

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

5:00 P.M.

AGENDA

Monday, May 4, 2009

SPECIAL MEETING

**CALL TO ORDER & ROLL CALL
PLEDGE OF ALLEGIANCE**

Fiscal Year 2009-2010 Preliminary Budget

Tonight's special meeting provides another opportunity to discuss and modify the FY2009-2010 preliminary budget prior to adoption of the tentative budget. A list of budget modifications from April 9 and April 20 is included in the packet. Modifications include the removal of funding for *Friends of the Library*, transfer of tourism related items to ETDC, and other items discussed by Council.

Also included is information on several capital improvement projects. Council may discuss these projects as well as any other project and decide to move forward with scheduling a bond election in November 2009 or forego such an election this year.

At the last meeting there was discussion on exploring ways other than compensation to demonstrate employee appreciation. A one-time allotment of an additional 4 hours of holiday pay on Christmas Eve would be a fairly low-cost method to achieve this goal. The cost would be about \$10,000 and would have the effect of closing City offices all day Christmas Eve (with the exception of emergency services).

The special meeting tonight is a great opportunity for Council to review proposed modifications and capital improvements and make any further changes prior to adoption of the tentative budget.

Staff recommends Council review, discuss and vote on any aspect of the preliminary budget and capital improvements plan and make modifications as desired.

MOTION TO LEAVE \$10,000 IN BUDGET FOR THE FRIENDS OF THE LIBRARY AND REVIEW IN JANUARY 2010 WAS PASSED BY A VOTE OF 5-2 WITH COUNCILMEMBERS GORDON AND YOUNG VOTING NAY.

MOTION TO NOT HOLD A BOND ELECTION IN NOVEMBER 2009 WAS PASSED BY A VOTE OF 4-3 WITH MAYOR SALEM, COUNCILMEMBERS WALKER AND YOUNG VOTING NAY.

ADJOURNMENT

Posted _____ by _____

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

6:00 P.M.

AMENDED AGENDA

Monday, May 4, 2009

REGULAR MEETING

CALL TO ORDER & ROLL CALL—All Council members present

INVOCATION will be given by Minister Steve McCall, Desert Church of Christ

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

The Special Meeting and Work Session minutes of April 9, 2009 and the Regular Meeting minutes of April 20, 2009. **MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0**

2. APPOINTMENTS

Clean City Commission

There are currently two vacancies on the Kingman Clean City Commission (CCC). One term expires in December 2010 and the other in December 2011. At the April 16, 2009 meeting, the CCC reviewed two current Boards and Commissions applications from Erin Cochran and Judith Porter. The CCC voted unanimously to recommend the appointments of both Erin Cochran and Judith Porter to the CCC. **As Ms. Porter is currently serving on the Parks and Recreation Commission, Staff and the CCC recommend the appointment of Erin Cochran. MOTION TO APPOINT ERIN COCHRAN TO THE TERM EXPIRING 2010 WAS PASSED BY A VOTE OF 7-0**

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 should be limited to no longer than 3 minutes.

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. Special Event Liquor License

Agent and applicant David Lorion of the Loyal Order of Moose Lodge #1704, has applied for a Special Event Liquor License, for a Lodge Picnic to be held on June 7, 2009 from 7:00 a.m. to 4:00 p.m. at Cecil Davis Park, Kingman, Arizona. **Staff recommends approval of the Special Event Liquor License for the June 7, 2009 Lodge Picnic. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0**

b. Emergency Purchase for Milling and Resurfacing of Stockton Hill Road at Sycamore Avenue – Surface Contracting Inc.

Staff has requisitioned an emergency purchase order in the amount of \$32,000 to Surface Contracting for milling and resurfacing Stockton Hill Road and Sycamore Avenue at the Wal-Mart site entrance. This emergency work was necessitated by the failing condition of the asphalt pavement which presented a hazard to motorists and a liability to the City. Emergency purchases are authorized under Section 2-160, Paragraph (b) of the Kingman Municipal Code. On April 22, the Public Works Director presented a memorandum to the Council advising of this action. As indicated in the memorandum, this work is scheduled to take place during the night hours of the week of May 4th. **Staff recommends acknowledgement of the emergency purchase of this work by Surface Contracting. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0**

c. Federal Transit Administration (FTA) and Arizona Department of Transportation (ADOT) Civil Rights Compliance

At a special meeting of the Transit Advisory Commission (TAC) meeting of May 4, 2009, TAC reviewed ADOT'S requirement from FTA for "Civil Rights Compliance" as part of the Section 5311 rural transit funding. ADOT has stated that cities and/or counties that do not comply with this portion of the grant will not receive nor will they be able to apply for grant funding. Staff recommends approval of the "Civil Rights Compliance" policies for continued compliance with the Federal Transit Administration and Arizona Department of Transportation, Section 5311 Rural Transit funding. MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0 WITH COUNCILMEMBER GORDON ABSTAINING

5. OLD BUSINESS

a. Ordinance No. 1652 – Amendment to Subsections 13.220 USES WHICH MAY BE PERMITTED BY CONDITIONAL USE PERMIT and 13.370 CONDUCT OF USES in the C-3 Zoning District to Allow Vehicle Repair and Service Work to Take Place Outside of an Enclosed Building and Require Any Permanent Outside Equipment Necessary for Vehicular Repair and Service to be Allowed by Conditional Use Permit

As a result of Council input on how it desires to amend Subsection 13.370 CONDUCT OF USES in the Commercial: Service Business (C-3) Zoning District to allow vehicular repair work to take place outside an enclosed building or behind a screened enclosure. The amendment also allows permanent vehicular repair equipment located outside an enclosed building by Conditional Use Permit. Staff presented an Ordinance that contained what Staff understood the City Council wanted and presented it at the April 20, 2009 Council meeting. Staff was incorrect. Staff is now presenting what it understands the City Council desires.

Staff recommends approval of Ordinance No. 1652. MOTION TO APPROVE WAS PASSED BY A VOTE OF 5-1 WITH COUNCILMEMBER WALKER VOTING NAY AND MAYOR SALEM ABSTAINING.

b. Resolution No. 4601 – Adoption of the Fiscal Year 2009-2010 Tentative Budget

The Tentative Budget as presented includes the changes recommended at the budget discussions on April 9, 2009 and April 20, 2009. Any additional modifications made to the Tentative Budget tonight will be incorporated into the Final Budget scheduled to be adopted by the Council in two weeks, on May 18, 2009. The Tentative Budget sets a ceiling on appropriations. This essentially means the Final Budget adopted May 18, 2009 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. If the City spent every dime of appropriation, it is estimated that expenditures would fall approximately \$9 million below the expenditure limit. **Staff recommends Council adopt Resolution No. 4601 thereby adopting the City’s Tentative Budget for fiscal year 2009-2010. MOTION TO APPROVE WITH CHANGES; MOVE \$100,000 FROM IMPACT FEE STUDY TO CHIP SEAL PROJECT, 4 HOURS OF CHRISTMAS EVE LEAVE FOR EMPLOYEES, LEAVE \$10,000 FOR LIBRARY IN AND REVIEW IN JANUARY 2010 WAS PASSED BY A VOTE OF 7-0**

c. Ordinance No. 1656 - Special Event Permit

The Mayor and Council directed the City Attorney to revise the language of the Special Event Permit Ordinance to address two concerns. First, to modify the number of people at a gathering on private property from 100 to 200; second, to modify the language relating to certain sections of the Ordinance not applying in regard to free speech activities. The new language requires that the Chief of Police consult with the City Attorney’s Office in the case of denial or issuance of an alternative permit to ensure compliance with all constitutional guarantees. **Staff recommends the approval of Ordinance No. 1656. MOTION TO APPROVE WITH CHANGE; STRIKE LINE 3E WAS PASSED BY A VOTE OF 7-0**

6. NEW BUSINESS

a. Resolution No. 4602 – Intergovernmental Agreement (IGA) with Mohave County Flood Control District for Disbursement of Flood Control Funds to the City of Kingman

On an annual basis, the Mohave County Flood Control District executes an IGA with the City of Kingman which governs the distribution of flood control taxes and identifies which projects will be funded. This year the City will receive \$870,424 in Flood Control Monies which will fund projects identified in the attached Exhibit C of the IGA. A portion of this money will be used to make the final payment for the Mohave Wash Channelization project. Funds will also be used for drainage parcel and right of way acquisition, channel erosion protection and street improvements. **Staff recommends approval of Resolution No. 4602 authorizing the Mayor to sign an IGA with Mohave County Flood Control District governing the annual distribution of district tax revenues for flood control projects within the City of Kingman. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0**

b. Public Hearing – Resolution No. 4599 – Approval of an Extension of Time of the Preliminary Plat for Sundance Canyon Estates, Tract 6026

A request was received from Stanley Consultants, Inc., agent, for Landbridge LLC, applicant and property owner, for an extension of time on the preliminary plat for Sundance Canyon Estates, Tract 6026. The subject property is located north of Oak Street and south of the Cerbat Cliffs Golf Course with proposed street entrances at the intersection of 8th Street and Oak Street and at the south end of Western Avenue adjacent to Mountain View Cemetery. This residential subdivision is proposed to have 99 lots on 157.2 acres and will feature extensive areas of preserved open space in hillside areas, reduced rear setbacks and frontages on some lots, a private clubhouse, private streets and City-maintained water and sewer lines. Under the Kingman Subdivision Ordinance, the City Council has the authority to approve a one-year extension of time on a preliminary plat if, in their opinion, there is no change in conditions within or adjoining the preliminary plat that would warrant a revision in the in the design of the original preliminary plat, and if the sub-divider is actively processing the final plat. There are no proposed changes to the plat compared to what was originally approved in April 2007. There was some activity in 2007 towards processing the final plat. However, beginning in 2008 there was on-going litigation between parties involved in the development of this subdivision along with the downturn in the real estate market. Staff does not oppose a one-year extension as allowed under the Subdivision Ordinance; however, it is recommended that approvals of future extension requests be predicated on whether the sub-divider is actively processing the final plat at that time. **The Planning and Zoning Commission recommend approval of Resolution No. 4599. MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-1 WITH MAYOR SALEM VOTING NAY**

c. Public Hearing – Resolution No. 4600 – Approval of an Extension of Time of the Preliminary Plat for Tuscany Village, Tract 6033

A request was received from Mohave Engineering Associates, agent, and MJB Investment Group, LLC, property owner, for an extension of time on a preliminary plat for Tuscany Village, Tract 6033. The proposed plat contains 32 lots with common wall units on 4.30 acres. The subject property is located on the north side of Kino Avenue between Arizona Street and Benton Street. The preliminary plat was approved by the City Council on May 7, 2007. Preliminary plats are valid for 24 months from the date of Council action during which time the final plat (s) are required to be submitted for review and approval or a one-year extension of time on the preliminary plat must be granted. Under Section 2.2 (8) b (iii) of the Kingman Subdivision Ordinance, the Council has the authority, upon recommendation of the Planning and Zoning Commission, to extend the preliminary plat approval in one year increments if, in their opinion, there is no change in conditions within or adjoining the preliminary plat that would warrant a revision in the design of the original preliminary plat and if the sub divider is actively processing the final plat. If there have been major changes in the area affecting the subdivision plan or changes in the development standards, the Common Council may conditionally approve the extension of time, requiring modifications to the final plat. There have been changes in the area affecting this subdivision; therefore, **Staff and the Planning and Zoning Commission recommend conditional approval of the extension of time. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0**

7. ANNOUNCEMENTS BY MAYOR, COUNCIL MEMBERS, CITY MANAGER

If needed

ADJOURNMENT

Posted _____ by _____