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

TUESDAY, APRIL 12, 2011
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 12, 2011.

Mayor Bunker called the meeting to order at 6:04 p.m.

Council Present: Mayor Jim Bunker, Vice-Mayor Ron Romley, and Councilmembers Joel Baker, Dean Echols, Linda Hatch, Gloria Moore (by conference phone), and Carl Tenney.

Staff Present: Town Manager Michael Scannell, Management Assistant Cecilia Watts, Town Attorney Tom Kack, Finance Director Vera Smith, Finance Analyst Cindy Sandlin, Accounting Clerk Shannon Bowe, Administrative Clerk Hilda Little, Police Chief Patricia Huntsman, Police Commander Mark Garcia, Acting Court Coordinator Ronda Apolinar, Court Clerk Trish Fieldson, Development Services Director Patricia Clingman, Associate Planner David Nicolella, Senior Building Inspector Dan Trout, Plans Examiner Jim Shinost, Code Enforcement Officer Mike Bovee, GIS/CAD Technician Jan Mazy, IT Technician Spencer Guest, Town Engineer/Public Works Director Ron Grittman, Parks and Trails Superintendent Bob Worthen, Utilities Supervisor Chris Bartels, Utilities Technicians Joe Grassi, and Jim Shinost, Utilities Clerk Sally Self, Building Maintenance Laborer Bryan Fieldson, Recreation Coordinator Shannon Gansz, Recreation Specialist Dean Smith, Youth Librarian Darlene Westcott, Senior Center Supervisor Cyndi Thomas, and Town Clerk Jami Lewis (recorder).

Mayor Bunker gave the invocation and Councilmember Baker led the pledge of allegiance.

2) <u>Introductions, Presentations and Proclamations</u>

2a) Proclamation declaring April 2011 as "**Substance Abuse Awareness Month**," sponsored by MATForce and the Yavapai County Substance Abuse Coalition.

Mayor Bunker read the proclamation and presented it to Chino Valley Police Commander Mark Garcia.

2b) **Commendation** by Town Manager Michael Scannell recognizing Senior Building Inspector Dan Trout for receiving certification as a building official (CBO).

Town Manager Michael Scannell recognized Senior Building Inspector Dan Trout, who recently obtained his certification as a certified building official and became the first Town employee to do so. Mr. Trout thanked the Town, Council, and those who supported him through the process.

2c) Presentation of Certificates of **Election** and Certificates of Nomination to qualified candidates.

Town Clerk Jami Lewis presented a Certificate of Election to Councilmember-elect Lon Turner and Certificates of Nomination to Jim Bunker and Chris Marley for the office of mayor and James Conn, Darryl Croft, Mike Best, and Charlotte Marriott for the office of councilmember.

2d) **Chamber Update** by Ab Jackson, CEO, Chino Valley Area Chamber of Commerce.

Ab Jackson reported on March Chamber activities: Citizens Academy graduation, Transit Program ribbon cutting, Business of the Month—Arizona Highway Safety Specialists, and the Health and Business Expo.

3) Call to the Public

Tom Payne, Town business owner, expressed appreciation to Town officials for making themselves available to Citizens Academy participants.

Linda McFarland, Chamber of Commerce Office Manager and Town resident, expressed gratitude for the many persons who cared for her and assisted the Chamber during a recent serious illness.

Duane Noggle, Chino Valley Unified School District Superintendent, commended Police personnel for their response to incidents at the schools and at his home, and announced that the Prescott Area Leadership Youth of the Year had been awarded to Chino Valley High School student David Ridlin.

Susan Tobey, Chamber of Commerce member, spoke about the Chamber's upcoming Casino Night fundraiser.

Darryl Croft, Rotary Club member, spoke about the Rotary's million word challenge to school students and an upcoming wine tasting and art show fundraiser.

Kay Jones, resident and Historical Society President, named many examples of things for citizens to do in Town and also encouraged citizens to shop local.

Jackie Nance, spoke about an upcoming grand opening for an independent living program for the developmentally disabled.

4) Mayor/Council/Manager Report

Mayor Bunker reported on the upcoming Open Night with the Mayor, Safe Yield meeting, water conservation workshop, and another Town wide volunteer effort to clean up tumbleweeds.

Councilmember Echols reported that it was National Police Dispatch Week and acknowledged the Town's Police dispatchers.

Councilmember Tenney reported on an upcoming candidate forum.

Consent Agenda

Council set down item 8.

5) Discussion and possible approval of January 11, 2011 Regular Meeting **minutes**.

6) Discussion and possible approval of January 25, 2011 Regular Meeting **minutes**.

7) Discussion and possible acceptance of resignation of Albert Gonzales from the **Parks & Recreation Advisory Board**, effective March 17, 2011 and appoint Matthew Quay to fill the vacant position.

9) Discussion and possible approval of **Change Order** Requests 1, 2 and 3 with **B's Contracting**, in the total amount of $5,167.25, for the South Campus remodeling project. Funds to come from General Government Impact Fee Fund, to be disbursed from General Government Impact Fees Projects line item.

Vice-Mayor Romley MOVED, seconded by Councilmember Baker, to accept Consent Agenda items 5-7 and 9. The motion PASSED unanimously 7-0.

8) Discussion and possible adoption of **Resolution No. 11-957**, amending Resolution No. 09-905 to increase **Aquatic Center** daily use, programs, and facility rental fees.

Recreation Specialist Dean Smith reported that Council established program fees for the Aquatics Center in May 2005 and amended those fees in May 2009 to improve cost recovery. Staff proposed to increase those fees to cover increased operating costs and improve cost recovery for these services.

Council asked about fees for families larger than five, the proposed increase for season passes, elimination of reduced fees, and the season length. Mr. Smith stated that:

- Family members over five would pay $2 per additional member;
- The pool generally sold in excess of 80 season passes per year and the proposed increases were based on fees of other local pools and to close the gap on cost recovery;
- Staff had virtually no response to the reduced fees; and
- The season was 76 days and it was not cost effective to keep the pool open after school started.

Vice-Mayor Romley MOVED, seconded by Councilmember Echols, to accept item 8. The motion PASSED unanimously 7-0.

Action Items

10) *Continued from March 22, 2011:* Discussion and possible approval of a one-year Lease Agreement between the Chino Valley **Food Bank**, located at 1943 Voss Drive, and the Town of Chino Valley, for the period of April 1, 2011 to March 31, 2012.

Management Assistant Cecilia Watts reported that the Chino Valley Food Bank, which had leased the subject space from the Town for 12 years, had requested an extension of their lease. During an executive session on January 11, 2011, Council discussed an impending master planning process for the Town property commonly referred to as the North Campus to identify the best use for all of the Town's buildings. As the building in which the Food Bank was housed was located on that property, Council had expressed reluctance to commit to a longer time frame for the lease and directed staff to extend the Food Bank lease for a one-year period.

Vice-Mayor Romley MOVED, seconded by Councilmember Baker, to approve a one-year lease agreement between the Town of Chino Valley and the Chino Valley Food Bank for a term beginning April 1, 2011 and ending on March 31, 2012. The motion PASSED unanimously 7-0.

11) Presentation by **BMA Architects** and discussion and possible action regarding the "Draft Master Plan" for the Town Complex, South Campus site located at 202 N. State Route 89, and including an adjacent parcel owned by the Chino Valley Fire District, addressed as 238 N. State Route 89.

Acronyms used in this item:
ADOT (Arizona Department of Transportation)
APS (Arizona Public Service)

Associate Planner David Nicolella reported that on February 22, 2011, Council approved a Professional Services Agreement with BMA Architects to create a draft and final Master Plan for the Town's South Campus site. The draft plan included the current access off SR 89, Council's request for a secondary access to Center Street, and ADOT considerations, as well as certain site features: a pressure reducing vault belonging to the City of Prescott, easements on two sides of the property, and APS power lines along SR 89. Input given tonight would be incorporated into the final Master Plan.

Peter Burgoise with BMA told Council that he had met with the department heads to discuss various concepts and was still gathering input and working on options. He presented four concept drawings, A through D, for the site, and pointed out that the concepts could include the current fire district property north of the site, there was a lot of natural drainage through the west portion of the property, and while the current parking spaces met the Town Code requirements for daily use, there were not enough for meetings. Concepts B and C offered the best plans with regard to drainage and he preferred B due to the buildings locations and ease of parking.

Council asked about an easement that could be used for an alternate roadway. Mr. Nicolella and Town Engineer Ron Grittman stated that the easement would work for a sewer line, but it was not wide enough for ingress/egress.

Development Services Director Pat Clingman asked about acquiring the fire district property and funding improvements at the site through impact fees. Mr. Scannell related that the Town and Fire District were discussing an exchange of the Fire District's property for an equivalent parcel at Old Home Manor. Regarding improvements, the impact fee funds were fairly depleted and the legislature was not fond of impact fees, so that was hard to answer.

Public Comment:

Chris Marley, resident, requested that, given the current state of economic distress, Council not consider any more renovations in the next couple months. Staff clarified that there were no such plans in the near future.

Council discussed the options. They preferred option B and asked Mr. Burgoise to modify the plan without the Fire District property in case the exchange did not happen, include the easement to Center Street, and provide for an immediate expansion of the parking that would not have to be torn out later to conform with the master plan.

12) Discussion and possible acceptance of "Parks and Recreation Department Organizational Assessment" report prepared by **PW Consulting** Services, LLC (Paul Wenbert), dated April 6, 2011, and authorize the Town Manager to implement the recommendations made in the report.

Town Manager Michael Scannell reported that on January 25, 2011, the Town engaged Paul Wenbert of PW Consulting Services to perform an organizational assessment of the Parks and Recreation Department, resulting in a report with several recommendations.

Council suggested postponing the item as they had not had sufficient time to obtain further information from staff, and they desired a closer look at the budget before making any decisions.

Vice-Mayor Romley MOVED, seconded by Councilmember Hatch, to postpone item 12. The motion PASSED 6-1 with Councilmember Baker voting 'no,' stating that Council's role was to set policy, not dictate personnel decisions, and he supported the town manager's recommendations.

13) Discussion and possible approval of Professional Services Agreement with Mr. Paul Wenbert of **PW Consulting** Services, LLC for an Organizational Assessment of the Development Services Department, for an amount not to exceed $5,000 plus travel expenses not to exceed $400. Funds to come from the Professional Services expenditure line in the Planning Department. A budget transfer will be required to facilitate this expenditure; therefore, staff recommends a transfer from the Non-Departmental Contingencies expenditure line.

Town Manager Michael Scannell reported that staff was recommending an organizational assessment of the Development Services Department's organizational structure, staffing levels, and employee duties for the purpose of improving its efficiency and effectiveness, as well as examine the feasibility of implementing alternative service delivery methods. The consultant believed he could complete the assessment within 45 days, thereby offering an opportunity for the Town to incorporate proposed changes into the fiscal year 2011/2012 budget.

Vice-Mayor Romley MOVED, seconded by Councilmember Echols, to postpone item 13 in order to obtain more information from staff and the town attorneys. The motion PASSED 6-1 with Councilmember Baker voting 'no.'

14) Discussion and possible approval of the reorganization of the **Administrative Offices** which entails re-classifying two positions, restructuring two positions, and developing a new organizational chart. This proposal offers a reduction with respect to the fiscal impact. It is proposed this reorganization should save the Town approximately $52,000.00 in salaries and benefits.

Town Manager Michael Scannell reported that the 2010 Census figures indicated that Chino Valley's population had decreased by approximately 1,500, which would have a significant negative impact on the Town's funding via state shared revenues for at least the next five years. Also, the vacancy of the Human Resources Director position, which became effective in March 2011, offered the Town an opportunity to review its organizational structure and propose a more efficient model, utilize the strengths of the current staff, and offer a savings to the Town of over $52,000. Staff proposed the following changes:

- Human Resources Department – During the six months that the Human Resources Director was on extended leave, the Human Resources Clerk who essentially fulfilled the duties required of this position. Therefore, staff proposed to not fill the Human Resources Director position and to reclassify the Human Resources Clerk position to Human Resources Analyst.
- Town Manager's Office – Staff was proposing to: (i) create a new General Services Director position that would have management responsibility for the Human Resources Analyst, Recreation Manager, and various other administrative functions, as well as performing projects as directed by the Town Manager or Council; (ii) reclassify the current Management Assistant in the Manager's Office to the General Services Director position, as the current employee had been performing many of these duties and others that were well outside the parameters of her job description, and she possessed the requisite education, training, and experience; and (iii) eliminate the position of Management Assistant and create a part-time Administrative Clerk position in the Manager's Office.
- Video Services – Staff's final recommendation was to reduce the videographer services the Town provided for Access Channel 13 to 15-20 hours per week. The Town's Video Technician would continue to broadcast meetings of the Town Council, Planning and Zoning Commission, and Chino Valley Unified School Board and upload Town meetings to the Town's website, but he would not have time to do much more for Channel 13.

Vice-Mayor Romley MOVED, seconded by Councilmember Echols, to postpone item 14 and obtain more information from staff and town attorneys before deciding. The motion PASSED 6-1 with Councilmember Baker voting 'no.'

15) Discussion and possible action to provide direction and prioritization for personnel to fill the position of **Civil Engineer**. Funding levels are pursuant to Council direction with funds to come from HURF, Water and Sewer Enterprise Funds, and General Fund.

Acronyms used in this item:

CDBG (Community Development Block Grant)

CYMPO (Central Yavapai Metropolitan Planning Organization)

Town Engineer Ron Grittman reported that

- The position of Civil Engineer within the Engineering Department, which had been vacant since January 2011, had been tasked with managing various capital improvement projects which were fully funded, including: roadway widening and box culvert installation at Road 2 North and the Santa Cruz Wash, solar panel project at the wastewater treatment plant, Shooting Range at Old Home Manor, stormwater improvements in Chino Meadows along Railroad Road, SR 89 sidewalk and landscaping enhancements, annual chipseal program, stormwater implementation plan, and CYMPO sign replacement program.
- The Town Engineer, due to his other responsibilities, had been unable to move these projects forward and funding for at least one of them—the CDBG project—was in possible jeopardy.
- Council's options were to: (i) fill a full-time civil engineer position to ensure completion of the above projects; (ii) leave the position unfilled, suspending all capital projects and taking on a maintenance only mode, (iii) partially fund the position with the understanding that the projects would be delivered over a longer period of time; or (iv) outsource the engineering for each project.
- The current salary range for the civil engineer position was $69,100–$97,636 without the 10% salary reduction and outsourcing would cost more than hiring for the position, whether full or part-time. Given the current budget restrictions, filling this position may result in the loss of another position within the organization.

Council asked if the County funding for the flood control project could include engineering costs. Mr. Grittman related that staff had intended to do construction management in-house.

Council discussion: Council expressed concern about budget matters, losing funding for the solar project, CDBG, or other projects, and the town engineer's workload. Several preferred not to replace the civil engineer position, reduce the town engineer's other responsibilities, find someone to take over water resource functions, and have the town manager and engineer develop a list of current and forthcoming projects and prioritize them for the town engineer to do. Others pointed out that there was no other staff member qualified to continue oversight of the water resources and public works functions which the town engineer had absorbed, and some felt it was premature to make a decision without knowing the total budget package.

Vice-Mayor Romley MOVED, seconded by Councilmember Echols, to postpone item 15 indefinitely. The motion PASSED unanimously 7-0.

16) Discussion and possible adoption of **Resolution No. 11-956** supporting a "Finding in the Public Interest" to utilize proprietary **artistic services** in the construction of equine sculptings for the State Route 89 Sidewalk and Landscaping Enhancements. Funds to come from ADOT Transportation Enhancement Funds.

Acronyms used in this item:
ADOT (Arizona Department of Transportation)
FHWA (Federal Highways Administration)
FPI (Finding in the Public Interest)

Town Engineer Ron Grittman reported that:

- The FHWA and ADOT requested that, in order to utilize the artistic services of Diana Simpson, the Town develop a "Finding in the Public Interest (FPI)." An FPI was a common determination when there was a need to restrict public bidding to a known proprietary source.
- Typically, engineers developed a set of construction documents that included plans and specifications. Given the unique demands of describing an artistic piece in a written specification, it was common to develop an FPI that was based on a specific piece of work.
- Once Council approved the FPI, ADOT would provide a set bid amount in the bid documents provided to the contractors, who would then be required to use this bid amount and contract with the proprietary party.

Vice-Mayor Romley stated that without this Resolution, the contractor could use any artist and he preferred to use Ms. Simpson, since she was local. Therefore, he MOVED, seconded by Councilmember Baker, to adopt Resolution No. 11-956 supporting a "Finding in the Public Interest" to utilize the proprietary artistic services of local artist Diana Simpson in the construction of equine sculptings for the SR 89 Sidewalk and Landscaping Enhancements. The motion PASSED unanimously 7-0.

17) Discussion and possible approval of the use of Town resources to provide **videotaping services** for the Candidate Forum sponsored by the Appaloosa Meadows Homeowners Association I to be held April 25, 2011.

Management Assistant Cecilia Watts reported that:

- The League of Women Voters was moderating a Candidate Forum on April 25, 2011 for the Chino Valley mayor and council candidates at the Senior Center. The Forum was being co-sponsored by Appaloosa Meadows Homeowners Association I and the Chino Valley Review.
- The sponsoring organizations were requesting that the Town videotape the Forum for later broadcast on the Town's Access Channel 13, and to have it available on the Town's website.
- As this would be an allocation of Town resources, and potentially politically sensitive, staff felt it best that Council determine whether or not to use Town services for this purpose. The Forum will likely require less than four hours for filming, and to avoid an overtime situation the videographer would comp out his time in the same pay period, so no additional allocation of funds would be required.

Council discussion: Generally, Council supported the proposal as the forums were important for public information, gave the candidates exposure to all citizens, and increased voter turnout, as long as the form was unbiased and fair, since the Town had to be careful not to use its resources to endorse any candidates.

Vice-Mayor Romley MOVED, seconded by Councilmember Hatch, to approve the use of Town resources for filming the Candidate Forum scheduled for April 25, 2011. The motion PASSED unanimously 7-0.

18) Discussion and possible approval of the February 3, 2011 Study Session **minutes**.

Councilmember Tenney MOVED, seconded by Councilmember Hatch, to approve the February 3, 2011 Study Session minutes. The motion PASSED 5-0 with 2 abstentions by Vice-Mayor Romley and Councilmember Baker.

19) Discussion and possible approval of the February 8, 2011 Regular Meeting **minutes**.

Councilmember Tenney MOVED, seconded by Councilmember Echols, to approve the February 8, 2011 Regular Meeting minutes. The motion PASSED unanimously 6-0 with 1 abstention by Vice-Mayor Romley.

20a) 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, consider its position and instruct its attorneys and/or staff regarding exchanging reimbursement of certain costs of drilling a new well for obligations that Granite Investment and Development has to improve the Highlands Ranch well and certain other items under the Development Agreement with Granite Investment & Development, LLC and as that agreement was since amended and clarified, and issues regarding reimbursement to Granite Investment & Development, LLC for water lines installed for the Town.

Councilmember Baker MOVED, seconded by Councilmember Hatch, to go into executive session. The motion PASSED unanimously 7-0 at 8:00 p.m. Mayor Bunker reconvened the meeting into open session at 8:22 p.m.

20b) Possible action regarding the above obligations relative to agreements between the Town of Chino Valley and **Granite Investment** and Development, LLC.

Council took no action on item 20b.

Mayor Bunker requested and Council consented to moving up item 22 at staff's request.

21a) Counsel may vote to hold an **executive session** pursuant to A.R.S. §38-431.03(A)(3) and (A)(4) to obtain legal advice, consider its position and instruct its attorneys and/or staff regarding sewer connection/hookup fees and contract issues relative to the Chino Valley Sewer Plant and Fann Contracting, Inc.

(Council heard this item after item 22 but it is retained here for clarity.)

Vice-Mayor Romley MOVED, seconded by Councilmember Echols, to go into executive session. The motion PASSED 6-0 at 8:27 p.m. with Councilmember Moore not voting. Mayor Bunker reconvened the meeting into open session at 9:18 p.m.

21b) Possible action regarding sewer connection/hookup fees and contract issues relative to the Chino Valley Sewer Plant and **Fann Contracting**, Inc.

Council took no action on item 21b.

22) Counsel may vote to hold an **executive session** pursuant to A.R.S. §38-431.03 (A)(4) to obtain legal advice, consider its position and instruct its attorneys or staff on issues regarding health insurance with Yavapai Combined Trust.

(Council heard this item after item 20b but it is retained here for clarity.)

Vice-Mayor Romley MOVED, seconded by Councilmember Tenney, to go into executive session. The motion PASSED 6-0 at 8:23 p.m. with Councilmember Moore not voting. Councilmember Moore left the meeting at the end of the executive session and Mayor Bunker reconvened the meeting into open session at 8:26 p.m.

23) Adjournment.

Vice-Mayor Romley MOVED, seconded by Councilmember Tenney, to adjourn the meeting. The motion PASSED unanimously 6-0 at 9:18 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 _12th_ day of _April_, 2011. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _8th_ day of _November_, 2011.

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Jami C. Lewis, Town Clerk