

**CITY OF KINGMAN
TOURISM DEVELOPMENT COMMISSION
City Council Chambers
310 N. 4th Street - Kingman, Arizona**

7:30 a.m.

Regular Meeting Minutes

Thursday March 17, 2016

| Commissioners Present: | Staff: | Visitors Signing In: |
|-------------------------------------|------------------------------------|-----------------------------|
| Krystal Burge, Commission Chair | Gary Jeppson, Staff Liaison | |
| Thomas Spear, Commission Vice-Chair | John Dougherty, City Manager | See Attached |
| Jan Davis, Commissioner | Rob Owen, Public Works Director | |
| Theresa Evans, Commissioner | Burley Hambrick, Project Manager | |
| Angela Patterson, Commissioner | Sandi Fellows, Recording Secretary | |
| Harley Pettit, Commissioner | Sydney Muhle, City Clerk | |
| Herberta Schroeder, Commissioner | | |
| | | |
| Jen Miles, Council Liaison | | |

REGULAR MEETING MINUTES

CALL TO ORDER AND ROLL CALL: Chair Burge called the meeting to order at 7:30 A.M., and the Recording Secretary called the roll. All Commission members were present.

- 1. APPROVAL OF MINUTES:** The Regular Meeting Minutes of February 4, 2016.
Vice-Chair Spear made a motion to **APPROVE** the Regular Meeting Minutes of February 4, 2016, as written. The motion was **SECONDED** by Commissioner Evans, and the motion **CARRIED** with **UNANIMOUS (7-0) APPROVAL**.
- 2. CONSIDERATION OF PUBLIC COMMENTS:**
There were no comments.
- 3. OPEN MEETING LAW TRAINING:** The City Clerk will review the Open Meeting Law.

City Clerk Sydney Muhle addressed the Commission to present the annual State mandated discussion on Arizona's Open Meeting Law (A.R.S. §38-431 to §431-09). Ms. Muhle stated that the Open Meeting Law is a set of laws intended to maximize public access to the governmental process and to make certain that deliberations and proceedings are open to the public so everybody has a chance to participate and to keep public bodies from making decisions in private.

Ms. Muhle stated that Councils, Commissions and Boards of any city or town are public bodies and any laws that apply to the City Council or any commission or board also apply to subcommittees as well. She noted that a meeting means a gathering of a quorum of a public body at which they discuss, propose, or take legal action, including deliberations. She stated that meetings of the governmental body can be attended by technological devices including telephone and e-mail communications, if the plans to attend using this technology are stated beforehand in the agenda. A meeting can also be constituted by members using Facebook, Blogs, Tweets and other similar technologies.

Ms. Muhle stated that the public body may only discuss, consider, or decide on those matters listed on the agenda and other matters related thereto. She advised that if an item that is not listed on the agenda is brought up during a meeting, the better practice is to defer discussion or decisions on the matter to a later meeting date. Ms. Muhle said that the “Call to the Public” agenda item found on agendas is not required by State Statute and public bodies may impose reasonable time, place and manner restrictions on speakers.

The Commission was told that a quorum is a majority of the members of the public body, which is four for the Tourism Development Commission, because there are seven members on the Commission. Ms. Muhle told the Commission that if there is a quorum of Commission members present at a social event or gathering of any kind, City business may not be discussed. Vacant positions do not reduce the quorum requirements.

Ms. Muhle stated that Commissioners may be disqualified from voting on particular matters if they have a conflict of interest. A disqualified Commissioner, although present, cannot be counted in determining a quorum.

Ms. Muhle stated that caution must be used when communicating to other Commissioners by telephone or other social media. She said a commissioner cannot communicate to three or more commissioners outside of an official meeting about matters to be considered by the Commission. She said the staff can communicate to the Commissioners outside of an official meeting, but cannot convey the position of other commissioners in that communication. Ms. Muhle advised that there are penalties associated with these violations of the Open Meeting Law that would be the responsibility of the individual and not to the City. These penalties may be up to \$500 per occurrence, and the individual may also be removed from the Commission.

Ms. Muhle stated that the Open Meeting Law protects the public and preserves their right to participate in government, protects public officials and maintains integrity of government, and ensures a better informed citizenry that builds trust between government and citizenry.

4. OLD BUSINESS

A. DIRECTION REQUESTED CONCERNING PROPOSED CONCESSION AGREEMENT AT THE POWERHOUSE:

Project Manager Burley Hambrick addressed the Commission stating that staff had been approached by Wild West Coffee about placing a kiosk for the sale of drinks and snacks inside the Powerhouse. Under a proposed concession agreement, Wild West Coffee would pay ten percent of their sales to the City on a monthly basis. Mr. Hambrick had provided a tentative contract between the City of Kingman and Wild West Coffee for review.

The City Building Department determined that the kiosk would need to be connected to water, sewer, and higher voltage power. The only location accessible to water and sewer is upstairs between the Museum entrance and the Carlos Elmer Photo Gallery. This would also require the kiosk to be lifted into place upstairs. The kiosk consists of three units approximately three feet wide by ten feet long and weighing

approximately 500 pounds each. Staff has received quotes for the required work ranging from \$4,000 to \$8,000.

At the February 2, 2016 Council Meeting, Council tabled this item and directed staff to take it to the Tourism Development Commission for their consideration.

The City Attorney has stated the proposal could result in a gift clause violation. He also stated that the Government Property Lease Excise Tax (GPLET) could also become a factor and would need to be addressed in the agreement.

Mr. Hambrick stated that staff is requesting direction from the TDC on whether to proceed with the concession agreement, and authorization to spend City funds to complete the required work to allow the kiosk. Mr. Hambrick further stated that another option would be to put out an open-ended Request for Proposal (RFP) to allow other vendors to compete to provide a similar service.

Commissioner Davis acknowledged that there is a demand for refreshments at the Visitor Center. Commissioner Patterson noted that a kiosk would put the City in direct competition with taxpaying businesses, and stated that people should be directed to food and drink establishments in the City. Chair Burge stated that she agreed that the Visitor Center should be a gateway encouraging people to participate in the community, but there should be basic amenities available inside the Powerhouse.

Commissioner Schroeder acknowledged that having beverages available in close proximity to the exhibits could cause problems with damage to the displays as well as additional maintenance and hazards to the Powerhouse itself.

Commissioners acknowledged that vendors should be allowed to compete for the opportunity to furnish food and beverages within the Powerhouse, and recommended that guidelines be provided to the Tourism Development Commission before proceeding. Commissioners also agreed that a simple lease would be the best option, and any improvements or remodeling necessary to establish a business in the Powerhouse should be paid for by the vendor, and not the Kingman Visitor Center or City.

Vice-Chair Spear requested that the RFP's be brought to the Tourism Development Commission before being sent to the City Council. He also requested that Mr. Noble provide foot traffic counts for the Visitor Center, with and without refreshments available. Chair Burge noted that any tenant improvements proposed should be done at the same time other improvements to the Powerhouse are being completed.

No motions were made.

5. NEW BUSINESS

A. JIM HINCKLEY REQUEST FOR FUNDING CONCERNING TRAVEL EXPENSES ANTICIPATED DURING HIS PROMOTION OF ROUTE 66:

Josh Noble, President and CEO of the Kingman Visitor Center, addressed the Commission stating that the Tourism Development Commission has the opportunity to work with local Route 66 Historian and author James Hinckley. Mr. Hinckley will be representing Kingman during the first European Route 66 Festival,

which is taking place in Germany in July 2016. Mr. Noble went on to explain that he was here with Mr. Hinckley to see if the TDC could help fund him in this endeavor. Mr. Noble stated that the airfare rates kept rising, so the airfare has been secured using Powerhouse Visitor Center contingency funds.

Mr. Noble went on to state that people from the professional travel communities, such as tour operators and travel agents will be in attendance at the Festival, and it would be beneficial for Mr. Hinckley to be there to speak on what Route 66 and Kingman have to offer.

James Hinckley stated that there was a similar event in Czechoslovakia two years ago that drew 20,000 people. Mr. Hinckley went on to state that this Festival will have extensive press coverage and all of the Route 66 Associations in Europe are coming together to put this event on. An international biking group has scheduled a meeting to coordinate activities specifically geared toward Route 66 and the Southwest.

Vice-Chair Spear noted that when expending public funds there is an expectation that there is a return on any investment. He asked how this would be measured with this investment.

Mr. Noble acknowledged that a measure of the contacts brought back from the show can be taken, information collected on material or collateral distributed, and a general gauge on what audiences received the messages and how many points of contact were made. Mr. Noble stated that it may be difficult to know the end results, but would be a step in the right direction to know what sort of audience was receiving the message, and would establish contacts that could be followed up on in the future. He stated that he does request a contingency fund in his budget for the Visitor Center, but prefers to bring any funding requests he receives to the Commission for approval before dispersing funds. Mr. Noble went on to state that the Visitor Center would like to see this request move forward.

Commissioner Pettit made a MOTION to RECOMMEND FUNDING James Hinckley for \$2,149.98 for airfare to the European Route 66 Festival from the Kingman Visitor contingency fund and \$2,750.00 for meal, lodging and transportation expenses funded from the Tourism Development Commission, for a total of \$4899.98. The motion was SECONDED by Commissioner Schroeder and carried with UNANIMOUS (7-0) approval.

Chair Burge acknowledged the commitment on Mr. Hinckley's part to relay his passion for Route 66 and the Southwest to bring tourism to Kingman. Commissioners requested Mr. Hinckley return following the event and review the information and contacts received with the Commission, so see what sort of return has come from the investment.

B. MARKETING INFORMATION CONCERNING TOURISM DEVELOPMENT FROM BUXTON:

City Manager, John Dougherty addressed the Commission stating that he had recently viewed a webinar from Buxton, who is an industry leader in marketing for both retail clients and municipalities. Mr. Dougherty noted that he had a disk of the webinar and offered to share it with any Commission members who cared to view it.

Mr. Dougherty acknowledged that Kingman is not doing well bringing in new retail businesses, and that is why he originally signed up for the webinar, then discovered that Buxton also offered Tourism Marketing Tools.

The City Manager stated that he has spoken with a representative from Buxton who quoted a price of \$60,000 for the first year of information, and \$50,000 for the next two years, with the option of opting out of the contract at any time. Mr. Dougherty noted that he has also requested help funding for this venture from the Kingman Regional Medical Center, the Chamber of Commerce and UniSource, since all could benefit. He requested that an item concerning the retention of Buxton for marketing purposes be added to the April 7th Tourism Development Commission Agenda.

6. ANNOUNCEMENTS BY COMMISSIONERS:

There were no announcements or comments.

Commissioner Schroeder made a MOTION to adjourn. The motion was SECONDED by Vice-Chair Spear, and CARRIED UNANIMOUSLY (7-0). Chair Burge declared the meeting adjourned at 8:17:17 A.M.

ADJOURNMENT 8:17:17 A.M.

APPROVED:

Kristal Burge
TDC Chairperson

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

CERTIFICATE OF TDC MINUTES

I, Sandi Fellows, Recording Secretary of the City of Kingman, Arizona, hereby certify that the foregoing Minutes are a true and correct copy of the Regular Meeting Minutes of the Tourism Development Commission held on March 17, 2016.

Dated this 7th day of April 2016.