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

TUESDAY, MARCH 14, 2017
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 14, 2017.

Present:	Mayor Darryl Croft; Vice-Mayor Mike Best; Councilmember Susie Cuka; Councilmember Annie Lane; Councilmember Corey Mendoza; Councilmember Jack Miller; Councilmember Lon Turner
Staff Present:	Interim Town Manager Cecilia Grittman; Town Attorney Phyllis Smiley (via Skype); Finance Director Joe Duffy; Police Lieutenant Vince Schaan; Public Works Director/Town Engineer Michael Lopez; Development Services Director Ruth Mayday; I.T. Specialist Spencer Guest (videographer); Town Clerk Assistant Amy Pyeatt-Lansa (recorder)

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

Mayor Croft called the meeting to order at 6:00 p.m. and 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 on any issue within the jurisdiction of the Council 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.

John Scholl, School Superintendent, spoke about a meet and greet for candidates for the position of principal at Chino Valley High School.

Mark Vucich, resident, asked staff to look into making it easier for Paulden residents to pay for multiple sessions at the pool. Mayor Croft asked the Town Manager to review 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.

a) Response regarding the status of commercial development at Road 4 South.

Mayor Croft reported that it was the Town's understanding that the property was under escrow, but the Town had no knowledge about the type of development to occur.

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.

Councilmember Cuka reported on an Economic Development Subcommittee recommendation regarding a consulting firm for Old Home Manor.

Mayor Croft reported on the upcoming Citizen's Academy.

b) Status report by Interim Town Manager Cecilia Grittman and/or Town staff members regarding Town accomplishments, and current or upcoming projects.

Ms. Grittman reported on:

- Town Clerk Assistant Amy Lansa's resignation;
- Public Works crews actions to mitigate Granite Creek flooding on Perkinsville Road; and
- the Council study session next Tuesday night.

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 Mike Best, seconded by Councilmember Susie Cuka to accept consent agenda items.

Vote: 7 - 0 PASSED - Unanimously

a) Consideration and possible action to accept the February 28, 2017 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 adopt Ordinance 17-819, amending the Unified Development Ordinance ("UDO"), Chapter 2, Definitions, Section 2.1, Meanings of Words and Terms: repealing Chapter 4.21 Sign Regulations, and adopting new Chapter 4.21 Sign Regulations, consisting of Sections 4.21.1 Purpose, 4.21.2 Permits Required, 4.21.3 General Sign Regulations, 4.21.4 Measurement of Signs, 4.21.5 Sign Standards, 4.21.6 Temporary Signs, 4.21.7 Prohibited Signs, 4.21.8 Non-Conforming Signs, and 4.21.9 Violations; Removal, all as set forth in the "Amendments to the Unified Development Ordinance of the Town of Chino Valley Related to Signs, dated July 26, 2016". (Ruth Mayday, Development Services Director)

Recommended Action: Approve Ordinance 17-819, declaring the "Amendments to the Unified Development Ordinance of the Town of Chino Valley related to Signs, dated July 26, 2016" to be a public record and adopting the "Amendments to the Unified Development Ordinance of the Town of Chino Valley, Arizona, Related to Signs, dated July 26, 2016", by reference, amending the Unified Development Ordinance.

Ms. Mayday reported that the only substantial change to this ordinance since Council's last review was to remove flags from all restrictions and regulations.

MOVED by Vice-Mayor Mike Best, seconded by Councilmember Lon Turner to approve Ordinance 17-819, declaring the "Amendments to the Unified Development Ordinance of the Town of Chino Valley related to Signs, dated July 26, 2016."

Vote: 7 - 0 PASSED - Unanimously

[Scrivener's Note: The Ordinance date of July 26, 2016 in the agenda item title and motion was incorrect; the Ordinance in the packet contained the correct date of March 14, 2017.]

b) Consideration and possible action to approve the Agreement for Professional Consulting Services with Engineering Testing Consultants, Inc., for Geotechnical Engineering Testing for the Old Home Manor Industrial Park project in an amount not to exceed $34,005.00. Funds to come from Grants Fund match. (Michael Lopez, Acting Public Works Director/Town Engineer)

Recommended Action: Approve the Agreement for Professional Consulting Services with Engineering Testing Consultants, Inc., for Geotechnical Engineering Testing for the Old Home Manor Industrial Park project in an amount not to exceed $34,005.00.

Mr. Lopez reported that:

- The Town had received official approval from the EDA to start the project.
- Staff desired that Engineering Testing Consultants (ETC) provide quality assurance on this project on the Town's behalf and that they be available the full 280 days of the project on an as-needed basis for the geotech portions of the whole project.
- Quality control was typically handled by the contractor to verify that their means and methods conformed with plans and specs, while quality assurance was used by the Town to evaluate the contractor for achieving specified conditions.
- Asking a third party to provide quality assurance was not a requirement, but was a standard practice on major municipal projects.

MOVED by Vice-Mayor Mike Best, seconded by Councilmember Susie Cuka to approve the Agreement for Professional Consulting Services with Engineering Testing Consultants, Inc., for Geotechnical Engineering Testing for the Old Home Manor Industrial Park project in an amount not to exceed $34,005.00.

Vote: 7 - 0 PASSED - Unanimously

c) Consideration and possible action to approve change order number 2 to the contract with Earth Resources Corporation to remove the construction survey line item from the existing Construction Contract resulting in a decrease in the contract amount of $17,700.00. (Michael Lopez, Public Works Director/Town Engineer)

Recommended Action: Approve change order number 2 to the contract with Earth Resources Corporation, decreasing the contract amount by $17,700.00.

Mr. Lopez reported that:

- This item pertained to the Center Street sewer project. The survey staking portion was in the original contract with Earth Resources.
- After the contract was issued, the contractor questioned who would be responsible for any contamination of the asphalt base between installation and chipsealing, since the road had to be left incomplete until weather conditions were favorable for chipseal.
- Staff determined that the easiest way to address the issue was to remove the survey staking from Earth Resources' contract and have the consultant engineer provide it.

Councilmember Turner requested that Council address item 7d before voting on 7c.

MOVED by Vice-Mayor Mike Best, seconded by Councilmember Lon Turner to table item 7c.

Vote: 7 - 0 PASSED - Unanimously

Council addressed item 7d.

MOVED by Vice-Mayor Mike Best, seconded by Councilmember Lon Turner to bring 7c back to the table.

Vote: 7 - 0 PASSED - Unanimously

MOVED by Vice-Mayor Mike Best, seconded by Councilmember Lon Turner to approve change order number 2 to the contract with Earth Resources Corporation, decreasing the contract amount by $17,700.00.

Vote: 7 - 0 PASSED - Unanimously

d) Consideration and possible action to approve the Professional Services Agreement with Lyon Engineering, Inc., for the construction staking for the Center Street Sewer Main Extension project in the amount not to exceed $17,700.00. (Michael Lopez, Acting Public Works Director/Town Engineer)

Recommended Action: Move to approve Change Order number 2 with Lyon Engineering, Inc. for the construction staking for the Center Street Sewer Main Extension project in an amount not exceed $17,700.00, increasing the total compensation for this Project not to exceed amount of $110,595.00.

Mr. Lopez reported that:

- It had been up to the contractor, Earth Resources, to contract with Lyon for staking. As the contractor did not desire the extra expenses of negotiating a separate contract with Lyon, staff determined it would be in the Town's best interest to remove the staking out of the project's contract and contract directly with Lyon.
- Benefits to the Town were that: the contractor will not be able to negotiate a higher price with Lyon, nor dictate any additional staking or survey; the Town will have control over how much staking was to be done; Lyon designed the plan, so there would be no need to rebid; and anything beyond Lyon's control would fall to the contractor.
- This item pertained only to the Center Street portion of the project; staff will come back with a change order for the Road 1 West portion.

Council generally supported the action as the contractor would not be able to raise the staking costs and as long as the $17,700 was a direct trade-off. One questioned the scope in the two contracts appearing different. Mr. Lopez clarified that the use of the words "survey" and "staking" described the same thing.

MOVED by Vice-Mayor Mike Best, seconded by Councilmember Lon Turner to approve Change Order number 2 with Lyon Engineering, Inc. for the construction staking for the Center Street Sewer Main Extension project in an amount not exceed $17,700.00, increasing the total compensation for this Project not to exceed amount of $110,595.00.

Vote: 7 - 0 PASSED - Unanimously

e) Consideration and possible action to approve the Intergovernmental Agreement (IGA) between the Chino Valley Unified School District and the Town of Chino Valley for the improvements to Town rights-of-way adjacent to Del Rio School and Heritage Middle School using Adjacent Ways funding. (Michael Lopez, Public Works Director/Town Engineer)

<u>Recommended Action:</u> Approve the Intergovernmental Agreement (IGA) between the Chino Valley Unified School District and the Town of Chino Valley for the improvements of the adjacent ways to the Del Rio School and Heritage Middle School at no cost to the Town but staff's time to perform engineering and project management.

Mr. Lopez reported that:

- This item had been postponed from a previous agenda, as the IGA had needed further revision by the school district. The project would widen Road 2 North and Road 1 West, and create an additional route into and behind the schools, to allow for safer bus movement.
- The engineer's cost estimate was $196,000.
- The Town's role was to manage design, construction, and the project as a whole. No funds were obligated by the Town other than staff time.

John Scholl, School District Superintendent, explained that:

- The Adjacent Ways program was funded by a tax levy and could only be used for improvements on property adjacent to school district property, such as sidewalks, intersections, bus lanes, and fire lanes.
- The last such project was to install sewer on the high school property, as well as upgrades to parking lots and fire lanes.

- This project would be funded over two fiscal years, with $100,000 in the current fiscal year that had to be spent by June 30, and $100,000 in the next.

Mr. Lopez added that as the first phase was under $100,000, but the second phase was higher, the contractor will be billed for the full $100,000 in the current fiscal year.

MOVED by Vice-Mayor Mike Best, seconded by Councilmember Jack Miller to approve the Intergovernmental Agreement (IGA) between the Chino Valley Unified School District and the Town of Chino Valley for the improvements of the adjacent ways to the Del Rio School and Heritage Middle School at no cost to the Town but staff's time to perform engineering and project management.

Vote: 7 - 0 PASSED - Unanimously

f) Consideration and possible action to approve a Notice of Intention to increase Wastewater Rates, Fees, and Service Charges, set a Public Hearing date, and issue a public report. (Joe Duffy, Finance Director)

Recommended Action: Move to adopt a Notice of Intention to Increase Wastewater Rates, Fees, and Service Charges and set a public hearing on the proposed rates for May 9, 2017.

Mr. Duffy reported that:

- With the advent of new multi-family apartment complexes coming to town, a question arose about sewer and water connection and monthly fees. Staff found that one multi-family establishment was not paying what other multi-family customers were paying for sewer and staff could find no contractual reason for it.
- In order to correct the error, the Town needed to go through this statutory process. The correction involved no changes for any class, but only revisions to some components for how to calculate the fee.

MOVED by Vice-Mayor Mike Best, seconded by Councilmember Corey Mendoza to adopt a Notice of Intention to Increase Wastewater Rates, Fees, and Service Charges and set a public hearing on the proposed rates for May 23, 2017.

Vote: 7 - 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.

MOVED by Vice-Mayor Mike Best, seconded by Councilmember Jack Miller to go into executive session at 6:56 p.m.

Vote: 7 - 0 PASSED - Unanimously

a) An executive session 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 litigation or in settlement discussions conducted in order to avoid or resolve litigation in the matter of Town of Chino Valley v. Glenarm Land Company, Inc. (Phyllis Smiley, Town Attorney)

b) An executive session pursuant to A.R.S. § 38-431.03(A)(3) and (A)(7) for discussion or consultation for legal advice with the Town Attorney and for discussions or consultations with designated representatives of the Town in order to consider its position and instruct its representatives regarding negotiations regarding the lease to Yavapai Community College of real property located at Old Home Manor.

c) Executive session pursuant to A.R.S. & 38-431.03(A)(1) for discussion or consideration of employment, assignment, appointment, or salary of Interim Town Manager, Cecilia Grittman.

9) ACTION ITEMS RESUMED

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

Mayor Croft reconvened the meeting at 8:06 p.m.

10) ADJOURNMENT

MOVED by Councilmember Jack Miller, seconded by Vice-Mayor Mike Best to adjourn the meeting at 8:06 p.m.

Vote: 7 - 0 PASSED - Unanimously

Darryl L. Croft, 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 14th day of March, 2017. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 11th day of April, 2017.

Jami C. Lewis, Town Clerk