



## **Town of Chino Valley**

### **MEETING NOTICE TOWN COUNCIL**

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**REGULAR MEETING  
Tuesday, March 26, 2013  
6:00 P.M.**

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

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### **AGENDA**

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

**2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS**

**a)** Introduction of new Planner, Dennis Price. (Robert Smith, Town Manager)

**b)** Annual report by the Chino Valley Model Aviators.

**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.*

**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.*

**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 approve the February 26, 2013 Regular Meeting minutes. (Jami Lewis, Town Clerk)
- b) Consideration and possible action to accept resignation of Billie Messaros, Dolores Morgan and Don Wojcik from the Senior Center Advisory Board, effective February 15, March 8, and March 21, 2013, respectively. (Jami Lewis, Town Clerk)
- c) Consideration and possible action to amend Policy Number 605, "Overtime: Non-Exempt Employees," from the Town of Chino Valley Personnel Policy dated September 12, 2002 to include Amendment 2 of the Memorandum of Understanding between the Town of Chino Valley and the Chino Valley Police Officer's Association, dated February 26, 2013. (Cecilia Watts, General Services Director)

**7) ACTION ITEMS**

- a) Consideration and possible action to adopt Resolution No. 13-1009, declaring the "Chino Valley Unified Development Ordinance Section 4.25: Wireless Communications Facilities" as a public record and adopt Ordinance No. 13-767 repealing the current Section 4.25, and adopting the new "Chino Valley Unified Development Ordinance Section 4.25: Wireless Communications Facilities" by reference. (Robert Smith, Town Manager)

Recommended Action: Adopt Resolution No. 13-1009, declaring the "Chino Valley Unified Development Ordinance Section 4.25: Wireless Communications Facilities" as a public record and adopt Ordinance No. 13-767 repealing the current Section 4.25, and adopting the new "Chino Valley Unified Development Ordinance Section 4.25: Wireless Communications Facilities" by reference.

- b) Consideration and possible action to adopt Ordinance No. 13-766 approving a Conditional Use Permit for a wireless communication tower, 99 feet in height, proposed for construction on the east side of State Route 89 at 2655 N. State Route 89, approximately 600 feet north of Road 3½ North, identified as Assessor's Parcel Number 306-14-021C. Applicant: Clear Blue Services/AT&T; Property Owner: Mannix Holdings LLC. (Dava Hoffman, Planning Consultant)

Recommended Action: Adopt Ordinance No. 13-766 approving the Conditional Use Permit for a wireless communication tower, 99 feet in height, for Assessor's Parcel Number 306-14-021C.

- c) Consideration and possible action to adopt Resolution No. 13-1008, declaring and adopting the results of the primary election held on March 12, 2013. (Jami Lewis, Town Clerk)

Recommended Action: Adopt Resolution No. 13-1008, declaring and adopting the results of the primary election held on March 12, 2013.

- d) Consideration and possible action to approve the Arizona Department of Administration General Accounting Office Interagency Service Agreement, for the Arizona Open Books Transparency Project. The Town did not budget for this expense in the current fiscal year; \$2,000 will be paid this fiscal year from the Professional Services line in the Finance Department and \$3,000 will be budgeted next fiscal year. (Joe Duffy, Financial Director)

Recommended Action: Approve the Arizona Department of Administration General Accounting Office Interagency Service Agreement.

- e) Presentation, discussion and possible action regarding development of a Council Code of Ethics. (Robert Smith, Town Manager)

Recommended Action: Presentation, discussion and possible action regarding development of a Council Code of Ethics.

## 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).*

- a) Council may vote to hold an executive session pursuant to A.R.S. §§ 38-431.03(A)(1) to discuss the employment, assignment, appointment, promotion, demotion, dismissal, and/or salaries of the office of town attorney. (Mayor & Council)
- b) Consideration and possible action regarding the employment, assignment, appointment, promotion, demotion, dismissal, and/or salaries of the office of town attorney.

Recommended Action: To be determined per Council discussion.

- c) Council may vote to hold an executive session pursuant to Arizona Revised Statutes § 38-431.01(A)(3), discussion or consultation for legal advice with the attorney or attorneys of the public body, and/or § 38-431.01(A)(4), discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding issues concerning water transportation/pipeline transaction privilege taxes due to the Town from the City of Prescott, including but not limited to *City of Prescott v. Town of Chino Valley*, Case No. CV 46161, Yavapai County Superior Court, Order Confirming Apportionment Formula and Apportionment Schedule filed June 21, 1996, and negotiations to settle disputes regarding the same. (Mayor Marley; Vice-Mayor Tenney)
- d) Consideration and possible action regarding issues concerning water transportation/pipeline transaction privilege taxes due to the Town from the City of Prescott, including but not limited to *City of Prescott v. Town of Chino Valley*, Case No. CV 46161, Yavapai County Superior Court, Order Confirming Apportionment Formula and Apportionment Schedule filed June 21, 1996, and negotiations to settle disputes regarding the same.

Recommended Action: To be determined per Council discussion.

- e) Council may vote to hold an executive session pursuant to Arizona Revised Statutes § 38-431.03(A)(3), discussion or consultation for legal advice with the attorney or attorneys of the public body regarding pending litigation concerning Complaint for Foreclosure of Right to Redeem (Tax Sale), *Becker Holdings, LLC v. Hall; Denney; Fitzgerald All-State Bail Bonds, LLC; CitiFinancial, Inc.; Town of Chino Valley; Ross Jacobs; Yavapai County Treasurer*, Case No. CV 2013-00180, Yavapai County Superior Court, pertaining to real property located at 1831 Yvonne Way, Chino Valley, Arizona. (Sharon Sargent Flack, Town Attorney)
- f) Consideration and possible action regarding pending litigation, Case No. CV 2013-00180, Yavapai County Superior Court, pertaining to real property located at 1831 Yvonne Way, Chino Valley, Arizona.

Recommended Action: To be determined per Council discussion.

9) **ADJOURNMENT**

Dated this 20th day of March, 2013.

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 636-1787 (TDD) 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