

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

TUESDAY, APRIL 23, 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 23, 2013.

Present: Vice-Mayor Carl Tenney; Councilmember Darryl Croft; Councilmember Dean Echols;
Councilmember Linda Hatch; Councilmember Lon Turner

Absent: Mayor Chris Marley; Councilmember Mike Best

Staff Town Manager Robert Smith; General Services Director Cecilia Watts; Finance Director Joe

Present: Duffy; Magistrate John Walker; Town Engineer/Public Works Director Ron Gritman; Town Clerk Assistant Liz Hart; Town Clerk Jami Lewis (recorder)

Attendees: Town Attorney Phyllis Smiley, Police Lieutenant Vince Schaan, Court Administrator Ronda Apolinar

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

Vice-Mayor Tenney called the meeting to order at 6:00 p.m.

Vice-Mayor Tenney gave the invocation and led the Pledge of Allegiance.

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

- a)** Proclamation declaring May 2013 as "Mental Health Awareness Month," sponsored by the West Yavapai Guidance Clinic Foundation.

Vice-Mayor Marley read the proclamation.

(The following portion of item 2a was heard after item 7b but is retained here for clarity.)

Vice-Mayor Marley presented the proclamation to Tina Blake and John Coomer, who spoke about opening a new clinic in Chino Valley this summer and a benefit concert.

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.

Birdie Bennett, resident, spoke about the Town paying its debt down and waiting until the economy recovered more before starting any large projects.

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.

Vice-Mayor Tenney had nothing to report.

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.

Vice-Mayor Tenney introduced the Town's new attorney, Phyllis Smiley.

a) Quarterly update on Municipal Court operations by Town Magistrate, John Walker.

Magistrate John Walker reported on third quarter statistics and projects status:

- Standard Operating Procedures for the court administrator were completed.
- Some training relative to the judicial employee code of conduct was accomplished.
- The policy and procedure manual was being worked on.
- Yesterday, he and the finance director met with county and superior court officials to address the excess funds matter, which he hoped to have resolved by June 30.

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 item 6b for discussion.

MOVED by Councilmember Linda Hatch, seconded by Councilmember Dean Echols to approve items 6a, c and d.

Vote: 5 - 0 PASSED

Other: Mayor Chris Marley (ABSENT)

Councilmember Mike Best (ABSENT)

- a)** Consideration and possible action to approve the March 26, 2013 regular meeting minutes. (Jami Lewis, Town Clerk)
- b)** Consideration and possible action to repeal Resolution No. 617, adopted October 30, 2001. (Mayor & Council)

Council asked the town attorney about her recommendation to repeal Resolution No. 617.

Ms. Smiley explained that she saw a conflict in that the Resolution was too broad in encouraging 'complete' communication, while the Ordinance limited communication. Although she desired to protect councilmembers from the personal liability that came with overstepping the boundaries of their authority, they could amend the Resolution to refer to open communication on matters not related to employees' jobs.

Michael Edmonds, resident, spoke in favor of Town employees having the right of redress through Council, if needed.

Marti Klein, resident, spoke against repealing the Resolution and restricting open communication between employees and councilmembers.

Lillian Morales, resident, spoke in favor of people having the right to speak with councilmembers when needed.

Herbert Schuerrmann, resident, asked why staff did not clarify sooner that this issue involved the community.

Town Manager Robert Smith clarified that the only restriction in the new Ordinance related to a councilmember's ability to comment to employees' on employee performance. As ordinances were law and resolutions dealt with policy, ordinances had prominence over resolutions.

MOVED by Councilmember Linda Hatch, seconded by Vice-Mayor Tenney to modify the Resolution with the changes suggested by the attorney.

Ms. Smiley advised that amending the Resolution was not on the agenda; however, Council could direct staff to bring back such amendment.

MOVED by Councilmember Linda Hatch, seconded by Vice-Mayor Carl Tenney to bring the item back to the next meeting with the proposed changes.

Vote: 2 - 3 FAILED

AYE: Vice-Mayor Carl Tenney

Councilmember Linda Hatch

Other: Mayor Chris Marley (ABSENT)

Councilmember Mike Best (ABSENT)

Councilmember Hatch asked for clarification that councilmembers and residents were not precluded from approaching staff on any matters and councilmembers were free to speak as any member of the public.

Ms. Smiley advised that: the Resolution and Ordinance affected only councilmembers and Town employees, not the general public; employees and councilmembers will continue to have the same first amendment rights to approach each other; and repealing the Resolution will not cause councilmembers or employees to lose any rights.

MOVED by Councilmember Darryl Croft, seconded by Councilmember Lon Turner to repeal the Resolution.

Vote: 3 - 2 PASSED

NAY: Vice-Mayor Carl Tenney

Councilmember Linda Hatch

Other: Mayor Chris Marley (ABSENT)

Councilmember Mike Best (ABSENT)

- c) Consideration and possible action to approve Fee Agreement with Musgrove Drutz & Kack, P.C., to continue to represent the Town in the following litigation matters: (1) *Cortez Enterprises, Inc. v. Town of Chino Valley*; (2) *City of Prescott v. Town of Chino Valley* (Pipeline Transaction Privilege Tax Dispute); and (3) *Becker Holdings, LLC v. Hall, et al.* Funds to come from Legal Services line in the Non Departmental Department. (Musgrove Drutz & Kack, Town Attorney)
- d) Consideration and possible action to approve Monthly Financial Report for month ended March 31, 2013. (Joe Duffy, Finance Director)

7) **ACTION ITEMS**

- a) Consideration and possible action to award the construction contract for the Police Tactical Shooting Range to Watkins Mendoza Construction Company in the amount of \$103,376.48 plus the additive alternative in the amount of \$8,305.50 for a total project cost of \$111,681.98. Funds to come from donations and grants. (Ron Gritman, Town Engineer)

Town Engineer Ron Gritman reported that:

- As the existing shooting range had not proven to be sufficient for police use, the Police Department sought grants and other law enforcement partners to participate in constructing a Police Tactical Shooting Range (PTSR).
- The PTSR will allow law enforcement to perform their routine shooting qualifications plus create a flexible environment for simulations and maximum scenarios for the regional law enforcement community.
- Funding for this facility will come from the Police Officer Standards and Training Board (POST) and the Yavapai County Sheriff's Office.
- The Town received five bids, with Watkins Mendoza as the low bidder. The alternative bid was for constructing a parking lot.

MOVED by Councilmember Linda Hatch, seconded by Councilmember Darryl Croft to award the construction contract for the Police Tactical Shooting Range to Watkins Mendoza Construction Company in a total amount not to exceed \$111,681.98 pending the receipt of Yavapai County Sheriff's Office grant.

Vote: 5 - 0 PASSED

Other: Mayor Chris Marley (ABSENT)

Councilmember Mike Best (ABSENT)

- b) Discussion and possible action to establish the SR 89 Utility Project Citizen Committee, approve its preliminary Charter, and appoint Committee members and alternates, as well a Council liaison. (Mayor & Council)

Financial Consultant Pat Walker reported that:

- On April 9, 2013, Council was asked to consider establishing a citizen bond committee for the purpose of reviewing the SR 89 Utility Project, which pertained to proposed extensions of sewer and water to the highway; reviewing possible funding sources for the project, including bonding; and bringing a recommendation to the Council in sufficient time to possibly schedule a November bond election.
- She recommended that: (i) the committee consist of 5-9 members, composed of business persons and residents; (ii) it meet weekly from April 30 to May 23 for possible action by Council on June 11; and (iii) Council appoint the members, as well as a liaison to the Committee and ask one of the councilmembers-elect to serve on the committee as a citizen prior to June 11 and as the Council liaison after June 11.
- On April 9, Council asked Don Wojcik to fill the citizen/Council liaison slot and discussed each of them submitting two names to the town clerk for appointment on April 23.
- In addition to Mr. Wojcik, names submitted were: Bud Hanen, John Adams, Karrie Blum, Gary Warren, Paul Eguina, and Fire Marshal Art Castricone.

MOVED by Councilmember Linda Hatch, seconded by Councilmember Darryl Croft to establish the SR 89 Utility Project Citizen Committee, approve the preliminary Charter, and appoint Committee members, alternates, and liaison, and appoint Don Wojcik as citizen/liaison, and Bud Hanen, John Adams, Karrie Blum, Gary Warren, Paul Eguina, and Art Castricone to be on the committee.

Vote: 5 - 0 PASSED

Other: Mayor Chris Marley (ABSENT)
Councilmember Mike Best (ABSENT)

(The following portion of item 7b was heard after part 2 of item 2a but is retained here for clarity.)

Ms. Walker asked Council to appoint a separate Council liaison, as Mr. Wojcik will be a member of the committee through June 11. This was not necessary, but recommended.

Councilmember Turner offered to serve in that capacity.

MOVED by Councilmember Linda Hatch, seconded by Councilmember Darryl Croft to amend her motion to add Councilmember Turner as temporary liaison.

Vote: 5 - 0 PASSED

Other: Mayor Chris Marley (ABSENT)
Councilmember Mike Best (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).

No executive sessions were held.

9) **ADJOURNMENT**

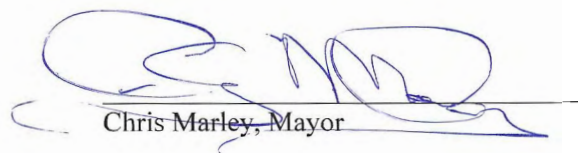
MOVED by Councilmember Linda Hatch, seconded by Councilmember Dean Echols to adjourn the meeting at 6:51 p.m.

Vote: 5 - 0 PASSED

Other: Mayor Chris Marley (ABSENT)

Councilmember Mike Best (ABSENT)

ATTEST:


Jami C. Lewis, Town Clerk
Chris Marley, Mayor

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 23rd 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