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

TUESDAY, APRIL 9, 2013
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, April 9, 2013.

Present: Mayor Chris Marley; Councilmember Mike Best; Councilmember Darryl Croft; Councilmember Dean Echols; Councilmember Linda Hatch; Councilmember Lon Turner

Absent: Vice-Mayor Carl Tenney

Staff Present: Town Manager Robert Smith; General Services Director Cecilia Watts; Town Attorney Sharon Sargent-Flack; Police Chief Chuck Wynn; Town Engineer/Public Works Director Ron Grittman; Town Clerk Assistant 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 6:03 p.m.

Councilmember Turner attended the meeting by conference phone.

Councilmember Croft gave the invocation and Mayor Marley led the Pledge of Allegiance.

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

a) Proclamation declaring April 2013 as "Fair Housing Month," sponsored by the Department of Housing. (Cecilia Watts, General Services Director)

Mayor Marley read the proclamation.

b) Proclamation declaring April 11, 2013 as "Submarine Veterans Day," sponsored by the Tri-City Submarine Veterans. (Cecilia Watts, General Services Director)

Mayor Marley read the proclamation and presented it to representatives from the Tri-City Submarine Veterans.

c) Presentation by Chris Bridges, CYMPO Administrator, regarding Transportation Planning. (Mayor & Council)

Acronyms used in this item:
CYMPO (Central Yavapai Metropolitan Planning Organization)
HURF (Highway User Revenue Fund)

Mr. Bridges presented information about CYMPO's purpose, planning boundary, and funding sources, as well as road construction and maintenance costs and funding, project selection, and delivery process. Key points were:

- The formula and funding source for HURF had not changed since 1993, and it was no longer sufficient for new projects and proper maintenance, as the state was receiving fewer HURF revenues due to higher mileage vehicles, alternative vehicles not being taxed, and drivers keeping their vehicles longer.
- Due to an anticipated $62 billion shortfall over the next 25 years, as well as the recent sequestration reducing federal gas tax funding, HURF will need an alternate source of funding than the vehicle license tax.
- The next update to the Regional Transportation Plan, which will prioritize regional projects for the next 20 years, will begin later this year.

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.

Patrick Mount, resident, spoke about: (i) his support for the Town outsourcing road construction projects; (ii) not needing a cell tower; (3) his support for Prescott paying for the water it took from the Town; and (4) property values going down 32.6% in Chino Meadows since sewer was installed and its roads being substandard.

Steve Chontos, business owner, asked about the proposed Road 1 East and "Road 4½ South" extensions benefitting the public at "Road 4¼ South."

Craig Brown, Yavapai County Supervisor, spoke about the new Chino Valley shooting facility and the Paulden Area Community Organization's bi-annual circus in April.

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.

Mayor Marley reported on previous Call to the Public comments:

- Jim Klein, who spoke on expired Planned Area Developments (PAD) – Per the Unified Development Ordinance, several PADs in Town had technically expired and the Town's new planner will be tasked with inventorying these and offering possible remedies.
- Kate O'Connor-Masse, who spoke on not receiving notice of the neighborhood meeting on the cell tower project – Town staff did not know why she did not receive the notice, as her property was on the list of notices sent.

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.

Councilmember Hatch reported on Northern Arizona Council of Governments Economic Development Committee (EDC) activities and a presentation before the EDC by Chino Valley Transit.

Mayor Marley reported on his latest Mayor's Report and on upcoming study sessions on April 16 and 18, and May 23.

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.

Council set down items 6c and 6e. Mayor Marley reported that as it was not legally necessary for councilmembers to abstain from voting on meeting minutes due to absences, he had asked staff to place all minutes under consent.

MOVED by Councilmember Dean Echols, seconded by Councilmember Darryl Croft to approve Consent Agenda items 6a, b and d.

Vote: 6 - 0 PASSED

Other: Vice-Mayor Carl Tenney (ABSENT)

a) Consideration and possible action to approve the March 12, 2013 regular meeting minutes. (Jami Lewis, Town Clerk)

b) Consideration and possible action to approve the March 21, 2013 study session minutes. (Jami Lewis, Town Clerk)

c) Consideration and possible action to Consideration and possible action to adopt Ordinance No. 13-768, amending the Chino Valley Town Code Chapter 31: Officers, Section 31.20: Town Manager, and Chapter 35: Code of Ethics, Section 35.04: Conduct in Public Office. (Mayor & Council)

Councilmember Hatch requested a legal review of how the subject ordinance would interact with Resolution No. 617, adopted in 2001, which also addressed communications between elected officials and Town employees.

Town Attorney Sharon Flack reported that as this did not come to her attention until late this afternoon and she did not have the opportunity to review the matter, Council could request an analysis or rescind the resolution.

Public comment:

Councilmember-elect Don Wojcik, asked about the purpose for the proposed code amendments. Council stated that the proposed ordinance will provide a framework for the Council to address future allegations of abuse by a member of the Council.

MOVED by Councilmember Darryl Croft, seconded by Councilmember Mike Best to adopt Ordinance No. 13-768, amending the Chino Valley Town Code Chapter 31: Officers, Section 31.20: Town Manager, and Chapter 35: Code of Ethics, Section 35.04: Conduct in Public Office, and bring back Resolution No. 617 and a procedure for censure.

Vote: 6 - 0 PASSED

Other: Vice-Mayor Carl Tenney (ABSENT)

Mayor Marley recessed the meeting at 7:35 p.m. and called the meeting back to order at 7:48 p.m.

d) Consideration and possible action to approve Contract for Legal Services with Curtis, Goodwin, Sullivan, Udall and Schwab, PLC, beginning March 26, 2013. Funding to come from Non-Departmental budget professional services line. (Mayor & Council)

e) Consideration and possible action to approve Professional Services Agreement and Scope of Work between the Town of Chino Valley and ARCADIS U.S., Inc., effective March 12, 2013, in the amount of $72,000 for a Development Impact Fee study. Funds to come from Non-Departmental line for SB 1525 implementation. (Cecilia Watts, General Services Director)

General Services Director Cecilia Watts reported that this agreement will replace a Professional Services Agreement with Red Oak that Council approved last November, as subsequent to that action, the vendor requested that the agreement be with ARCADIS, of which entity Red Oak was a brand name. Town Attorney Sharon Flack added that there were a couple other housekeeping changes to the agreement relative to intellectual property and rescinding the previous agreement. Although the Scope of Work still referenced Red Oak, ARCADIS was bound by the agreement, as the Scope was incorporated by reference.

MOVED by Councilmember Dean Echols, seconded by Councilmember Darryl Croft to approve Professional Services Agreement and Scope of Work between the Town of Chino Valley and ARCADIS U.S., Inc., effective March 12, 2013, in the amount of $72,000 for a Development Impact Fee study.

Vote: 6 - 0 PASSED

Other: Vice-Mayor Carl Tenney (ABSENT)

7) ACTION ITEMS

a) Discussion and possible action regarding establishing and selecting members for a Citizen Bond Committee for a potential bond election in November 2013. (Council Finance Committee)

Financial Consultant Pat Walker (staff report) and Town Engineer Ron Grittman reported that:

- As part of the Town's financial strategic planning process, Council and its Finance Committee had discussed financing for the Highway 89 Utility Project to obtain economic diversity and financial sustainability for the Town. There were a variety of funding sources that could be used, but if general obligation bonds were preferred, the voters must authorize the sale of bonds. According to state statute, bond elections could only be held in November, making the current timeframe very tight.
- Staff recommended that Council appoint a citizen committee to review the Project, determine its impact on the citizens with regard to funding options, and make a recommendation to Council on May 23. If their recommendation was to bring this before the voters on November 5, 2013, the committee will also be able to educate the public on the issue and in the process, determine whether or not there was enough public support to hold the election.
- Staff recommended that this committee: be formally established by Council on April 23, consist of five to nine members, include a Council liaison, and meet weekly from April 29-May 16. As the members of the Council will change in June, staff also recommended that one of the Councilmembers-elect also sit on the committee initially as a citizen and then as a Councilmember thereafter. Thereafter, the Council will officially "disband" the committee and vote on the matter on June 11.
- The Council Finance Committee had asked Mr. Grittman to submit two names, who recommended Karrie Blum and Paul Eguina.

Councilmember Croft also recommended Ms. Bloom and Councilmember Hatch also recommended Paul Eguina.

Council asked Councilmember-elect Don Wojcik to serve in the citizen/Council spot.

b) Consideration and possible action to approve Consulting Contract with Dava & Associates, effective January 1, 2013, through June 30, ~~2013~~ 2014 , in an amount not to exceed $87,000 for planning services. Funds in the amount of $37,000 for fiscal year ~~2013/2014~~ 2012/2013 to come from Non-Departmental contingency line, and funds in the amount of $50,000 for fiscal year ~~2014/2015~~ 2013/2014 to come from Planning Division professional services line. (Cecilia Watts, General Services Director)

General Services Director Cecilia Watts and Town Manager Robert Smith reported that:

- The Town's full-time planner resigned in early January 2013. The Town hired a part-time planner in March and was struggling to rebuild the department while maintaining its service level.
- Dava & Associates had performed planning services in the interim period during January and February 2013, and this contract will allow the Town a mechanism to pay her. Staff also anticipated using Dava's services for the next fourteen months to transition outstanding issues, thereby allowing the Town to maintain the planner's part-time status. This contract was separate from the Town's agreement with Dava for General Plan development.
- The terms, scope, and conditions of this contract will be re-evaluated, as well as the staffing level(s) at Development Services, over next fiscal year to determine the appropriate path that will best fulfill the Town's needs.
- Corrections to the dates of this agreement are noted in the agenda title.

MOVED by Councilmember Dean Echols, seconded by Councilmember Darryl Croft to approve Consulting Contract with Dava & Associates, effective January 1, 2013, through June 30, 2014, in an amount not to exceed $87,000.

Vote: 6 - 0 PASSED

Other: Vice-Mayor Carl Tenney (ABSENT)

c) Consideration and possible action to approve an Intergovernmental Agreement (IGA) with the City of Prescott for Prosecution Services beginning May 1, 2013, in the amount of $8,334 for fiscal year ~~2013/2014~~ 2012/2013 and $50,000 for fiscal year ~~2014/2015~~ 2013/2014. Funds to come from Prosecutor's Office Professional Services line. (Cecilia Watts, General Services Director)

General Services Director Cecilia Watts and Town Manager Robert Smith reported that:

- The Town had contracted with Marc Hammond for prosecutor services since November 2010; he currently worked approximately two days a week. Previous to his contract, the Town had a full-time prosecutor on staff.
- As there were areas for improvement with prosecution, investigations, code enforcement, data acquisition, and performance reporting; and the Police Department had expressed an interest for more access to the prosecutor and the desire to become more effective within the Court setting, staff researched other avenues for securing prosecutor services.
- The City of Prescott, which indicated that they had the ability to offer flexibility within their staff in both hours and levels of expertise, proposed to offer their services for essentially the same amount of money being paid to Mr. Hammond and offered access to a prosecutor five days a week. The Town's only full-time employee in the prosecutor's office, the paralegal, will remain as the gatekeeper and coordinator of the prosecutorial functions for the Town.
- Should the Town not be satisfied with the person's performance whom Prescott assigned to this position, Prescott agreed to work with the Town for another assignment. This person will report to the general services director.
- Management, police, and court staff recommended that Council accept the IGA, with a starting date of May 1, 2013. Mr. Hammond was given a 30-day notice with a termination date of April 15, 2013. Staff anticipated that Prescott's Council will approve the IGA on April 23, 2013. If passed by both parties, the City of Prescott will work with the Town's prosecution staff to ensure court coverage through the end of April before the IGA officially went into effect.

John Paladini, City Attorney for the City of Prescott, expressed his support for the IGA.

MOVED by Councilmember Dean Echols, seconded by Councilmember Mike Best to approve the Intergovernmental Agreement with the City of Prescott for Prosecution Services beginning May 1, 2013 in the amount of $8,334 for FY 2012/2013 and $50,000 for FY 2013/2014.

Vote: 6 - 0 PASSED

Other: Vice-Mayor Carl Tenney (ABSENT)

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).

MOVED by Councilmember Darryl Croft, seconded by Councilmember Dean Echols to go into executive session for items 8a, 8b and 8c at 8:26 p.m.

Vote: 6 - 0 PASSED

Other: Vice-Mayor Carl Tenney (ABSENT)

Mayor Marley reconvened the meeting into open session at 9:25 p.m.

a) 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)

b) 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.

Council took no action on item 8b.

c) Council may vote to hold an executive session pursuant to Arizona Revised Statutes § 38-431.03(A)(3), for discussion or consultation for legal advice with the Attorney of the Town regarding resignation of the Town Attorney and to discuss the status of current legal matters. (Robert Smith, Town Manager)

9) ADJOURNMENT

MOVED by Councilmember Darryl Croft, seconded by Councilmember Dean Echols to adjourn the meeting at 9:25 p.m.

Vote: 6 - 0 PASSED

Other: Vice-Mayor Carl Tenney (ABSENT)

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 9th day of April, 2013. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 14th day of May, 2013.

Jami C. Lewis, Town Clerk