

2nd AMENDED
NOTICE OF THE REGULAR AND POSSIBLE EXECUTIVE SESSION
OF THE CHINO VALLEY TOWN COUNCIL

APRIL 26, 2011
6:00 P.M.

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Chino Valley Town Council and to the general public that the Chino Valley Town Council will hold a Regular Meeting open to the public on **Tuesday, April 26, 2011** at **6:00 p.m.** in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona. Members of the Town Council will attend either in person or by telephone conference call. As indicated in the agenda, the Chino Valley Town Council may vote to go into Executive Session, which will not be open to the public, to discuss certain matters.

RULES FOR ADDRESSING THE COUNCIL – AMENDED MAY 13, 2010

It is the Council's desire to hear public comment on agenda items. Because it is important to maintain order during the meeting, please adhere to the following rules of order if you wish to speak:

- 1) Members of the public wishing to speak must be first recognized by the Chairman.
- 2) Please state your name and whether or not you are a Town resident in an audible tone for the record.
- 3) TIME LIMIT: 3 MINUTES PER PERSON.
- 4) Remarks shall be limited to the agenda item under consideration.
- 5) All remarks shall be directed to the Mayor and to any or all members of the Council.
- 6) A person wishing to make a presentation that exceeds the three-minute time limit should make such a request of the Town Clerk prior to the meeting.
- 7) Members of the public are expected to observe rules of propriety and decorum.
- 8) Speakers shall not discuss employee performance, employee evaluations, or employee health, family or personal matters.

The **Agenda** for the meeting is as follows:

- 1) **Call to Order, Invocation; Pledge of Allegiance; Roll Call.**
- 2) **Introductions, Presentations and Proclamations**
 - 2a) Proclamation declaring May 1-7, 2011 as “**Youth Week**,” sponsored by Chino Valley Elks Lodge #2842.

2b) Presentation by Lora Lee Nye, Prescott Valley Council Member, regarding the **Arizona Centennial** and Chino Valley participation.

2c) Presentation of **Arbor Day** poster contest winners by Recreation Coordinator Shannon Gansz.

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. At the conclusion of an open call to the public, individual members of the Council may respond to those who have addressed the Council, may ask staff to review a matter or may ask that a matter be put on a future agenda. However, members of the Council shall not discuss or take legal action on matters raised during an open Call to the Public unless the matters are properly noticed for discussion and legal action.

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.

4) **Mayor/Council/Manager Report**

This item is for information only. Presentation on information requested by the Mayor and Town Council will be made and questions answered. No action will be taken.

Consent Agenda

All those items listed below may be enacted by one motion and approved as consent agenda items. Any item may be removed from the consent agenda and considered separately if a member of the Council so requests.

5) Consideration and possible action to approve February 22, 2011 Regular Meeting **minutes**.

Staff recommended motion: Move to accept Consent Agenda item 5.

Action Items

6) Consideration and possible action to approve the **Financial Report** for eight months ending February 28, 2011 for fiscal year 2010/2011.

Staff recommended motion: Move to approve the Financial Report for eight months ending February 28, 2011 for fiscal year 2010/2011.

7) Consideration and possible action regarding the Water and Sewer Agreement between the Town of Chino Valley and JT Properties, LLC for the **Kampgrounds of America** (KOA) project, located at Road 3½ North between State Route 89

and Road 1 East. Fiscal impacts will be dependant upon the structure of the agreement when approved by Council and JT Properties.

Council may vote to hold an **executive session** pursuant to A.R.S. § 38-431.03(A)(3) and (A)(7) to obtain legal advice from its attorneys and to consider its position and instruct its attorneys, or other designated representatives, regarding negotiations for a proposed Water and Sewer Agreement between the Town and JT Properties, L.L.C., in connection with property development (the Kampgrounds of America).

Staff recommended motion: Move to direct staff to negotiate the water and sewer agreement per the parameters set forth and bring back a revised reimbursement agreement within 90 days.

- 8) Discussion and possible action relative to authorizing staff to expend funds in the amount not-to-exceed \$42,056.69 for needed repairs to the Chino Valley **Aquatic Center**, located at 1615 N. Road 1 East; and approve required budget transfer. Funding to come from Aquatic Center expenditure lines in the General Fund. As a budget transfer will be required to facilitate this expenditure, staff recommends a transfer from Non-Departmental Contingencies expenditure line to the Aquatic Center Department expenditure lines.

Staff recommended motion: Move to authorize staff to expend funds in the amount of \$_____ for needed repairs to the Chino Valley Aquatic Center and approve associated budget transfer from Non-Departmental Contingencies to Aquatic Center.

- 9) *Continued from April 12, 2011:* Discussion and possible action regarding updated information and summary relative to the position of Civil Engineer. Funding levels are pursuant to Council direction with funds to come from Highway User Revenue Funds (HURF), Water and Sewer Enterprise Funds, and General Fund.

Staff recommended motion: To be determined per Council discussion.

- 10) Consideration and possible action to approve construction contract with **Sky Engineering** Inc. in an amount not to exceed \$170,564.74, for the solar energy generation station and installation of donated solar panels, located at the Town of Chino Valley Wastewater Treatment Plant, Old Home Manor, 2190 Rodeo Drive. Funds to come from EECBG (solar panels project) expenditure line item in the Capital Improvement Fund with reimbursement back to the Town from two Department of Commerce Energy Grants and from the Maintenance expenditure line item in the Sewer Enterprise Fund.

Staff recommended motion: Move to approve the construction contract for the Chino Valley Photovoltaic System to Sky Engineering in an amount not to exceed \$170,564.74 with reimbursement from Department of Commerce Grants in the

amount of \$165,007.24 and remaining \$5,557.50 to come from the Sewer Enterprise Fund.

- 11) Consideration and possible action to approve bid from **Granillo's Mobile Home Service**, for an amount not to exceed \$19,075.00, to inspect approximately 300 homes in the Chino Meadows 2 Subdivision and repair certain sewer line connections, if needed. Funds to come from Sewer Enterprise Fund, professional services and miscellaneous maintenance lines.

Staff recommended motion: Move to approve bid from Granillo's Mobile Home Service for an amount not to exceed \$19,075.00.

- 12) Consideration and possible action to award construction services bid for roadway repairs at the intersection of Reed Road and Road 3 North to **Grady's Quality Excavating**, Inc. in an amount not to exceed \$33,190.30. Funds to come from Highway User Revenue Funds Chipsealing line.

Staff recommended motion: Move to waive the procurement procedures and award construction services bid for roadway repairs at the intersection of Reed Road and Road 3 North to Grady's Quality Excavating, Inc. in an amount not to exceed \$33,190.30.

- 13) Consideration and possible action to accept the Town of Chino Valley **Area Drainage Master Study** as presented at the April 7, 2011 Council study session.

Staff recommended motion: Move to accept the Town of Chino Valley Area Drainage Master Study as presented at the April 7, 2011 Council study session and prioritize the top four projects as listed.

- 14a) COUNCIL MAY VOTE TO HOLD AN **EXECUTIVE SESSION** PURSUANT TO A.R.S. §38-431.03(A)(3) AND (4) FOR DISCUSSION AND CONSULTATION FOR LEGAL ADVICE WITH TOWN ATTORNEY REGARDING PROVISIONS FOR THE INVESTIGATION OF NOTICE OF CHARGE DATED APRIL 8, 2011 FROM THE U.S. EQUAL OPPORTUNITY COMMISSION AND APPOINTMENT OF A PERSON TO ACT AS TOWN MANAGER REGARDING TOWN MANAGER LEVEL SUPERVISION OF THE DEVELOPMENT SERVICES DEPARTMENT AND CONSIDER ITS POSITION AND INSTRUCTING THE TOWN ATTORNEY REGARDING INVESTIGATION OF SUCH PENDING CHARGE AND POSSIBLE LITIGATION AND POSSIBLE SETTLEMENT DISCUSSIONS REGARDING SUCH PENDING CHARGE.

- 14b) POSSIBLE ACTION REGARDING **APPOINTMENT** OF PERSON AS ACTING TOWN MANAGER TO ACT AS TOWN MANAGER REGARDING MANAGER LEVEL SUPERVISION OF THE DEVELOPMENT SERVICES DEPARTMENT PENDING COMPLETION OF INVESTIGATION UNDER THE NOTICE OF CHARGE.

STAFF RECOMMENDED MOTION: COUNCIL FINDS THAT THE TOWN MANAGER IS DISABLED FROM SUPERVISION OF THE DEVELOPMENT SERVICES DEPARTMENT FOR A PERIOD IN EXCESS OF 30 DAYS BECAUSE THE COMPLAINT / NOTICE AT ISSUE INCLUDED ALLEGATIONS REGARDING THE TOWN MANAGER, WHO IS, THUS, UNWILLING AND, DUE TO

HIS ETHICAL CONCERNS, UNABLE TO SUPERVISE THE DEPARTMENT PENDING INVESTIGATION OF THE NOTICE OF CHARGE; THEREFORE COUNCIL HEREBY MOVES THAT _____ BE APPOINTED AS ACTING TOWN MANAGER WITH REGARDS TO TOWN MANAGER LEVEL SUPERVISION OF THE DEVELOPMENT SERVICES DEPARTMENT PENDING INVESTIGATION OF THE NOTICE OF CHARGE.

14 15) Adjournment.

Dated this 25th day of April, 2011.

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.