

**MINUTES OF THE REGULAR COUNCIL MEETING
OF THE TOWN COUNCIL OF THE TOWN OF CHINO VALLEY**

**Tuesday, January 22, 2013
6:00 P.M.**

The Town Council of the Town of Chino Valley, Arizona, met for a Regular Meeting in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on Tuesday, January 22, 2013.

Present: Mayor Chris Marley; Vice-Mayor Carl Tenney; Councilmember Mike Best; Councilmember Darryl Croft; Councilmember Linda Hatch; Councilmember Lon Turner

Absent: Councilmember Dean Echols

Staff Town Manager Robert Smith; General Services Director Cecilia Watts;

Present: Town Attorney Sharon Sargent-Flack; Finance Director Joe Duffy; Magistrate John Walker; Town Engineer/Public Works Director Ron Gritman; Town Clerk Assistant Liz Hart; Town Clerk Jami Lewis (recorder)

Attendees: Court Administrator Ronda Apolinar

1) CALL TO ORDER, INVOCATION; PLEDGE OF ALLEGIANCE; ROLL CALL

Mayor Marley called the meeting to order at 6:01 p.m.

Councilmember Croft gave the invocation; Mayor Marley led the Pledge of Allegiance.

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

3) CALL TO THE PUBLIC

Call to the Public is an opportunity for the public to address the Council concerning a subject that is not on the agenda. Public comment is encouraged. Individuals are limited to speak for three (3) minutes. The total time for Call to the Public may be up to 30 minutes per meeting. Council action taken as a result of public comment will be limited to directing staff to study the matter, scheduling

the matter for further consideration and decision at a later date, or responding to speaker remarks.

Birdie Bennett, local business owner, spoke about her opposition to some Town salaries, the Town spending \$90,000 on a dog park, and forcing struggling businesses to connect to sewer.

Steve Chontos, owner of Chino Golf Range, spoke about the Town fulfilling an agreement made in 2000 to extend utilities to Windy Valley Plaza. Mayor Marley asked the town manager to look into the matter.

4) RESPONSE TO THE PUBLIC

Response to the Public is an opportunity for the Mayor to inform the public about how Town officials addressed matters raised during Call to the Public at a previous meeting.

Mayor Marley had nothing to report.

5) CURRENT EVENT SUMMARIES AND REPORTS

This item is for information only. The Mayor, any Councilmember, or Town Manager may present a brief summary or report of current events, or ask a staff member to provide the same. Presentation on information requested by the Mayor and Council will be made and questions answered. No action will be taken.

Vice-Mayor Tenney and Councilmember Turner reported on an upcoming Yavapai County Water Advisory Committee retreat.

Councilmember Best reported on the progress of the Food Bank building and grassroots efforts to rebuild the skate park.

Mayor Marley reported on: a technical issue that resulted in the utility rate increase public hearing being rescheduled; a joint study session on January 31 with the Planning and Zoning Commission to review the General Plan update status; and the deadline for councilmembers to file their annual Financial Disclosure statements. He then read the Mayor's report, which pertained to utility rate increases.

- a)** Quarterly update on Municipal Court operations by Town Magistrate, John Walker.

Judge Walker reported that:

- The Court was now fully staffed, case filings were consistent with the first three quarters, petitions regarding harassment had increased, and requests for extension of time to pay fines due to financial hardship had increased.
- Upcoming goals were to update the Court's policy and procedure manual, develop standard operating procedures, update performance evaluations for Court personnel using the Town's pending evaluation model, and seek vendors for online payments.
- If an unresolvable conflict occurred between a Town policy and a Court policy, he would follow the Supreme Court mandate.

- b) Report regarding the Town's Home Rule community outreach plan. (Jami Lewis, Town Clerk)

Ms. Lewis reported that:

- Staff was providing outreach through Council meetings, public hearings, Town staff and department meetings, Chino Valley Review and other media, Town website, Channel 13 bulletin board, Talk of the Town radio, Town facility literature racks, presentations to civic organizations and other groups, mailings, and the candidate forum.
- Informational materials included a brochure, PowerPoint presentations, a mailing flyer, news releases, Frequently Asked Questions publication, and voter information pamphlet.
- All of these materials and activities were scheduled from September 2012 through March 2013.

Public Comment:

Birdie Bennett, resident, asked how the Town allocated and limited funds for certain projects. Mayor Marley and Mr. Smith stated that some of that information was contained in the monthly financial reports. Also, the Town was required to pass a balanced budget, and in the past had used contingency and reserve funds to make up deficits. Staff was working actively to reduce use of those funds in day to day operations.

6) CONSENT AGENDA

All those items listed below are considered to be routine and may be enacted by one motion. Any Councilmember may request to remove an item from the Consent Agenda to be considered and discussed separately.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Darryl Croft to accept Consent Agenda items 6a and 6b.

Vote: 6 - 0

Other: Councilmember Dean Echols (ABSENT)

- a) Consideration and possible action to approve November 13, 2012 Regular Meeting minutes. (Jami Lewis, Town Clerk)
- b) Consideration and possible action to approve the August 14, 2012 amended Regular Meeting minutes with a correction to Item 3 Call to the Public. (Jami Lewis, Town Clerk)

7) ACTION ITEMS

- a) *Continued from January 8, 2013:* Consideration and possible action to direct staff to proceed with the initial steps to establish an industrial park at Old Home Manor as presented at the Council study session on September 6, 2012. (Robert Smith, Town Manager)

Mr. Smith reported that:

- Since September 6, 2012, staff had begun non-substantive research of Old Home Manor's history and they now desired Council's approval to determine the cost of a survey and further research utilities.
- Staff was proposing to include five forty-acre sections surrounding the sewer plant, and leaving 40 acres for the plant. Council could limit the boundaries to 120 acres, but industrial uses might need more land, and they could modify the zoning in the future if all 200 acres were not used.
- No costs will be incurred until Council approved an expenditure for the survey, and the zoning research was already done.
- Proposed uses would range from Commercial Light to Industrial. Staff intended to gather input from staff, the economic development sector, and the public, and incorporate that into a final proposal.

Mr. Grittmann added that some apparent sheet flows across one parcel was from past agricultural uses. There were no known true sheet flow areas, but each site would be engineered separately.

Council discussion: Council generally supported the proposal with a feasibility reassessment at the end of staff's research.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Darryl Croft to direct staff to proceed with the initial steps outlined in tonight's meeting to establish an industrial park at Old Home Manor.

Vote: 6 - 0

Other: Councilmember Dean Echols (ABSENT)

- b) Presentation of the rough conceptual design for the Community Center Park expansion as discussed on January 8, 2013. (Ron Grittmann, Town Engineer)

Mr. Gritman presented the conceptual plan and reported that:

- On January 8, 2013, staff presented a proposal to allow Public Works and Utilities crews to improve the northerly section of the Community Center adjacent to Perkinsville Road by creating a useable walking area, detention pond, and off-leash dog park, and also extending potable and irrigation water. This expansion will not preclude future construction of the amphitheater and gazebo as depicted in the Community Center Master Plan. Council approved the proposal and asked staff to return to this meeting with a sketch of the proposed improvements.
- Staff may use up to \$90,000 of Parks Impact Fees to pay for equipment rental, materials, 4" PVC pipe, decomposed granite, edging, and decorative rock. Trees and shrubs will only be purchased with these funds pending availability after construction of the major improvements.
- Contrary to public comment earlier, the dog park was estimated to cost about \$2,000. \$90,000 was the maximum amount for all the improvements. Thus far, local businesses had contacted staff about donating materials and funding a paracourse. Landscaping would be low maintenance and the biggest cost would be the water bill. To date, staff had spent \$6,000 on an irrigation drip system and \$2,000 on the design.
- No lighting or electrical conduits were planned at this time; he hoped to fund lighting through donations. If Council desired to reduce the initial amount of trees, staff could use the remaining funds for conduits.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Darryl Croft to authorize staff to proceed with development of the northeast corner of the Community Center as outlined in the meeting.

Vote: 6 - 0

Other: Councilmember Dean Echols (ABSENT)

- c) Consideration and possible action to approve Monthly Financial Report for month ended December 31, 2012. (Joe Duffy, Finance Director)

Mr. Duffy reported that:

- General Fund: At 50% of the fiscal year, revenues were at 50% and were up 22.7% over last year, mostly due to the tower lease. Overall expenses were at 45%.
- Revenues: The Town was seeing some growth in all major revenues, except for Vehicle License Tax and sewer service fees.
- Expenditures: Highway User, water, and sewer funds were all below budget. The Capital Improvement Fund, excluding transfers, expended \$130,000 on the Road 2 North box culvert, leaving a fund balance of \$174,000. Most of the 1% sales tax was being spent, and thus far, only a

little of the fund balance had been used. Departments were holding the line on expenditures.

- Staff had begun preparations for next year's budget; all departments were to help prepare the new programmatic budget.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Linda Hatch

Vote: 6 - 0

Other: Councilmember Dean Echols (ABSENT)

- d) Consideration and possible action to adopt Resolution No. 13-1004, authorizing the Town to enter into the Strategic Alliance for Volume Expenditures (SAVE) Cooperative Purchasing Agreement. The Town anticipates cost savings on products and services acquired under the cooperative purchasing agreement. (Joe Duffy, Finance Director)

Mr. Duffy reported that:

- Cooperative purchasing agreements had been shown to improve competition, quality, services, and provide lower prices for materials and services.
- The Strategic Alliance for Volume Expenditures (SAVE) was formed to establish cooperative purchasing agreements between member public agencies in the State of Arizona; it was currently serving a lot of agencies in the state.
- Joining SAVE will allow the Town to purchase goods and services that had been competitively bid by other member agencies, save time in the procurement process, and take advantage of quantity discounts.
- Joining SAVE will not incur any additional fees.

Town Attorney Sharon Sargent-Flack stated that although she wanted staff to be aware of some specific provisions in the agreement, it was a fairly standard boilerplate, and she had no objections.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Linda Hatch to adopt Resolution No. 13-1004, authorizing the Town to enter into the Strategic Alliance for Volume Expenditures (SAVE) Cooperative Purchasing Agreement.

Vote: 6 - 0

Other: Councilmember Dean Echols (ABSENT)

- e) Consideration and possible action to adopt Ordinance No. 13-763 amending Chapter 10 of the Chino Valley Town Code, by adding a provision relating to authority to correct scrivener's errors. (Jami Lewis, Town Clerk)

Mrs. Lewis reported that:

- Scrivener's errors were common errors in misspelling, grammar, numbering, cross-referencing, and style made in documents that did not affect the document in a substantive way, but should be corrected. Pursuant to Robert's Rules of Order and other general practices, any changes to documents such as ordinances, resolutions, and minutes adopted by a public body must be subsequently re-adopted.
- Because scrivener's errors were non-substantive, staff proposed that Council adopt an ordinance to clarify that such errors could be corrected at the staff level by the town attorney and town clerk to help to avoid complications arising from deadlines for adoption, publication, or the like. This will allow for prompt correction of the Town Code, Unified Development Ordinance, and ordinances, resolutions, and minutes, without the need to take unnecessary Council and staff time to make a formal correction.
- Per the proposed Ordinance, staff will inform the public body and public through the formal agenda process by placing the matter on the agenda as a staff report or similar type of report that will require no Council action.

Town Manager Robert Smith added that it might be helpful to include staff's ability to correct errors of fact, as long as there was clear documentable evidence to include the correction.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Linda Hatch to adopt Ordinance No. 13-763 amending Chapter 10 of the Chino Valley Town Code, by adding new Section 10.20 "Authority to Correct Scrivener's Errors."

Vote: 6 - 0

Other: Councilmember Dean Echols (ABSENT)

- f) Consideration and possible action to authorize the Mayor to sign a letter on behalf of the Council to the State Legislature with regard to the recommendations made in the final report by the Governor's TPT Simplification Task Force. (Mayor Marley)

Acronyms used in this item:

DOR (Department of Revenue)
TPT (Transaction Privilege Tax)

Mayor Marley reported that:

- The Mayor and Vice-Mayor desired to discuss the possibility of the Town sending a letter to the State Legislature strongly opposing three of the recommendations made in the Governor's TPT Simplification Task Force's final report.

- The three recommendations in question were to require state administration of sales tax for all municipalities, require the DOR to conduct all sales tax audits, and replace the construction sales tax with a retail sales tax at the point-of-sale of construction materials.
- The League of Arizona Cities and Towns did not believe DOR had sufficient resources to meet the first two recommendations, and the second one would eliminate private jobs in rural areas. The third recommendation would shift money away from the impacts of growth and lead to huge budget losses for small or rural municipalities.
- As Governor Brewer indicated that she wanted to send the entire report to the legislature, he recommended that Council sign and send a letter of opposition.

Council discussion: Council mostly opposed the construction sales tax recommendation, as they believed it would adversely affect many municipalities, as well as the state as a whole.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Darryl Croft to authorize the Town Council to sign a letter on behalf of the Council to the State Legislature with regard to the recommendations made in the final report by the Governor's TPT Simplification Task Force.

Vote: 6 - 0

Other: Councilmember Dean Echols (ABSENT)

- g)** Consideration and possible action to approve the December 6, 2012 Study Session minutes. (Absent: Councilmember Turner) (Jami Lewis, Town Clerk)

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Linda Hatch to approve the December 6, 2012 Study Session minutes.

Vote: 5 - 0

Other: Councilmember Dean Echols (ABSENT)
Councilmember Lon Turner (ABSTAIN)

- h)** Consideration and possible action to approve the December 11, 2012 Regular Meeting minutes. (Absent: Councilmember Croft) (Jami Lewis, Town Clerk)

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Linda Hatch to approve the December 11, 2012 Regular Meeting minutes.

Vote: 5 - 0

Other: Councilmember Darryl Croft (ABSTAIN)
Councilmember Dean Echols (ABSENT)

8) EXECUTIVE SESSION

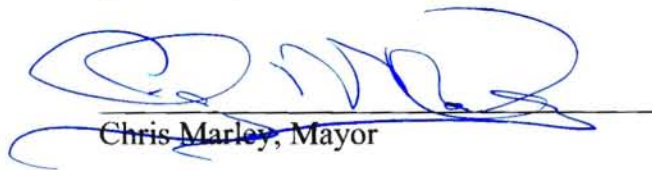
Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the Town's attorneys on any of the above agenda items pursuant to A.R.S. § 38-431.03(A)(3).

9) ADJOURNMENT

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Linda Hatch to adjourn the meeting at 7:57 p.m.

Vote: 6 - 0

Other: Councilmember Dean Echols (ABSENT)


Chris Marley, Mayor

ATTEST:


Jami C. Lewis, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Chino Valley, Arizona held on the 22nd day of January, 2013. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 12th day of February, 2013.


Jami C. Lewis, Town Clerk