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

TUESDAY, MARCH 27, 2012
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 27, 2012.

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

Council Present: Mayor Chris Marley, Vice-Mayor Carl Tenney, and Councilmembers Mike Best (by conference phone, 6:00-7:09 p.m.), Darryl Croft, Dean Echols, Linda Hatch, and Lon Turner.

Staff Present: Interim Town Manager Robert Smith, Town Attorney Tom Kack, Finance Director Vera Smith, Police Commander Mark Garcia, Magistrate John Walker, Associate Planner David Nicolella, Utilities Supervisor Chris Bartels, Recreation Manager Shannon Gansz, Town Clerk Assistant Liz Hart, and Town Clerk Jami Lewis (recorder).

Mayor Marley gave the invocation and led the pledge of allegiance.

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

2a) Proclamation declaring April 2012 as "Fair Housing Month," pursuant to CDBG (Community Development Block Grant) requirements.

Mayor Marley read the proclamation.

3a) CALL TO THE PUBLIC

Cheyenne Ingrao spoke about a meeting on April 9 at Warren's Hay and More for citizens interested in drafting a proposal to Council for maintaining and scheduling equestrian activities at the Susan A. Williams Arena.

Gayle Allen, resident, spoke about the Sun Edison solar project, Council's approval and decision processes for its approval being inconsistent with those of the Windmill Farms and Del Rio Trucking projects; Development Services staff lacking an affidavit of posting for the project; and area property sales being negatively affected by the project's presence.

3b) RESPONSE TO THE PUBLIC

Mayor Marley reported that he visited with Claudette Johnson, who had spoken about the Sun Edison solar project at the last meeting, and arranged for her to meet with the town manager to discuss her concerns.

4) CURRENT EVENT SUMMARIES AND REPORTS

Councilmember Croft reported that the Central Yavapai Metropolitan Planning Organization meeting had initiated a 30-day comment period regarding its FY 2013-2017 improvement program, which included State Route 89 widening from Road 4 South to Ruger Road; roundabouts on State Route 89 at Perkinsville Road, Road 4 North, and State Route 89 near the airport; sign replacements, and funding for Chino Valley Transit.

Councilmember Hatch reported on the ribbon cutting at the wastewater treatment plant's solar field on March 23, which was anticipated to save the town $25,000 per year in electric costs.

Interim Town Manager Robert Smith reported that Finance Director Vera Smith had tendered her resignation after eight years with the Town.

CONSENT AGENDA

Council set down items 7 and 9.

5) Consideration and possible action to approve the February 28, 2012 Regular Meeting minutes. (Jami Lewis, Town Clerk)

6) Consideration and possible action to approve the March 1, 2012 Study Session minutes. (Jami Lewis, Town Clerk)

8) Approve the Financial Report for seven months ending January 31, 2012 for fiscal year 2011/2012. (Vera Smith, Finance Director)

10) Consideration and possible action to adopt Resolution No.12-988 authorizing the Chino Valley Police Department to apply for, accept, and expend funds for a 2013 Highway Safety Plan Grant from the Governor's Office of Highway Safety in an amount not to exceed $45,000. Funds to come from Miscellaneous Police Grants expenditure line in the Grants Fund for fiscal year 2012/2013, with no matching funds required by the Town. (Charles Wynn, Interim Police Chief)

Vice-Mayor Tenney MOVED, seconded by Councilmember Croft, to approve Consent Agenda items 5, 6, 8 and 10. The motion PASSED unanimously 7-0.

CONSENT AGENDA—ITEMS SET DOWN

7) Consideration and possible action to change the name of the Ad Hoc Magistrate Evaluation Committee to the Ad Hoc Judicial Committee and authorize said committee to proceed with review of all documents relevant to the Magistrate Court and provide to Town Council recommended revisions for said documents as needed. (Mayor & Council – Ad Hoc Magistrate Evaluation Committee)

Councilmember Hatch reported that the Magistrate Evaluation Committee was established to evaluate the judge's job performance and determine if he met applicable goals. The committee proceeded with the first through a public review process, but could not evaluate goals, as the judge's job description and employment agreement, and magistrate provisions in the Town Code had substantial conflicts between them. The committee believed they needed to resolve these conflicts before they could complete the evaluation, which would require an expanded scope. Also, if the committee could perform these extra duties without changing its name, Council might not need to take action on that.

Town Attorney Tom Kack advised that Council could expand the committee's scope under the same name, and he supported its work to update the code and other documents.

Council discussion: Council supported the proposal and did not object to maintaining the same name.

Judge John Walker also supported the action.

Councilmember Hatch MOVED, seconded by Vice-Mayor Tenney, to expand the scope of the Magistrate Evaluation Committee to include cleaning up the language and getting more consistency in the documents. The motion PASSED unanimously 7-0.

9) Approve the Financial Report for eight months ending February 29, 2012 for fiscal year 2011/2012. (Vera Smith, Finance Director)

Vice-Mayor Tenney, on behalf of the Council and Council Finance Committee, thanked Ms. Smith for her diligence; and he reported that he had asked Ms. Smith for a verbal status report on this item.

Ms. Smith thanked Council for their support over the years and reported that:

- The general fund was in a positive position with revenues over expenditures. One reason was due to unusual activity related to the Sun Edison project.
- However, keeping balanced in the general fund will continue to be challenging and Council will have tough decisions to make with regard to establishing new revenues, cutting expenditures, or a combination of both.
- The water and sewer funds were struggling; the Town needed to expand its utility customer base and extend water and sewer to the highway. She encouraged Council to research water and sewer options for economic development.

Vice-Mayor Tenney MOVED, seconded by Councilmember Hatch to accept the Financial Report for eight months ending February 29, 2012 for fiscal year 2011/2012. The motion PASSED unanimously 7-0.

ACTION ITEMS

11) Consideration and possible action to waive Activity Center rental fee for Boy Scout Troop Number 7533. (Cecilia Watts, General Services Director)

Recreation Manager Shannon Gansz reported that:

- Boy Scout Troop #7533, consisting of eight boys from age 12–15, met approximately every other Monday at the Town's Activity Center. The Town's fees for using the facility were $12 per day for rental, $240 for building deposit, and $53 for key deposit.

- Troop Leader Ken Mass was requesting that the Town waive the yearly rental fee of approximately $288 and the deposit fee, as the group had limited funds and the fees presented a hardship for his troop, which was almost entirely comprised of single-parent children.
- After receiving the request, staff met and determined that instead of waiving the fees, a better option might be to allow the Scouts to use the building in exchange for community services, such as walking the park to pick up trash, and report concerns such as broken equipment.

Interim Town Manager Robert Smith added that as the relationship between the Scouts and Town matured, the Town would give them additional projects.

Council discussion: Council's comments were all favorable.

Vice-Mayor Tenney MOVED, seconded by Councilmember Hatch, to authorize staff to work with the Boy Scouts to provide in-kind services in lieu of waiving fees. The motion PASSED unanimously 7-0.

12) Consideration and possible action to create a new part time Court Bailiff position for the Magistrate Court and approve job description for the same. Funds to come from the Magistrate's Court part-time salaries expenditure line and related benefit expenditure lines in the General Fund. (John Walker, Judge)

Judge Walker reported that:

- One goal of the Court was to promote a safe and secure environment for the magistrate, court staff, defendants, victims, and public.
- To this end, staff was requesting that Council establish a bailiff position for approximately six hours per week, primarily on Tuesdays when defendants charged with a crime appeared for the first time at their arraignment, and for occasional trials. The position would require an Arizona POST certified reserve officer.
- Staff presented this request to the Finance Committee on February 28, 2012.

Councilmember Hatch added that Magistrate Evaluation Committee also reviewed this item and recommended that it go forward to Council.

Vice-Mayor Tenney MOVED, seconded by Councilmember Hatch, to create a part time Court Bailiff position for the Magistrate Court and approve job description for the same. The motion PASSED unanimously 7-0.

13) Consideration and possible action to grant site plan approval to authorize construction of four (4) Commercial Greenhouses of approximately 10,000 square feet each, on approximately 26 acres of property in the "CL/AR-5" Commercial Light/Agricultural Residential 5-Acre Minimum zoning district, located on the west side of North Road 1 East approximately 300 feet north of Red Cinder Road, which utilizes a portion of Assessor's Parcel Number 306-14-008M. Owner/Applicant Jack Tuls, Jr.; Agent: Charles Arnold with Southwest Development Consultants. (David Nicolella, Associate Planner)

Mr. Nicolella reported that:

- Greenhouses were permitted in the "CL/AR-5" zone on properties of 10 or more acres.
- Regarding the site plan, landscape plan, building elevation, circulation, lighting, and other pertinent elements of the development, the developer was requesting the following modifications to Unified Development Ordinance requirements: (i) in lieu of landscaping, use screening fencing; (ii) in lieu of pavement on all driving surfaces, pave only the office and handicapped parking spaces, chip seal the entry way, and use AB with decomposed granite or other dust-free material for the remainder; (iii) in lieu of 44 regular parking spaces, create only 10, as they would never use 44.
- The developer also proposed to convert an existing storage building to offices, which the Town building official had approved with some modifications.
- At the public hearing before the Planning and Zoning Commission, the Commission forwarded a recommendation to approve the site plan as proposed, with the exception of recommending an additional five regular parking spaces for a total of 15 regular spaces, one handicapped space, and one truck space.

Charlie Arnold, agent, told Council that:

- The proposed greenhouses were designed for year-round hydroponic and aeroponic operation to grow 15 varieties of leaf lettuces and 15 other vegetable plants.
- The specific drive surface to be used would be based upon the Town's and engineer's recommendation. Delivery vehicles would include conventional box vans or single refrigerator trucks, but no semi-trucks.
- The developer anticipated breaking ground within seven days, the first greenhouse being operational in 45-60 days, and all greenhouses being constructed within a year; and they were hiring local labor for nearly all phases of the development.
- They were working with the Northern Arizona Council of Governments and Yavapai College–Chino Valley on hiring and local training opportunities. Initially, they will have 10 positions for the greenhouses, and an additional 5-10 positions for retail sales within six months.

Candy Blakeslee, resident, spoke in support of the project, as it conformed to the zoning map and General Plan, and would enhance the neighborhood and bring jobs to the Town. She also had no objections to the paving and landscape modifications.

Council discussion: Council's comments were all favorable due to the general benefit to the Town and appropriate location.

Vice-Mayor Tenney MOVED, seconded by Councilmember Hatch, to grant site plan approval to authorize construction of four (4) Commercial Greenhouses of approximately 10,000 square feet each, on approximately 26 acres of property in the "CL/AR-5" Commercial Light/Agricultural Residential 5-Acre Minimum zoning district, located on the west side of North Road 1 East approximately 300 feet north of Red Cinder Road, which utilizes a portion of Assessor's Parcel Number 306-14-008M, with the addition of the five parking spaces recommended by the Commission. The motion PASSED unanimously 7-0.

EXECUTIVE SESSION

14) Council may vote to hold an executive session pursuant to A.R.S. § 38-431.03(A)(3) and (A)(4) to obtain legal advice and to consider its position and instruct its attorneys regarding appointment of a magistrate or appointment of a magistrate and the use of a contract in conjunction therewith. (Council Ad Hoc Magistrate Evaluation Committee)

Councilmember Hatch reported that there were options as to how Council might appoint a magistrate, such as using or not using a contract or job description, and Council might not need to have this discussion in executive session.

Town Attorney Tom Kack added that Council might refer this discussion to the Magistrate Evaluation Committee under its newly expanded scope.

Vice-Mayor Tenney MOVED, seconded by Councilmember Hatch, to authorize the Magistrate Evaluation Committee to obtain legal advice and to consider its position and instruct its attorneys regarding appointment of a magistrate or appointment of a magistrate and the use of a contract in conjunction therewith. The motion PASSED unanimously 7-0.

15a) Council may hold and executive session regarding the present magistrate's employment and evaluation of the same including, as allowed by A,R.S. –38-431.01.(A): assignment; appointment; promotion; dismissal; extension; salary; and any contract or other action related thereto. (Council Ad Hoc Magistrate Evaluation Committee)

Vice-Mayor Tenney MOVED, seconded by Councilmember Hatch, to go into executive session. The motion PASSED unanimously 7-0 at 7:09 p.m. At this point, Councilmember Best left the meeting. Mayor Marley reconvened the open session at 7:28 p.m.

15b) Possible action regarding the above discussions relative to performance and filling the Town Magistrate's position, including action necessary to effectuate the same. (Council Ad Hoc Magistrate Evaluation Committee)

Vice-Mayor Tenney and Councilmember Hatch reported that the performance evaluations for the magistrate were good and would be sent to Human Resources for retention.

Councilmember Hatch MOVED, seconded by Councilmember Croft, to accept the evaluations and refer the issue of job description and/or contract to the Magistrate Evaluation Committee. The motion PASSED unanimously 6-0.

16) Council may vote to hold an Executive Session pursuant to A.R.S. § 38-431.03(A)(3) for discussion or consultation for legal advice with its attorneys regarding Chino Valley Town Council Rules of Procedure (Section 30.067 of the Town Code), including but not limited to Sections 5 and 6 thereof. (Mayor & Council)

Vice-Mayor Tenney MOVED, seconded by Councilmember Echols, to go into executive session. The motion PASSED unanimously 6-0 at 7:29 p.m. Mayor Marley reconvened the open session at 7:38 p.m.

Mayor Marley and Vice-Mayor Tenney reported that Council reviewed this item and consented to address this matter in a study session. They scheduled the session for April 12.

17) ADJOURNMENT

Vice-Mayor Tenney MOVED, seconded by Councilmember Croft, to adjourn the meeting. The motion PASSED unanimously 6-0 at 7:41 p.m.

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 27th day of March, 2012. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 24th day of April, 2012.

Jami C. Lewis, Town Clerk