



## Town of Chino Valley

### MEETING NOTICE TOWN COUNCIL

**REGULAR MEETING**  
**Tuesday, March 24, 2015**  
**6:00 P.M.**

**Council Chambers**  
**202 N. State Route 89**  
**Chino Valley, Arizona**

### **AGENDA--AMENDED\***

#### **AMENDMENT - 3/23/15**

|         |                                                                                |
|---------|--------------------------------------------------------------------------------|
| Item 7a | REVISES powerpoint presentation                                                |
| Item 7a | ADDS Town Attorney letter (confidential-Council-Manager only)                  |
| Item 7b | REVISES staff report by DELETING attachment (pages 149-152) from public packet |
| Item 7d | ADDS new agenda item--Letter of Understanding, Magistrate                      |
| Item 8a | ADDS executive session--Magistrate matter                                      |

- 1) **CALL TO ORDER, INVOCATION; PLEDGE OF ALLEGIANCE; ROLL CALL**
- 2) **INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS**
  - a) Proclamation declaring April 7, 2015 as 2015 Mayor's Day of Recognition for National Service, sponsored by Corporation for National and Community Service. (Mayor Marley)
  - b) Yavapai College Update by Dr. Clint Ewell, Vice President for Finance and Administrative Services.
- 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.*

#### 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) Robert McCaullay and the Planning and Zoning Commission.

#### 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.
- b) Status report by Town Manager Robert Smith regarding Town accomplishments, and current or upcoming projects.
- c) Presentation of preliminary revenue projections for the Fiscal Year 2015/2016 budget. (Joe Duffy, Finance Director)

#### 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.*

- a) Consideration and possible action to accept the February 24, 2015 regular meeting minutes. (Jami Lewis, Town Clerk)
- b) Consideration and possible action to accept the February 26, 2015 study session minutes. (Jami Lewis, Town Clerk)
- c) Consideration and possible action to accept the March 10, 2015 regular meeting minutes. (Jami Lewis, Town Clerk)
- d) Consideration and possible action to approve Financial Report for the month ended January 31, 2015. (Joe Duffy, Finance Director)

## 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 approve (1) Wireless Communications Facilities Project 2015 Master Agreement with SunState Towers, LLC and Pinnacle Consulting, Inc.; (2) Installation Contract for Wireless Communications Facilities Project 2015 with Pinnacle Consulting, Inc., and (3) Wireless Communications Site Lease with SunState Towers, LLC, all related to installation of three (3) wireless communications towers with Town dishes to be located on them to provide enhanced wireless capabilities between the Town Hall, North Campus (Library) and the Recreation Center. Funds to come from the Capital Improvement Fund. (Councilmember Mike Best; Councilmember Lon Turner)

Recommended Action: Approve (1) Wireless Communications Facilities Project 2015 Master Agreement with SunState Towers, LLC and Pinnacle Consulting, Inc.; (2) Installation Contract for Wireless Communications Facilities Project 2015 with Pinnacle Consulting, Inc., and (3) Wireless Communications Site Lease with SunState Towers, LLC

- b) Consideration and possible action to establish a procedure for addressing Code of Ethics violations and to provide direction to Staff to prepare an ordinance to be approved by Council that will incorporate the Council's recommendations into the Town Code. (Mayor Marley)

Recommended Action: Establish procedure and potential penalties to address Code of Ethics Violations and direct staff to prepare an ordinance to amend the Town Code to incorporate the procedures.

- c) Consideration and possible action to approve the use of Sagan University to utilize the Town as the pass-through agent for three Tribal Grants, as per the requirements of Proposition 202. (Cecilia Gritman, Assistant Town Manager)

Recommended Action: Approve Sagan University to utilize the Town as its pass-through agent for three Tribal Grants, as per the requirements of Proposition 202.

- d) \*Consideration and possible action to: (i) appoint an Interim Presiding Magistrate Judge; and (ii) provide direction to Staff regarding continuing research into options for alternative magistrate court providers and/or recruitment process for a permanent Presiding Magistrate. (Phyllis Smiley, Town Attorney)

Recommended Action:

(i) Move to appoint \_\_\_\_\_ to serve as Interim Presiding Magistrate for the Town of Chino Valley for a period not to exceed \_\_\_\_ months and direct Staff to prepare a contract with \_\_\_\_\_ for approval by Council at its meeting on April 14, 2015; and (ii) Direction to staff to continue research into options for alternative magistrate court providers and provide Council with staff's findings at Council's April 28, 2015 meeting.

**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.*

- a)** \*Pursuant to A.R.S. § 38-431.03(A)(1) for discussion or consideration of employment, assignment, appointment, or salaries of Cathy Kelley as Interim Presiding Magistrate of the Chino Valley Municipal Court. (Phyllis Smiley, Town Attorney)

**9) ACTION ITEMS RESUMED**

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

**10) ADJOURNMENT**

Dated this 19th day of March, 2015.

By: ***Jami C. Lewis, Town Clerk***

The Town of Chino Valley endeavors to make all public meetings accessible to persons with disabilities. Please call 636-2646 (voice) or 711 (Telecommunications Arizona Relay Service) 48 hours prior to the meeting to request a reasonable accommodation to participate in this meeting.

Supporting documentation and staff reports furnished to the Council with this agenda are available for review on the Town website at <http://www.chinoaz.net/clerk/townagenda.shtml>, and in the Public Library and Town Clerk's Office.

**CERTIFICATION OF POSTING**

The undersigned hereby certifies that a copy of this notice was duly posted at Chino Valley South Campus, Chino Valley Post Office, and Chino Valley North Campus in accordance with the statement filed by the Town Council with the Town Clerk.

Date: \_\_\_\_\_ Time: \_\_\_\_\_ By: \_\_\_\_\_  
Jami C. Lewis, Town Clerk



# **Proposed Chino Valley Wireless Project**

3/10/2015



# Proposal Content:

1. Sunstate/Pinnacle installs 2 cell sites for VZW
2. Sunstate/Pinnacle installs **1 Tower for Town**
3. Sunstate/Pinnacle installs **Town Data Dishes on all 3 Towers**
4. Sunstate/Pinnacle pays no Land Rent, Town pays no Tower Rent



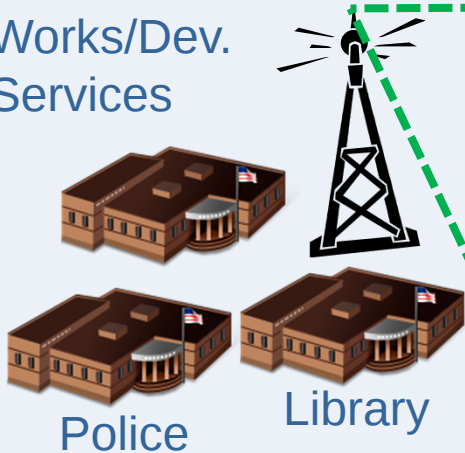
## Project Goals:

1. **Increase Verizon Coverage/Service** within the Town for staff, businesses, citizens & **EMS**
2. Enhance Verizon Coverage to Old Home Manor
3. Provide needed height for **Town wireless antennas at no cost**
4. **Construct** Town Tower & Install/Align Town antennas **at no cost**
5. Eliminate Cable One Fiber Lease Costs

# Creates Wireless Data Links for Town Networks, eliminating CableOne Fiber Lease (\$1,100/mo and future \$2,200/mo)

Sun-State installs **100' Tower & Dishes for Town Use**

Pub  
Works/Dev.  
Services



Sun-State 100' Tower with Verizon

Sun-State pays no ground lease

**Town gets 80' Centerline and  
Town Dish installed**

Town pays no lease for Tower space



**Cell Site**



Town Hall

**Cell Site**



Rec. Center

Sun-State 100' Tower  
with Verizon

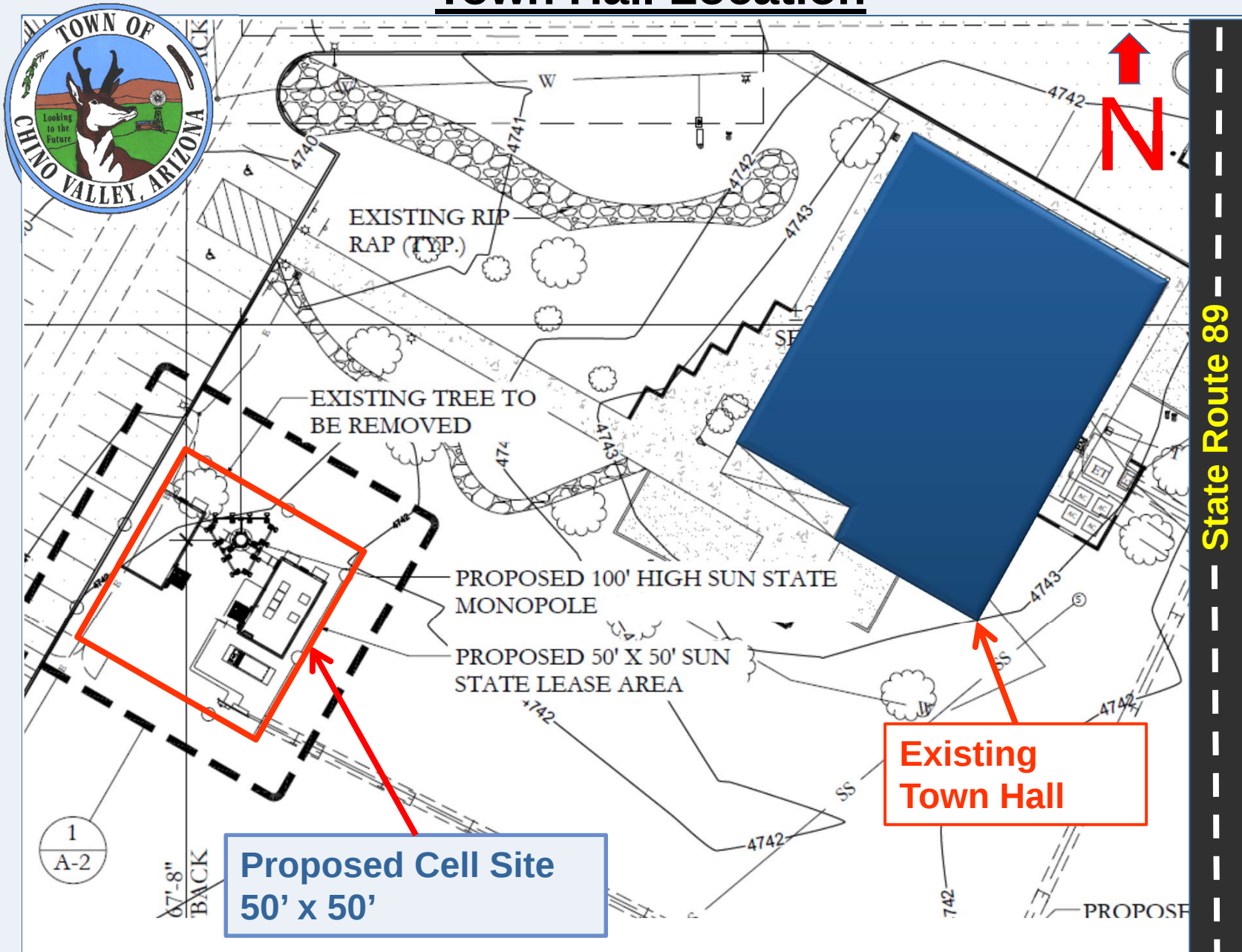
Sun-State pays no  
ground lease

**Town gets 80'  
Centerline and  
Town Dish installed**

Town pays no lease for  
Tower space

Hwy 89

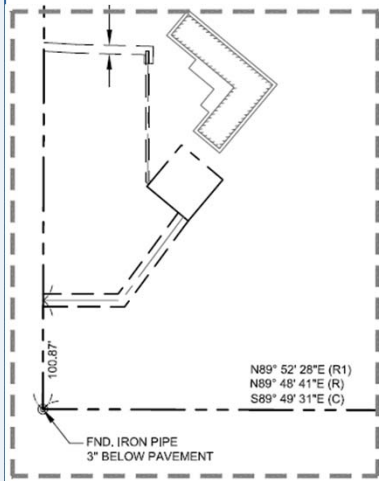
# Town Hall Location



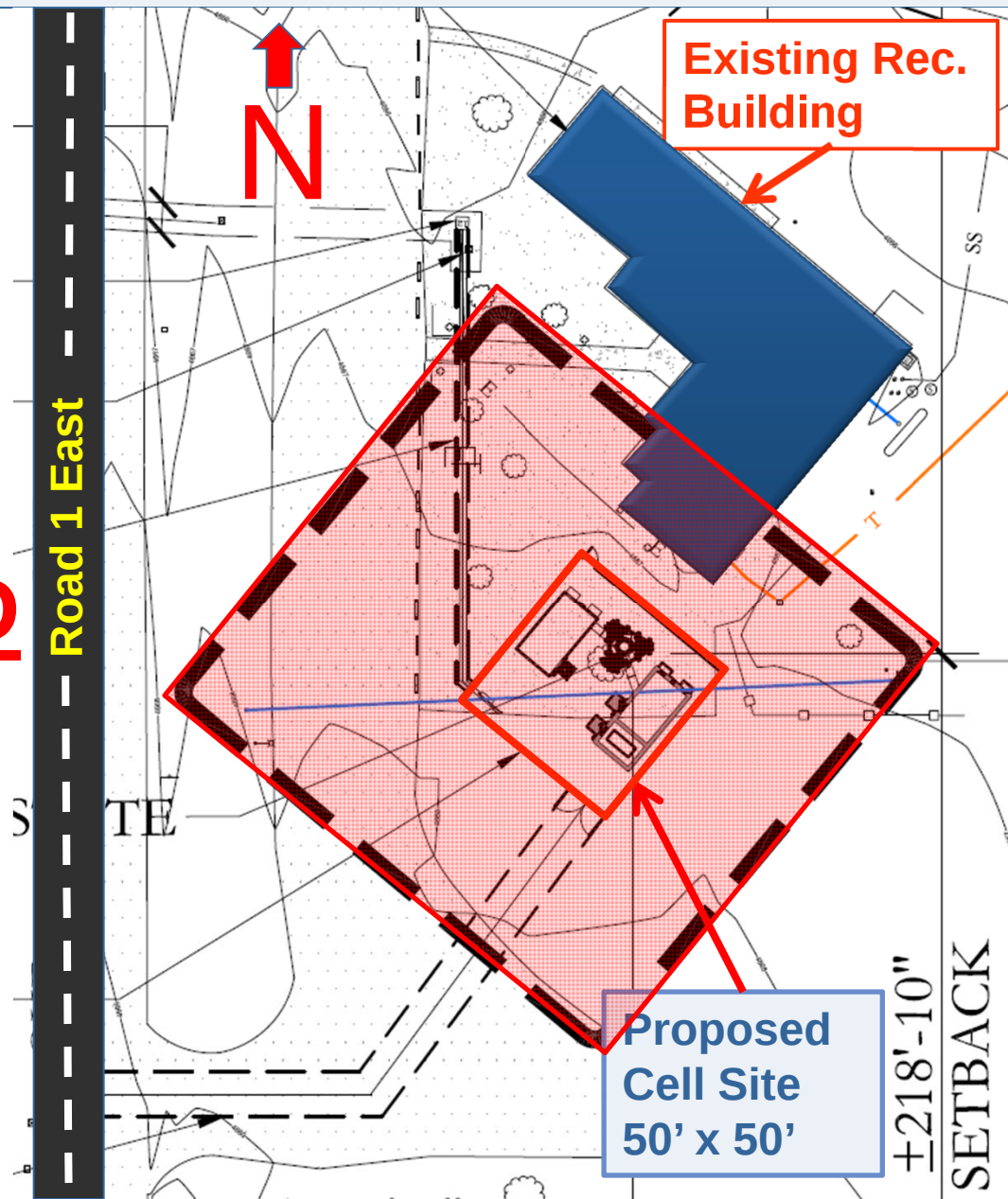


## Recreation Bldg. Location

# RELOCATED



Road 1 East





# Library North Campus



# Proposed Deal Structure

| Description                                                                  | Cost            |
|------------------------------------------------------------------------------|-----------------|
| SunState: Ground Lease for (2) 50' x 50' sites                               | \$0             |
| Chino: Caisson design/materials, Tower & Install<br>(28K Budgeted 2014-2015) | \$23,624        |
| Chino: Lease for (2) 80' cell tower positions                                | \$0             |
| Chino: Installation of (2) cell tower Data Dishes                            | \$0             |
| Chino: Installation of (1) 100' Lattice (Library)                            | \$0             |
| Chino: Installation of (2) Data Dishes (Library)                             | \$0             |
| <b>Total Cost to Town</b>                                                    | <b>\$23,624</b> |

**Immediate Chino Savings – Eliminate CableOne  
Fiber Lease (\$1,100/mo. now & \$2,200/mo. future)**

# Towerco Business Model

*Single Cell Site*

## Expenses

Ground Lease = \$ 600/Mo

*\$150K Borrowed for 10 Years @ 3%*

Construction Loan = \$ 1,550/Mo

**Total Mo. Cost = \$ 2,150**

## Necessary income

with a 20% Profit Margin

**= \$2,580/Mo**

*With 2  
Tenants*

**= \$1,290/Mo  
per Tenant**

**\*Note:** *If revenue sharing is required It is typically 10-15% of pole lease – this chart Uses 12% for Revenue Sharing*

100' VZW = \$1,300

90' Vacant = \$1,300 *Rev. Share = \$160*

80' TCV = \$1,300

70' Vacant = \$1,300 *Rev. Share = \$160*

60' Vacant = \$1,100 *Rev. Share = \$132*

50' Vacant = \$1,100 *Rev. Share = \$132*

Town Charges Towerco Land Lease \$ 600

Towerco Charges Town Centerline \$1,300

Town Gets Rev. Share (4) \$ 584

**Best Case End Result \$ -116**

**Probable End Result \$ -380**

**Immediate Result \$ -700**

# Option 1 - Do Nothing

- Town continues to pay \$1,100/mo or **\$13,200/yr**
- If need to expand into Rec. Center pay \$2,200/mo or **\$26,400/yr**

## CableOne 100Mbs Lease Costs

|                                          |                  |                    |                    |
|------------------------------------------|------------------|--------------------|--------------------|
| North Campus to South Campus             | \$1100/mo        | x 12 months        | \$13,200/yr        |
| North Campus to Rec. Center and Aquatics | \$1100/mo        | x 12 months        | \$13,200/yr        |
| <b>Totals</b>                            | <b>\$2200/mo</b> | <b>x 12 months</b> | <b>\$26,400/yr</b> |

- May be **NO** improvements to Verizon coverage for Town or citizens

# Option 2 - Build Own Towers

| Site         | Tower, Antenna and Construction Supplies | Construction & Antenna Alignment | Total     |
|--------------|------------------------------------------|----------------------------------|-----------|
| South Campus | \$17,000                                 | \$50,000                         | \$67,000  |
| North Campus | \$17,000                                 | \$50,000                         | \$67,000  |
| Rec. Center  | \$17,000                                 | \$50,000                         | \$67,000  |
| Total        |                                          |                                  | \$201,000 |

| Tower Cost | Current and Estimated Town Savings on Leased CableOne Fiber Links | Break Even |
|------------|-------------------------------------------------------------------|------------|
| \$201,000  | \$13,200/year (Current South Campus Connection)                   | 15.2 years |
| \$201,000  | \$26,400/year (South Campus & Rec. Center Connections)            | 7.61 years |



- May be NO improvements to Verizon coverage for Town or citizens

# Option 3 - Tower Lease RFP

| Site         | Tower, Antenna and Construction Supplies | Construction/Antenna Alignments | Total      |
|--------------|------------------------------------------|---------------------------------|------------|
| North Campus | \$23,624                                 | \$70,000                        | \$93,624   |
| Total        |                                          |                                 | - \$93,624 |

| Lease       | Estimated Values             | SubTotals       | Total            |
|-------------|------------------------------|-----------------|------------------|
| Land Lease  | \$600 x 2 sites              | + \$1,200.00/mo | + \$ 14,400/year |
| Rev. Shares | \$160 x 2 per pole x 2 sites | + \$ 640 / Mo   | + \$ 7,680/year  |
| Tower Space | \$1,300 x 2 sites            | - \$2,600/mo    | - \$31,200/year  |
| Total       |                              |                 | - \$ 9,120/year  |

**More Likely -- Without Revenue Share Income - \$ 16,800/year**

| Tower Cost | Leased CableOne Savings (Current South Campus Connection) | Tower Rents & Rev. Share | SubTotal Yearly | Break-Even |
|------------|-----------------------------------------------------------|--------------------------|-----------------|------------|
| - \$93,624 | \$13,200/year                                             | - 16,800/year            | - 3,600/year    | NEVER      |



# Option 4 - Proposed Option

| Site         | Tower, Antenna and Construction Supplies | Construction/Antenna Alignment | Total    |
|--------------|------------------------------------------|--------------------------------|----------|
| North Campus | \$23,624                                 | \$0                            | \$23,624 |
| Total        |                                          |                                | \$23,624 |

| Tower Cost | Current and Estimated Town Expenditure on Leased CableOne | Break Even |
|------------|-----------------------------------------------------------|------------|
| \$23,624   | \$13,200/year (Current South Campus Connection)           | 1.78 years |
| \$23,624   | \$26,400/year (South Campus & Rec. Center Connections)    | 0.89 years |

- Immediate Improvements to Verizon coverage for Town & citizens



# Summary

|                       | Annual<br>Fiber<br>Costs | Equipment &<br>Construction<br>Cost Up Front | Lease<br>Cost | Note                          |
|-----------------------|--------------------------|----------------------------------------------|---------------|-------------------------------|
| 1. Do Nothing         | (13,200)                 | 0                                            |               | No Enhancement to VZW Service |
| 2. Build It Ourselves | 0                        | (201,000)                                    |               | No Enhancement to VZW Service |
| 3. Lease It All Out   | 0                        | (93,624)                                     | (9,120)       | 23+ Year Breakeven            |
| 4. Staff Proposed     | 0                        | (23,624)                                     | 0             | 2 Year Breakeven              |

3/10/2015

PAGES 21-23 HAVE  
BEEN REMOVED FROM  
THE PUBLIC PACKET  
DUE TO THEIR  
CONFIDENTIAL NATURE



## TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

### Town Council Regular Meeting

Item No. **7. b.**

**Meeting Date:** 03/24/2015  
**Contact Person:** Jami Lewis, Town Clerk  
 Phone: 928-636-2646 x-1208  
**Department:** Council  
**Item Type:** Action Item  
**Estimated length of staff presentation:** None  
**Physical location of item:** N/A

### AGENDA ITEM TITLE:

Consideration and possible action to establish a procedure for addressing Code of Ethics violations and to provide direction to Staff to prepare an ordinance to be approved by Council that will incorporate the Council's recommendations into the Town Code.

### RECOMMENDED ACTION:

Establish procedure and potential penalties to address Code of Ethics Violations and direct staff to prepare an ordinance to amend the Town Code to incorporate the procedures.

### SITUATION AND ANALYSIS:

#### Issue Statement

Currently the Town Code merely provides that complaints of alleged violations of the Town's Code of Ethics are submitted in writing to the Mayor, Vice Mayor or Town Attorney, depending on the circumstances and that they must be addressed by the Town Council within 60 days of being submitted. There are no provisions outlining what happens to a complaint between the time it is received and the Town Council meeting. In light of the confusion over how to address the complaint recently received, Mayor Marley proposed a procedure to be followed. The Town Attorney reviewed the procedure and made recommendations for Council's consideration, as described in the attachments to this agenda item.

#### Applicable "Policy"

Town Code Chapter 35: Code of Ethics

#### Satisfaction of "Policy"

#### Summary of Issues and Staff Rationale

#### Findings of Fact

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**Fiscal Impact****Attachments**

Town Code Chapter 35: Code of Ethics

Code of Ethics Violation Draft Procedure

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## TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

### Town Council Regular Meeting

Item No. 7. d.

**Meeting Date:** 03/24/2015  
**Contact Person:** Phyllis Smiley, Town Attorney  
**Department:** Town Attorney  
**Item Type:** Action Item - Presentation  
**Estimated length of staff presentation:** 5 minutes  
**Physical location of item:** N/A

### AGENDA ITEM TITLE:

Consideration and possible action to: (i) appoint an Interim Presiding Magistrate Judge; and (ii) provide direction to Staff regarding continuing research into options for alternative magistrate court providers and/or recruitment process for a permanent Presiding Magistrate.

### RECOMMENDED ACTION:

(i) Move to appoint \_\_\_\_\_ to serve as Interim Presiding Magistrate for the Town of Chino Valley for a period not to exceed \_\_\_\_ months and direct Staff to prepare a contract with \_\_\_\_\_ for approval by Council at its meeting on April 14, 2015; and

(ii) Direction to Staff to continue research into options for alternative magistrate court providers and provide Council with Staff's findings at Council's May 12, 2015 meeting.

### SITUATION AND ANALYSIS:

#### Issue Statement

As of March 27, 2015, the Chino Valley Magistrate Court will be without a Presiding Magistrate due to the resignation of John Walker. A new or interim presiding magistrate needs to be appointed prior to that date to assure the continuing operation of the Court.

#### Applicable "Policy"

#### Satisfaction of "Policy"

### Summary of Issues and Staff Rationale

Staff was contacted by Judge Pro Tem Cathy Kelley regarding the coming vacancy of the Presiding Magistrate position. Ms. Kelley indicated that Yavapai County Superior Court administrator Rolf Eckels had advised her that if the Town does not appoint a new or interim magistrate prior to the

effective date of Judge Walker's resignation, Yavapai County Superior Court will take over the operation of the Chino Valley Court. Judge Kelley also indicated that she cannot continue as Pro Tem Judge after the effective date of Judge Walker's resignation because she was appointed by him and her appointment is tied to his service as Presiding Magistrate.

The Town Attorney contacted Mr. Eckels who advised that Judge Mackey, Yavapai County Superior Court Presiding Judge, is concerned about the situation in Chino Valley and that as long as the Town is making progress toward resolving the issues and finding a permanent solution, the County will not step in. A pro tempore judge may continue to act as a pro tempore judge, but may not act as the presiding magistrate unless the Town Council appoints him or her to do so. A presiding magistrate has certain duties related to running the court, that cannot be performed by a pro tempore judge.

Due to the short time between now and the effective date of Judge Walker's resignation, there is not enough time to complete a recruitment process for a new presiding magistrate. In order to ensure the efficient functioning of the court until such time as a recruitment can be completed, Staff recommends Council appoint an interim presiding magistrate effective March 27, 2015.

Prior to Judge Walker's resignation, Council directed Staff to review the Town's options regarding efficient and cost-effective means of providing magistrate court services to the Town. Options include contracting with another municipality or the justice of the peace for court services or operating the magistrate court on a non-full time basis. Staff's research on these options is not complete at this time. Staff anticipates making a presentation of its findings and recommendations to Council at the second Council meeting in April. Staff recommends that Council not appoint a permanent presiding magistrate until the information is presented to Council and Council has had an opportunity to consider the Town's options and determine which option is best for the Town.

### **Findings of Fact**

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#### **Fiscal Impact**

**Fiscal Impact?:** None

**If Yes, Budget Code:**

**Available:**

**Funding Source:**

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#### **Attachments**

*No file(s) attached.*

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## TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

### Town Council Regular Meeting

Item No. **8. a.**

**Meeting Date:** 03/24/2015  
**Contact Person:** Phyllis Smiley, Town Attorney  
**Department:** Town Attorney  
**Estimated length of Staff Presentation:** None  
**Physical location of item:** n/a

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#### AGENDA ITEM TITLE:

Pursuant to A.R.S. § 38-431.03(A)(1) for discussion or consideration of employment, assignment, appointment, or salaries of Cathy Kelley as Interim Presiding Magistrate of the Chino Valley Municipal Court. (Phyllis Smiley, Town Attorney)

#### SITUATION & ANALYSIS:

N/A

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#### Attachments

*No file(s) attached.*

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