

**CITY OF KINGMAN
MEETING OF THE CITY COUNCIL
Council Chambers
310 N. 4th Street Kingman, Arizona 86401**

5:00 PM

ACTION AGENDA

Tuesday, October 6, 2020

****A member of the City Council may be attending the meeting by telephone or video conference****

REGULAR MEETING

**CALL TO ORDER AND ROLL CALL - ALL COUNCIL MEMBERS WERE PRESENT
INVOCATION**

Invocation will be given by Jessica Cooper of Hope City 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. APPOINTMENTS

a. Transit Advisory Commission Appointments

The Transit Advisory Commission consists of 5 members. There are currently 3 active members and two vacancies. Two applications are on file. The interested applicants are Deborah Adler and Jennifer Hayes. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

2. AWARDS/RECOGNITION

a. Proclamation- Fire Prevention Week

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.

a. Hybrid Meeting- In-Person Attendance, Call In Participation and Written Comments Accepted

This is a hybrid meeting with three opportunities for public participation:

1. In-person- Those wishing to address the Council in person do not need to pre-register but space is limited and will be allotted on a first come first served basis. Attendance priorities will be given to presenters first, and then non-presenters.
2. Call ins- Those wishing to address the Council by telephone will need to pre-register by 9:00 a.m. on October 6, 2020, by emailing: cityclerk@cityofkingman.gov, and provide their name, address, telephone

number they will be using, email, and agenda item they would like to comment on. Once registered, a link with additional instructions will be provided. Only those who have pre-registered will be admitted to the meeting.

3. Written comments- All written comments a must be submitted by 9:00 a.m. on October 6, 2020, by emailing cityclerk@cityofkingman.gov or dropping off handwritten comments at the Main City Complex located at 310 N. 4th Street.

Each speaker will be given three minutes to comment and all comments will be shared with the council and attached to the minutes for this meeting.

Members of the public can watch or listen to the meeting live via Channel 4 or on YouTube @ [youtube.com/cityofkingman](https://www.youtube.com/cityofkingman)

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. **Regular Meeting Minutes of September 15, 2020** **MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

b. **Permanent Extension of Premises Liquor License Application- Diana's Cellar Door**

Applicant Diana Caldon is applying for a permanent extension of premises for a Series No. 07 Beer & Wine Bar liquor license located at 414 Beale St.,

Kingman, AZ. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

c. **Cancellation of Upcoming Council Meeting**

City Administration requests that the following meeting be cancelled: November 3, 2020 due to it being the date of the General Election. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF**

7-0.

d. **Street Lighting Equipment Purchase**

This agenda item is for consideration and approval of street light poles and equipment. Due to long lead times of poles it is important to keep a stock available to respond to accidents and damage. The order replaced poles that were previously damaged and replaced as well as ensuring poles are in stock. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A**

VOTE OF 7-0.

e. **Change to Purchase Order #22001499**

Procurement code requires any change to purchase over \$50,000.00 to be approved by City Council. Previously approved purchase order, #22001499, for vehicle up-fit costs did not include necessary equipment. The adjusted cost is an increase of \$753.84 for installation of interior lighting of police vehicles. **Staff recommends approval. MOTION TO APPROVE WAS PASSED**

BY A VOTE OF 7-0.

f. **Maintank #4 Construction Job Order Contract**

The Maintank #4 project consists of the design and construction of a new 1 million gallon tank, at the Maintank farm site. This will include all excavation, concrete ring wall, tank erection, interior and exterior coatings, cathodic protection, and inspections. A JOC proposal has been submitted by Felix Construction to complete this work. **Staff recommends approval. MOTION**

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

g. **Assistance to Firefighters Communications Grant**

The Kingman Fire department wrote and received a \$ 142,941.82 regional grant for new communications equipment. The grant partner, Northern Arizona Consolidated Fire District #1 will receive the largest part of the grant for new portable radios and the Kingman Fire Department will receive new mobile vehicle radios. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

h. Approval of Ordinance No. 1911- Business License Code Amendment

Staff from the City Attorney's office, Billing and Finance as well as the Police Department met to discuss the fingerprint requirement for mobile food vendors as required in Section 8-84 of the newly adopted Business License Code. After discussion, staff the fingerprint requirement is not imperative. Removal would reduce the burden on mobile food vendor license applicants and at least four other city mobile food vendor codes do not require a fingerprint to apply for a license. License applicants will still be subject to a criminal history background check by KPD. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

i. FY 2020 Homeland Security Grant Program Award

The Kingman Police Department has been awarded a 2020 State of Arizona Department of Homeland Security grant. The grant award of \$29,113 is for complete purchase of a Bomb Suit. The bomb suit will replace an expired suit that is required to maintain safety of the bomb technicians and certification of the KPD EOD team. This replacement will contribute to over all community safety. **Staff recommends approval and authorization for the Chief of Police to sign the agreement. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

j. 2021 Governor's Office of Highway Safety Grant Award

The Kingman Police Department has been awarded \$15,000.00 from the Governor's Office of Highway Safety (GOHS). The funding will provide overtime for department personnel to participate in enhanced DUI enforcement with the Western AZ DUI Task Force operations. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

k. Approval of Job Order for Jagerson Avenue Sewer Replacement, ENG18-0054

On September 4th 2018, The Council approved a Job-Order Contract ENG18-0016 with Freiday Construction for Underground Utility Pipeline Construction and Related Infrastructure. Staff asked Freiday Construction for a Job order Proposal for project ENG 18-0054. This project includes Removal of 657' of 10" sewer line along Jagerson including a concrete encasement section directly in the Wash. Replacing a 497' section in the Wash with steel encased 15" sewer supported on seventeen drilled 3' diameter by 40' deep support shafts. Install four new Manholes and 160' of 15" sewer pipe outside the Wash section. Filling in an area scoured by heavy flows directly downstream of the existing sewer crossing. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

l. Proposed Amendments to the Kingman Municipal Code

Incorporate fire related fees that were adopted by resolution in Article IX, Section 5-122 of the Kingman Municipal Code. Amend established fees that were adopted by resolution in Article VIII, Section 2-143 of the Kingman Municipal Code. Amend sections of Article IX, Division 10 - Board of Appeals to better align with requirements of other Boards and Commissions and to structure membership to better reflect qualifications commensurate with board functions. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

m. Resolution No. 5298 - Authorization to Sign an Engagement Letter with

Stifel, Nicolaus & Company, Inc. for Excise Tax Revenue Obligations, Pension Tax Obligations

The City of Kingman's FY2019 Public Safety Personnel Retirement System actuarial valuation reported the Kingman Police Department's unfunded actuarial accrued liability at \$15,325,601 and the Kingman Fire Department's unfunded actuarial accrued liability at \$16,124,367. This equates to a total City of Kingman unfunded actuarial accrued liability at \$31,449,968, which must be funded by June 30, 2036. In an effort to fully fund the City's unfunded actuarial accrued liability and reduce the financial burden currently on the General Fund, City staff recommends entering into an engagement with Stifel, Nicolaus & Company, Inc. to provide advice on the financing structure, terms and timing of issuing excise tax revenue obligations to fully fund the City's unfunded actuarial accrued liability.

Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.

n. Resolution No. 5303- NACFD #1/ KFD Communications Grant IGA

The Kingman Fire Department wrote and received a regional communications grant. As the Kingman Fire Department is the host for the grant, an IGA is required to spell out the terms with all partners of the grant. This agreement has been reviewed by city staff to include the city attorney. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF**

7-0.

o. Resolution No. 5305- Intergovernmental Agreements with U.S. Drug Enforcement Administration

The Kingman Police Department (KPD) and the U.S. Drug Enforcement Administration (DEA) are active partners in the Mohave Area General Narcotics Enforcement Team (MAGNET). This designation allows for up to \$19,180.25 in federal funding for overtime and access into intelligence data bases. **Staff recommends approval and authorization for the Chief of Police to sign the agreements. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

p. Resolution No. 5306- Automatic Aid Response Between the City of Kingman and Northern Arizona Consolidated Fire District #1

The purpose of this agreement is to authorize the City of Kingman and the Northern Arizona Consolidated Fire District #1 under the terms of this Intergovernmental Agreement for Automatic Aid to ensure effective, pre-determined emergency response to improve the nature and coordination of emergency response to incidents that threaten loss of life or property within the geographic boundaries of their respective jurisdictions to include regional operations, procedures, and practices governing command and control hazard zone operations. This compact established the terms and conditions for response to calls, procedures and protocols, training, and records and reports. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

q. Resolution No. 5307- Intergovernmental Agreement and Grant Award from AZ ICAC

The Kingman Police Department (KPD) is renewing it's Intergovernmental Agreement (IGA) with the AZ Internet Crimes Against Children (ICAC) Task Force. The department has also been awarded a sub-grant in the amount of \$5,000.00. The funding will be used for costs associated with KPD computer forensics lab training and investigations of computer and internet crimes. **Staff recommends approval and authorization for the Chief of Police to sign the agreement and award acceptance. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

r. Resolution No. 5308- Accepting a New Property Escrow Assurance and Releasing the Existing Assurance Agreement for Kingman Crossing, Tract 1993-B

The final subdivision plat for Kingman Crossing, Tract 1993-B was approved in 2006 and recorded on March 29, 2007 with a property escrow assurance agreement from First American Title Agency of Mohave, Inc., as Trustee under Trust No. 9116 for the completion of the required subdivision improvements. Pioneer Title Agency, Inc., assumed the role of Trustee under Trust No. 9116 when the property was conveyed to the new owner in 2012. A new trust agreement with Pioneer Title Agency Inc. dated April 24, 2019 approved a change of beneficiaries of Trust No. 9116, with Kingman Crossing, LLC named as the first beneficiary and High Desert Land Holdings, LLC named as the second beneficiary of Trust No. 9116. The City approved the change to the beneficiaries under Resolution No. 5253 on January 7, 2020. Pioneer Title has offered a new assurance agreement in place of the existing one due to another change to the beneficiaries of the trust. Resolution No. 5308 will release the existing property escrow agreement and accept the new agreement. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

s. Resolution No. 5309 – Authorization to Enter into an Agreement with U.S. Bank to Provide Pay Card Program Services

The City of Kingman currently offers two types of payment methods for wages – paper checks and direct deposit. The State of Arizona does not require paper checks as a payment method for wages if an employer offers direct deposit and payroll cards. On June 10, 2020, the Finance Department issued a Request for Proposal for a pay card program provider and four proposals were received: Netspend/UMB, Netspend/BOK Financial, rapid! and U.S. Bank . Upon evaluation of the proposals, there were two top contenders – rapid! and U.S. Bank. In reaching out to both rapid! and U.S. Bank to negotiate agreement terms and check references, the service received by the U.S. Bank team during this process was outstanding in comparison to rapid!. Based on the customer service received during this process, the City of Kingman’s Finance Department recommends entering into an agreement with U.S. Bank to provide pay card program services. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

t. Resolution No. 5310 - Authorization to Sign an Engagement Letter with Gust Rosenfeld to Serve as Bond Counsel for the Issuance of Excise Tax Revenue Obligations, Series 2020

With the Joint Project Agreement (JPA) between the City of Kingman and Arizona Department of Transportation in place, the City will need to provide the State of Arizona with verification that funding for Phase I and Phase II of the Rancho Santa Fe Parkway Traffic Interchange project is secured. By doing so, the State of Arizona will release their \$20M appropriation to it. Although the City has cash reserves on hand for a portion of the total project, excise tax revenue obligations will need to be issued to pay for its remaining share of the project. In an effort to have a bond financing team in place when needed, Gust Rosenfeld has been asked to serve as bond counsel for this debt issuance. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

u. Amendment to IGA with Lake Havasu City Veterans Treatment Court

The Parties entered into an Intergovernmental Agreement in 2017 (“Agreement”) regarding the Substance Abuse and Mental Health Services Administration (“SAMHSA”) grant to enhance the substance abuse services for Veterans ineligible for local Veteran Affairs services who participate in a Veteran Treatment

Court program. The Parties have been approved for a no-cost extension that will extend the agreement until September 29, 2021. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

v. **Personnel Classification Change for the Plans Examiner Position**

The adopted FY21 budget currently includes one funded Plans Examiner position in the Engineering Department. This position is currently slotted at Salary Grade 212 in the Compensation Plan. Staff has reviewed this classification and is recommending upgrading the Grade to 217 based on the job requirements and a comparison of competing local governments, including Mohave County. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

w. **Reclaimed Water Recharge Change Order ENG16-0059**

The drilling and installation of the casing for Injection Well No.1 are complete. Due to the geophysical logging that was completed during drilling, the preliminary well design was changed to accommodate the soil conditions encountered to optimize the performance of the well to a vadose zone recharge well. The change order is due, to the revised configuration of the recharge well, to a vadose zone recharge (VZR) well, based on subsurface conditions identified during well drilling, and the additional design that is needed. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

x. **FAA Airport Land Release Project Consultant Contract**

In late 2018 the City began the process to release over 1,800 acres of surplus property at the airport. This Spring a telephonic meeting was initiated with staff, FAA and project consultants to develop an updated project schedule and move forward on phase two an environmental assessment and federal release process of the surplus airport properties. The current goal depending on federal responses is to attempt to complete this project by April 2021. Total cost for this second phase of the project is \$186,774.00. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

y. **Approval of Job Order for Drywell Installations, ENG20-0027**

On September 4th 2018, The Council approved a Job-Order Contract ENG18-0016 with Freiday Construction for Underground Utility Pipeline Construction and related infrastructure. Staff asked Freiday Construction for a Job order Proposal for project ENG 20-0027 Drywell placement that will capture storm water runoff replenishing the ground water. Freiday construction under the JOC contract will use Torrent Resources a highly specialized Subcontractor to design and install ten Drywells throughout the City and surrounding areas. Freiday will provide equipment and Labor support as necessary for the work. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

5. **OLD BUSINESS**

6. **NEW BUSINESS**

a. **Resolution No. 5304- Opposing the Transfer of 4th Priority Colorado River Water**

Resolution No. 5304- Opposing the Transfer of 4th Priority Colorado River Water to GSC Farms, LLC to the Town of Queen Creek. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

b. **Public Hearing and Consideration of Encroachment Permit Application for Kingman Center for the Arts, ENG20-0045**

Staff has received a request for a substantial encroachment permit from the

Kingman Center for the Arts located at 302 E. Beale Street. Travin Pennington has submitted this request on behalf of the theater. The request is to install accessible ramps for emergency egress from the theater. The City Streets and Sidewalks Rules and Regulations require that staff post and publish notices for the proposed encroachment. Notices were posted on September 8 and published in the Daily Miner on September 27. Notices were also sent to utility companies. No comments or objections from the public or Utility companies have been received as of the day of the write up. **Staff recommends approval of this encroachment request with the following conditions: 1. The applicant shall provide detailed plans for the City to review and approve prior to construction. 2. The applicant shall provide insurance as required by the Street Policy, subject to review and approval by the City.****MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

c. Notice of Intent to Enter into a Development Agreement with KDP Manager, LLC

Pursuant to ARS 9-500.11, before entering into a retail development tax incentive agreement, the City must find that the proposed tax incentive is anticipated to raise more revenue than the amount of the incentive within the duration of the agreement and that in the absence of a tax incentive the retail business facility would not locate in the City. These findings must be verified by an independent third party before the City can enter into the agreement. Applied Economics was hired to serve as the independent third party to verify these findings. **Staff requests that Council adopt a Notice of Intent to enter into a development agreement with KDP Manager, LLC.****MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0.**

7. DEPARTMENT REPORTS

a. Annexation Report

8. ANNOUNCEMENTS BY MAYOR, COUNCIL MEMBERS, CITY MANAGER

Limited to announcements, board and commission liaison reports, availability/attendance at conferences and seminars.

9. COUNCIL REQUESTS FOR FUTURE REPORTS AND UPDATES

ADJOURNMENT - MOTION TO ADJOURN WAS PASSED BY A VOTE OF 7-0