

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

**TUESDAY, FEBRUARY 25, 2014  
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, February 25, 2014.

Present: Mayor Chris Marley; Vice-Mayor Darryl Croft; Councilmember Mike Best; Councilmember Linda Hatch; Councilmember Pat McKee; Councilmember Lon Turner; Councilmember Don Wojcik

Staff Town Manager Robert Smith; General Services Director Cecilia Watts; Town Attorney Phyllis Smiley; Finance Director Joe Duffy; Lieutenant Vince Schaan; Town Engineer/Public Works Director Ron Grittman; Utility Supervisor Chris Bartels; Officer Dave Lemke; Town Clerk Assistant Liz Hart; Town Clerk Jami Lewis (recorder)

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

Mayor Marley called the meeting to order at 6:00 p.m.

Councilmember Best gave the invocation and 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 criticism.*

No one from the public spoke.

**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 Croft reported on the upcoming Chamber of Commerce's Citizen's Academy and recent actions taken by the Central Yavapai Metropolitan Planning Organization.

- a) Status report by Town Manager Robert Smith regarding Town accomplishments, and current or upcoming projects.

Mr. Smith reported on the status of grant applications to the Arizona Commerce Authority, Community Development Block Grant, Housing Rehab Program, and Economic Development Administration.

**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.*

Council set down item 6c.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to approve Consent Agenda items 6a and 6b.

**Vote: 7 - 0 PASSED**

- a) Consideration and possible action to approve the February 11, 2014 regular meeting minutes. (Jami Lewis, Town Clerk)
- b) Consideration and possible action to approve Resolution No. 14-1026 supporting the restoration of Arizona Highway User Revenue Fund (HURF) distribution to cities, towns, counties and state highways. (Mayor Marley)
- c) Consideration and possible action to authorize the Chino Valley Police Department to apply for, accept, and expend funds for a 2014 Highway Safety Plan Grant from the Governor's Office of Highway Safety in an amount not to exceed \$25,000. Funds to come from Miscellaneous Police Grants expenditure line in the Grants Fund for fiscal year 2014/2015, with no matching funds required by the Town. (Chuck Wynn, Police Chief)

(This item was heard after item 8b, but is retained here for clarity.)

Lt. Vince Schaan reported that this grant would allow the Police Department to receive and expend \$15,000 in overtime and employee related expenses on DUI related details, and \$5,570 to purchase and train an officer to use accident and crime scene reconstruction software. The Town had obtained this grant since 2005 for the same purposes.

As the application was incomplete, Council expressed some concern with authorizing staff to accept the grant award and expend funds. However, they had no objection to staff applying for the grant.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Linda Hatch to authorize the Chino Valley Police Department to apply for funds for a 2014 Highway Safety Plan Grant from the Governor's Office of Highway Safety in an amount not to exceed \$25,000.

**Vote: 7 - 0 PASSED**

**7) EXECUTIVE SESSION**

*Council may vote to recess the Regular Meeting and hold an executive session, which will not be open to the public, for the following purposes.*

- a) Pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation with the Town Attorney in order to consider its position and instruct the Town Attorney regarding the Town's position in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation in the matter of Cortez v. Town of Chino Valley. (Mayor Marley)

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Pat McKee to go into executive session at 6:08 p.m.

**Vote: 7 - 0 PASSED**

Mayor Marley reconvened the regular meeting at 6:26 p.m.

**8) ACTION ITEMS**

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to move item 8a before 6c.

**Vote: 7 - 0 PASSED**

- a) Consideration and possible action to approve the proposed agreement with Cortez Enterprises, Inc. in settlement of claims and contemplated litigation. (Mayor Marley)

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to approve proposed agreement with Cortez Enterprises, Inc. in settlement of claims and contemplated litigation.

**Vote: 7 - 0 PASSED**

Mike Edmonds, resident, asked about the dollar figure associated with this agreement. Mayor Marley advised that he will address this during the March 11, 2014 Response to the Public.

- b) Consideration and possible action with regard to establishing guidelines for Council-Town Attorney interaction. (Mayor Marley)

Recommended Action: Approve guidelines for Council-Town Attorney interaction.

Mayor Marley reported that:

- After talking with Ken Strobeck at the League of Cities and Towns regarding guidelines for interaction between Town Councils and Town Attorneys, the League referred him to an article that encouraged municipalities to develop a clear set of guidelines regarding who could contact a municipal attorney and under what circumstances it was appropriate to do so. By establishing such guidelines, the Town could make the most effective use of the Town Attorney's time and expertise.
- Per Mr. Strobeck, best practices were that: (i) the attorney should receive instruction from the entire Council; (ii) most municipalities allowed the mayor and town manager to instruct the attorney during the work week; (iii) in responding to a legal question from an individual council member, the attorney should send the response to the entire Council; and (iv) in responding to a non-legal question from an individual council member, the attorney could contact the council member directly.
- He did not address staff-attorney interactions in his inquiry.

Council discussed:

- Possible misuse by one person making a decision for the entire Council.
- The town manager and mayor only using such authority for "small" issues.
- A need to define the types of issues that did not require the full Council's direction.
- Forming a committee to work on language for guidelines.

MOVED by Vice-Mayor Croft to approve guidelines as written. The motion failed for lack of a second.

Mayor Marley suggested that councilmembers send suggestions to him and that Town Attorney Smiley prepare the guidelines.

MOVED by Councilmember Linda Hatch, seconded by Councilmember Pat McKee to postpone the item to the next agenda and to submit suggestions for language.

**Vote: 6 - 1 PASSED**

NAY: Vice-Mayor Darryl Croft

- c) Consideration and possible action to approve the Intergovernmental Agreement between the Arizona Department of Transportation and the Town of Chino Valley for the maintenance of portions of the right-of-way of SR 89. (Ron Gritman, Public Works Director/Town Engineer)

Recommended Action: Approve the Intergovernmental agreement between the Arizona Department of Transportation and the Town of Chino Valley for the maintenance of portions of the right-of-way of SR 89.

Acronyms used in this item:

- ADOT (Arizona Department of Transportation)
- IGA (Intergovernmental Agreement)

Mr. Gritman reported that:

- The Town and ADOT had several IGAs that addressed responsibility for operation and maintenance of various appurtenances such as traffic signals, medians, sidewalks, and areas behind the sidewalk/back of curb/edge of pavement to the right-of-way line. This IGA combined all the previous IGAs and added the future roundabouts at Road 4 North and Kalinich Ave. The future roundabout at Perkinsville Road will require its own IGA

because of differing funding sources.

- As the Town already paid for the electrical costs that APS charged for street lights and traffic signals, it would also pay for future street lights around the Road 4 North roundabout. The average cost per signal was \$1,000 per month.
- The IGA authorized the Town to maintain the medians and the sidewalks between Center Street and Road 4 South, while ADOT will continue to maintain the sidewalks between Center Street and Road 3 North.
- The Town currently maintained the areas between sidewalk/back of curb/edge of pavement to the right-of-way line for all of State Route 89 except between Center Street and Road 4 South. Under this IGA, the Town will now maintain all these areas for all of State Route 89 within the Town limits. Originally, ADOT wanted to wait on the Town taking over the medians until after the upcoming highway widening project, but now they wanted the Town to take them over sooner.
- There was no cash associated with the IGA, but Town resources will now be used for the maintenance and staff had already purchased a spray rig for the work. If Town crews and volunteers were insufficient, staff would most likely hire a landscaper.
- Staff recommended approval, as it gave local control to the highway, and ADOT only maintained the medians once a year.
- Several individual citizens and local civic groups had participated or indicated a desire to assist with maintenance, such as Rotary, Lions, Navy veterans, and VFW. Such organizations obtained a special event license from ADOT and were covered by their organization's insurance, as well as by the Town's Workers' Compensation Insurance.

Council generally supported the proposal as citizens complained about median conditions every year.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Lon Turner to approve the Intergovernmental Agreement between the Arizona Department of Transportation and the Town of Chino Valley for the maintenance of portions of the right-of-way of SR 89.

**Vote: 7 - 0 PASSED**

- d) Consideration and possible action to approve change order number 1 to contract with Economists.com in the amount of \$5,000.00 to prepare additional analysis on the impacts of the Prescott Water Acquisition on future utility rate increases. Funds to come from the Professional Services Line in the Water Enterprise Fund. (Ron Grittmann, Public Works Director/Town Engineer)

Recommended Action: Approve change order number 1 to contract with Economists.com in the amount of \$5,000.00 to prepare additional analysis on the impacts of the Prescott Water Acquisition on future utility rate increases.

Mr. Grittmann reported that:

- On October 8, 2013, the Town entered into a Professional Services Contract with Economists.com to perform an update on the valuation of the City of Prescott water system within the Town limits. When staff met with Economists.com team members to review the draft report, it became obvious that some additional engineering and financial analysis was necessary to complete the evaluation.
- In previous analyses, Pat Walker, working with Economists.com, estimated that a \$9.5M general obligation bond issue would require a residential assessment of \$8.73 for a single family home with an assessed value of \$100,000.00, and a commercial assessment of \$15.72 per \$100,000 assessed value. The assessment for an average home in Chino

Meadows would be as low as \$4.37 based on an assessed value of \$50,000.00. Ms. Walker also demonstrated that a Chino Valley citizen who was on Prescott's water system was estimated to save \$3.23 for the assessed valued home of \$100,000 and \$7.59 for the assessed valued home of \$50,000.

- Ms. Walker further demonstrated that if 160 new commercial water and sewer customers and all 650 Prescott water customers came under the Town's existing utility rate structure, which currently called for rate increases over the next five years, the cost savings could be as high as \$17.17 per month.
- This change order authorized Economists.com to: (i) perform a detailed engineering cost estimate of the necessary capital required to tie Prescott's water system to the Town's water system; (ii) prepare the necessary analysis of the cost savings, based on the most recent valuation of Prescott's water system plus the cost of capital, which Town citizens would receive by this project moving forward; (iii) perform an analysis of the existing utilities rate schedule to determine if all or any of the future rate increases could be avoided; and (iv) determine if a very modest water and project along State Route 89 could be achieved.

Mr. Gritman then reviewed a map depicting Prescott's water system in the Town and the proposed improvements and connections needed to connect the two systems. These proposed connections will also fulfill the Town's agreement with Windy Valley Plaza to bring water to the development and will also provide much needed fire flow through the entire system.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Lon Turner to approve change order number 1 to contract with Economists.com in the amount of \$5,000.00 to prepare additional analysis on the impacts of the Prescott Water Acquisition on future utility rate increases.

**Vote: 7 - 0 PASSED**

- e) Consideration and possible action with regard to the Magistrate performance appraisal process. (Mayor Marley)

Recommended Action: Approve Magistrate evaluation calendar, process, and forms as presented or as modified.

Councilmember Hatch, Chair of the Magistrate Evaluation Subcommittee, reported that:

- The Subcommittee met on March 24 to review the evaluation forms and proposed calendar, which covered the Magistrate's 2014 and 2015 evaluation, as well as next year's contract renewal process. The Subcommittee made one change to the evaluation form's title.
- The Subcommittee proposed to perform the 2014 evaluation now, start next year's process in December 2014 and then start subsequent evaluations in December. Council will need to address a process for the application, interview, and contract negotiations in 2015.
- The proposed process was to send evaluation forms to all attorneys that appeared before the judge, pro tem judges, police officers, and judicial staff. Forms will also be made available to the public at Town Hall, Library and Municipal Court for 30 days. Upon completion of the 30-day period, the Subcommittee will review the responses and bring them to Council in executive session. The Subcommittee was requesting staff support with this project.
- Judge Walker suggested that: (i) goals be included as part of the evaluation process; (ii) he should compete for each contract renewal; and (iii) Council perform the first evaluation

for a new magistrate after six months. He provided five goals and was asking for Council's input on them.

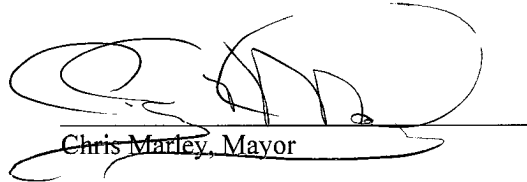
MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Pat McKee to approve Magistrate evaluation calendar, process, and forms and with support of staff.

**Vote: 7 - 0 PASSED**

**9) ADJOURNMENT**

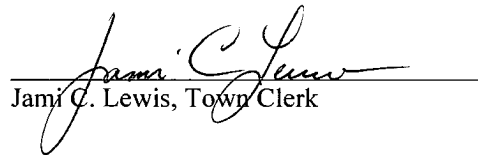
MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Linda Hatch to adjourn the meeting at 7:21 p.m.

**Vote: 7 - 0 PASSED**



Chris Marley, Mayor

ATTEST:

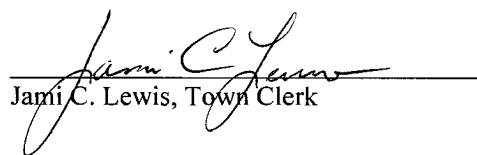


Jami C. Lewis, Town Clerk

**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 25th day of February, 2014. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 25th day of March, 2014.



Jami C. Lewis, Town Clerk