

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

**TUESDAY, MARCH 8, 2016
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, March 8, 2016.

Present: Mayor Chris Marley; Vice-Mayor Darryl Croft; Councilmember Susie Cuka; Councilmember Jack Miller; Councilmember Corey Mendoza; Councilmember Lon Turner

Absent: Councilmember Mike Best

Staff Present: Town Manager Robert Smith; Assistant Town Manager Cecilia Gritman; Town Attorney Phyllis Smiley; Finance Director Joe Duffy; Police Chief Chuck Wynn; Police Lieutenant Vince Schaan; Police Officer Jody Villalobos; Assistant Public Works Director/Town Engineer Michael Lopez; Utility/Recreation Supervisor Chris Bartels; Development Services Director Ruth Mayday; GIS/CAD/Web Technician Jan Mazy; Deputy Town Clerk 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.

Town Attorney Phyllis Smiley attended the meeting via Skype.

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

- a)** Presentation by the Mayor's Ad Hoc Old Home Manor Recreation Committee. (Chris Marley, Mayor)

Mayor Marley reviewed:

- The Old Home Manor ("OHM") Committee's purpose and members.
- A proposed intake process for groups desiring to use space at OHM.
- Current and proposed future uses at OHM, proposed equestrian uses, and potential shared uses, such as parking and restroom facilities.

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.

Todd League with Overflow Coffee spoke about another accident at Road 1 North and State Route 89 and his hope that the Road 1 North signal project scheduled for 2018 will be moved up.

Amanda Cordova with El Charro Norte spoke about her inability to have business signage on the highway due to Town regulations.

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.

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.

- a) Status reports by Mayor and Council regarding current events.

Vice-Mayor Croft spoke about the Citizen's Academy that started last week.

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

Mr. Smith reported on the 2016 election and upcoming Home Rule presentations and public hearings.

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 Darryl Croft, seconded by Councilmember Jack Miller to approve consent agenda items 6a and b.

Vote: 6 - 0 PASSED - Unanimously

- a) Consideration and possible action to accept the February 9, 2016 regular meeting minutes. (Jami Lewis, Town Clerk)
- b) Consideration and possible action to accept the February 16, 2016 regular meeting minutes. (Jami Lewis, Town Clerk)

7) ACTION ITEMS

The Council may vote to recess the public meeting and hold an Executive Session on any item on this agenda pursuant to A.R.S. § 38-431.03(A)(3) for the purpose of discussion or consultation for legal advice with the Town Attorney. Executive sessions are not open to the public and no action may be taken in executive session.

- a) Consideration and possible action to direct staff to develop a land use agreement with the Chino Valley Equestrian Association for use of current Rodeo Grounds at Old Home Manor ("OHM"), as well as develop a longer term lease for an additional 80 acres of land at OHM. (Cecilia Gritman, Assistant Town Manager)

Recommended Action: Direct staff to develop a land use agreement with the Chino Valley Equestrian Association for use of current Rodeo Grounds at Old Home Manor, as well as develop a longer term lease for an additional 80 acres of land at OHM.

Councilmember Cuka declared a conflict of interest, as she was the president of the equine association, and recused herself from this item.

Mr. Bartels reported that the Chino Valley Equestrian Association ("Association"), a pending non-profit, had been working with the OHM Committee and staff to resurrect the rodeo grounds as an equine and events facility. There was limited accessibility to infrastructure at the site, but staff intended to work with stakeholders to mitigate infrastructure expenses.

Danielle Feller, Association board member, spoke about an explosion of interest in equine events in Chino Valley, committees being formed, and producers already wanting to schedule events.

Gary Gang, Association board member, presented the results of an equine survey demonstrating the need for this type of facility in the area.

Sergio Martinez, equestrian center architect, presented a proposed facility design, economic impact analysis, anticipated management and operations issues and costs, and potential users. He then responded to several questions by Council:

- 99.9% of such facilities owned by a municipality were non-profit.
- The estimated cost for the whole facility was \$4.5 to \$5 million, which would be phased depending upon funding. The covered arena, the largest ticket item, was \$1.5 million.
- The Association was looking for the facility to be self-sufficient without any financial help from the Town.
- Until the Town had infrastructure, the Association could use portable water and lights to get started soon.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Lon Turner to direct staff to develop a land use agreement with the Chino Valley Equestrian Association for use of current Rodeo Grounds at Old Home Manor, as well as develop a longer term lease for an additional 80 acres of land at OHM with the stipulation that all development and design go back to the engineering department.

Vote: 5 - 0 PASSED

Other: Councilmember Susie Cuka (RECUSE)

Mayor Marley recessed the meeting at 6:59 p.m. and reconvened it at 7:11 p.m., at which time Councilmember Cuka returned to the dais.

- b) Consideration and possible action to amend the Town Code and Unified Development Ordinance of the Town of Chino Valley to reflect proposed changes in requirements for connections to the Town's sanitary sewer system. (Ruth Mayday, Development Services Director)

Recommended Action: Amend the Town Code and Unified Development Ordinance of the Town of Chino Valley to reflect proposed changes in requirements for connections to the Town's sanitary sewer system.

Ms. Mayday reviewed Council's preferences based on their last discussion, as well as further recommendations by staff for the Code amendments.

Mandatory connections

- *Council preferences:* (i) Mandatory connection if extension is within 400 feet of commercial property; non- mandatory for residential; (ii) Mandatory connection for new commercial construction within 400 feet; (iii) Reduce connection fees to 50% of actual cost during construction; and (iv) Apply to all current and future projects.
- *Staff recommendations:* (i) Incentivize residential connections; (ii) Mandate connection for multi-family housing to keep multi-family housing near SR 89; and (iii) Include existing residential connection cost in financing; amortize fees over 10 years at 5%; require payoff at transfer of ownership.

Triggers for Mandatory Connection

- *Council preferences:* (i) No mandatory connection for sewer failure; and (ii) Mandatory for new construction within 400 feet of property line.
- *Staff recommendations:* (i) Mandatory connection for failures within 400 feet of the existing main; and (ii) Mandatory connection for remodel/addition increases of fixture units by 50%.

Ms. Mayday reviewed state and county triggers for mandatory connection. The Town currently operated under a county, municipal, or sanitary district ordinance requiring connection.

Suzanne Ehrlich with the Yavapai County Development Services Environmental Unit reported that:

- ADEQ rules dictated that septic repairs relating to the tank, distribution box, or trenches or leach lines needed a permit.
- If a system failed and the sewer was to the property line, the state mandated connection.
- If Town staff provided a list of Town parcels potentially affected by sewer, County staff could flag those parcels in their system.

Ms. Ehrlich, staff and Council discussed:

- Homeowners' options for when a septic needed expanding, especially on lots with configuration issues.
- Safe yield considerations.

- Stipulating lot sizes for mandatory connection.
- Issues associated with remodeling and additions related to septic.
- Septic system "failure" and those being "unrepairable."

Council modified their preference to require mandatory connection for unrepairable septic system failures. They did not prefer staff's second recommendation relating to remodel/addition increases.

Incentives for New Developments

- *Council preferences:* (i) No dry-line installation at present—consider in the future; (ii) Require gravity for medium-density subdivisions; (iii) Incentives for connections should be considered on a case-by-case basis; and (iv) No septic for large commercial; package plant okay; prefer connection.
- *Staff recommendations:* (i) Require dry line installation at four dwelling units per acre for residential and for all commercial; (ii) Future sewer design shall expand gravity system; (iii) Size and scope of improvements is basis for incentives; and (iv) Package treatment plants and septic tanks should not be allowed for commercial.

Council and staff discussed:

- The Town Code currently not allowing any package treatment plants.
- Issues with elevations, gravity systems, and lift stations in the Town.
- Using sales tax reimbursement tools to rebate for off-site improvements.
- Most developers wanting sewer and water, not package plants or septic.
- Concern with large development off the highway and no access to sewer.
- Options for developments north of the gravity area marked by Granite Creek Lane.
- Bringing this item with the code amendments to the next meeting.

Ms. Smiley advised that these changes will also require Unified Development Ordinance amendments, and those will first need to go through the Planning and Zoning Commission public hearing process.

Council modified their preference to allow package plants north of Granite Creek Lane until sewer came by, at which point developments will have to connect.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Jack Miller to postpone a decision until the Code and UDO are amended and brought back before the Council.

Vote: 6 - 0 PASSED - Unanimously

- c) Consideration and possible action to approve the Agreement for Professional Consulting Services with Lyon Engineering, Inc., for the preparation of engineering construction plans for the Center Street Sewer Main Extension project in the amount not to exceed \$60,005.00. Funds to come from Sewer Enterprise Fund. (Michael Lopez, Acting Public Works Director/Town Engineer)

Recommended Action: Approve the Agreement for Professional Consulting Services with Lyon Engineering, Inc., for the preparation of engineering construction plans for the Center Street Sewer Main Extension project in the amount not to exceed \$60,005.00.

Mr. Lopez presented on this item:

- This project was associated with the WIFA loan refinance and running sewer to Mollie Rae subdivision.
- While Council had hoped to have the buy-in fees resolved before taking any more action on this item, the project was now reaching a critical timeframe.
- As the Town's procurement process was outdated, and would not be resolved in time for this item, and as Lyon was already intimate with the Mollie Rae project, staff was asking that Council exercise its authority to waive the bid process for this project.
- Engineering costs had increased since last year, but they were still at the standard 10% of the total project.

Council preferred that no trenches be dug until the Code and UDO amendments were done. Staff stated that no trenches would be dug under this contract.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Corey Mendoza to waive procurement bid process and approve the Agreement for Professional Consulting Services with Lyon Engineering, Inc., for the preparation of engineering construction plans for the Center Street Sewer Main Extension project in the amount not to exceed \$60,005.00.

Vote: 6 - 0 PASSED - Unanimously

- d) Consideration and possible action to approve the Agreement for Professional Consulting Services with CivilTec Engineering, Inc., for the preparation of engineering construction plans for the Old Home Manor Industrial Park project in an amount not to exceed \$196,185.00. Funds to come from EDA grant and accounted for in the Grants Fund. (Michael Lopez, Acting Public Works Director/Town Engineer)

Recommended Action: Approve the Agreement for Professional Consulting Services with CivilTec Engineering, Inc., for the preparation of engineering construction plans for the Old Home Manor Industrial Park project in an amount not to exceed \$196,185.00.

Mr. Lopez presented on this item:

- Staff solicited Requests for Proposals (RFP) for this item and had two submittals, both of which were eligible.
- The EDA reviewed and approved the item, but as they did not approve Town staff performing the inspections, CivilTec was required to expand its original scope of work, increasing the cost by \$27,000 over the amount requested in the agenda item.
- To accommodate the increase, staff will have to decrease expenses somewhere else—probably administration costs or contingencies—but they intended to do it in a way to keep as much pipe in the ground as possible.
- If the Town satisfied all these requirements now, the Town will be better positioned to work with the EDA in the future.

Town Attorney Smiley suggested, since the dollar amount was greater than the amount on the agenda, that Council not take action and bring it back on the March 22 consent agenda.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Corey Mendoza to postpone the decision on item (d) until the next meeting and place it on the consent agenda with the correct dollar amount.

Vote: 6 - 0 PASSED - Unanimously

8) 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.

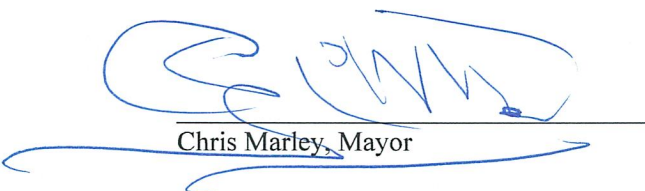
9) ACTION ITEMS RESUMED

After the Executive Session, Council will reconvene the Regular Meeting.

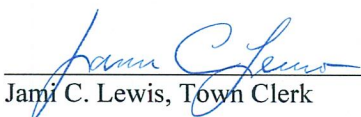
10) ADJOURNMENT

MOVED by Councilmember Jack Miller, seconded by Vice-Mayor Darryl Croft to adjourn the meeting at 8:27 p.m.

Vote: 6 - 0 PASSED - Unanimously


Chris Marley, Mayor

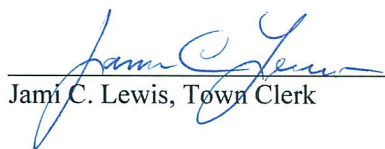
ATTEST:


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 8th day of March, 2016. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 12th day of April, 2016.


Jami C. Lewis, Town Clerk