wednesday, February 18, 2015 at 5:00 P.M. at the Kingman Police Department.

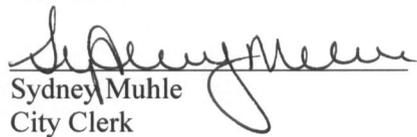
Councilmember Miles stated a homeless survey was completed for the areas of Bullhead City, Kingman and Lake Havasu City at the end of January, 2015. Councilmember Miles stated Kingman had 163 discovered homeless people, 47 of which were veterans, which was the highest number for the three cities. Councilmember Miles requested the following agenda items: an update on the negotiations to maintain service at the Downtown Post Office and the status of the Transit Advisory Commission.

Mayor Anderson stated he would attend the Sandbox meeting. Mayor Anderson stated he would provide a report on the Downtown Post Office negotiations at the next Council meeting.

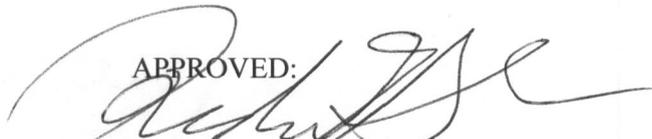
Councilmember Abram made a MOTION to ADJOURN. Councilmember Yocum SECONDED and it was APPROVED by a vote of 7-0.

ADJOURNMENT --- 5:59 P.M.

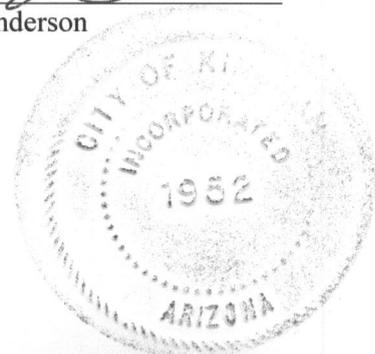
ATTEST:


Sydney Muhle
City Clerk

APPROVED:


Richard Anderson
Mayor

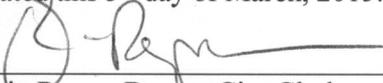
STATE OF ARIZONA)
COUNTY OF MOHAVE)ss:
CITY OF KINGMAN)



CERTIFICATE OF COUNCIL MINUTES

I, Erin Roper, Deputy 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 February 17, 2015.

Dated this 3rd day of March, 2015.



Erin Roper, Deputy City Clerk and Recording Secretary

VISITORS IN ATTENDANCE

City of Kingman

Meeting of the Common Council

Council Chambers – 310 N. 4th Street – Kingman, Arizona

Meeting Date: Feb 17, 2016

	NAME - PLEASE PRINT	EMAIL ADDRESS AND PHONE NUMBER
1	Harley Pettit	ON FILE
2	Frank Jones	jonesfw314@gmail.com
3	Cody Davis	Cody.j.h.davis@gmail.com
4	Sen Winder	sidewindertours@gmail.com
5	Sarah Ward	Sarah.Ward123@gmail.com
6	Justin Chambers	chambersjustin@citymail.com 716-0973
7	Fred Walker	
8	C. Russell	
9	Joshua Noble	josh@gokingman.com 753-6106
10	JOSEPH LONGORIA	mohavedem1@hotmail.com
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