

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

**TUESDAY, APRIL 26, 2016
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 26, 2016.

Present: Vice-Mayor Darryl Croft; Councilmember Mike Best; Councilmember Susie Cuka;
Councilmember Jack Miller; Councilmember Corey Mendoza; Councilmember Lon Turner

Absent: Mayor Chris Marley

Staff Town Manager Robert Smith; Town Attorney Phyllis Smiley; Finance Director Joe Duffy; Police
Present: Chief Chuck Wynn; Deputy Town Clerk Liz Hart; Town Clerk Jami Lewis (recorder)

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

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

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

- a) Name the Horses in the Road 4 South Roundabout Contest. (Cecilia Grittman, Assistant Town Manager)

Ms. Grittman introduced Recreation Coordinator Kelsey Siggins, who presented:

- Chino Valley residents Dan Lawler and Joyce Easterling brought this idea to the Town.
- A group of community members and recreation department selected the top three names from over 100 entries.
- The Council selected the winning names, which were submitted by Mamie Timlick: Lock, Stock, and Barrel, representing farmers, business, and families working together to protect and guard the community.

- b) Proclamation declaring May 2016 as "National Law Enforcement Memorial Week," sponsored by Chino Valley Police Department and Chino Valley Police Officer's Association. (Mayor Marley)

Vice-Mayor Croft read the proclamation and presented it to Police Officer Jeff Pizzi, who presented a Thin Blue Line Flag to the Town in recognition of the Memorial Week.

3) CALL TO THE PUBLIC

Call to the Public is an opportunity for the public to address the Council on any issue within the jurisdiction of the Council 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 criticism.

Craig Brown, Yavapai County Supervisor, spoke about a recent car show at Yavapai College and the upcoming Fun Run Classic Car Show in Seligman.

Lillian Morales, resident, spoke about not finding information on the Town's website related to crime statistics, block watch, disaster preparedness, and the Town's preparations for recreational medical marijuana.

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 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.

- a)** Status reports by Mayor and Council regarding current events.

Mayor and Councilmembers had nothing to report.

- b)** Status report by Town Manager Robert Smith regarding Town accomplishments, and current or upcoming projects.

Mr. Smith reported on upcoming study sessions.

- c)** Status report regarding 2016 general election and recruitment for Council-appointed public bodies. (Jami Lewis, Town Clerk)

Ms. Lewis reported on election matters related to Council candidacy, Home Rule outreach, and Home Rule pamphlet arguments, as well as upcoming openings for various public bodies.

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.

MOVED by Councilmember Mike Best, seconded by Councilmember Corey Mendoza to accept consent agenda items 6a, b, c, d and e.

Vote: 6 - 0 PASSED - Unanimously

- a) Consideration and possible action to adopt Resolution No. 16-1080, approving a Call of Election for Fall 2016, designating election date, purpose of election, deadline for voter registration, and location and deadline for candidates to file nomination papers. Funds to come from General Fund, Town Clerk Elections expenditure line. (Jami Lewis, Town Clerk)

MOVED by Councilmember Mike Best, seconded by Councilmember Corey Mendoza to accept consent agenda items 6a, b, c, d and e.

Vote: 6 - 0 PASSED - Unanimously

- b) Consideration and possible action to approve Financial Report for the nine months ending March 31, 2016. (Joe Duffy, Finance Director)
- c) Consideration and possible action to accept the November 18, 2015 study session/retreat minutes. (Jami Lewis, Town Clerk)
- d) Consideration and possible action to accept the November 19, 2015 study session/retreat minutes. (Jami Lewis, Town Clerk)
- e) Consideration and possible action to accept the March 22, 2016 regular meeting minutes. (Jami Lewis, Town Clerk)

7) ACTION ITEMS

The Council may vote to recess the public meeting and hold an Executive Session on any item on this agenda pursuant to A.R.S. § 38-431.03(A)(3) for the purpose of discussion or consultation for legal advice with the Town Attorney. Executive sessions are not open to the public and no action may be taken in executive session.

- a) Consideration and possible action to approve Amendment Number 4 to Memorandum of Understanding between the Town of Chino Valley and the Chino Valley Police Officers Association, effective July 1, 2016. (Cecilia Grittmann, Assistant Town Manager)

Recommended Action: Approve Amendment Number 4 to Memorandum of Understanding between the Town of Chino Valley and the Chino Valley Police Officers Association, effective July 1, 2016.

Staff report summary: The Police Officers Association's proposal submitted this year had seven items for consideration. Management proposed to honor the four items in the Memorandum of Understanding (MOU) Amendment for FY 2016-2017.

Ms. Grittmann reported that:

- In 2010, the Chino Valley Police Officers Association obtained the right to meet and confer.
- Council had the option to amend, deny, or agree to any of the proposed outcomes.
- Management tried to treat police officers as other employees, in that what they were granted, management tried to honor for all employees.

MOVED by Councilmember Mike Best, seconded by Councilmember Jack Miller to approve Amendment Number 4 to Memorandum of Understanding between the Town of Chino Valley and the Chino Valley Police Officers Association, effective July 1, 2016.

Vote: 6 - 0 PASSED - Unanimously

8) EXECUTIVE SESSION

Council may vote to recess the Regular Meeting and hold an executive session, which will not be open to the public, for the following purposes.

MOVED by Councilmember Corey Mendoza, seconded by Councilmember Mike Best to move to executive session to discuss items a, b, d and e at 6:26 p.m.

Vote: 6 - 0 PASSED - Unanimously

- a) An executive session pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation with the Town Attorney in order to consider its position and instruct the Town Attorney regarding the Town's position in pending litigation or settlement discussions conducted in order to resolve litigation in the matter of Hatch v. Town of Chino Valley. (Phyllis Smiley, Town Attorney)
- b) An executive session pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation with the Town Attorney in order to consider its position and instruct the Town Attorney regarding the Town's position regarding a contract with Musgrove Drutz and Kack related to legal service representing the Town in the matters of Cortez Enterprises, Inc. v. Town, City of Prescott v. Town, and Becker Holdings, LLC v. Hall that is the subject of negotiation. (Phyllis Smiley, Town Attorney)
- c) An executive session pursuant to A.R.S. § 38-481.03(A)(1) for discussion or consideration of employment, assignment, salaries, or disciplining of Town Manager Robert Smith. (Mayor Marley; Vice-Mayor Croft)
- d) An executive session pursuant to A.R.S. Section 38-431.03(A)(3) and (4) for discussion or consultation for legal advice with the Town Attorney and to consider the Town's position and instruct the Town Attorney regarding the Town's position regarding settlement discussions conducted in order to resolve litigation in the matter of Cortez v. Town of Chino Valley. (Robert Smith, Town Manager)
- e) An executive session pursuant to A.R.S. § 38-431.03(A)(7) for discussions or consultations with designated representatives of the Town in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property located at Old Home Manor. (Robert Smith, Town Manager)

9) ACTION ITEMS RESUMED

After the Executive Session, Council will reconvene the Regular Meeting.

Vice-Mayor Croft reconvened the regular meeting at 7:18 p.m.

- a) Consideration and possible action to approve a settlement agreement in the matter of Hatch v. Town of Chino Valley. (Phyllis Smiley, Town Attorney)

Recommended Action: Approve the proposed settlement agreement in the matter of Hatch v. Town of Chino Valley.

MOVED by Councilmember Jack Miller, seconded by Councilmember Lon Turner to approve the proposed settlement agreement in the matter of Hatch v. Town of Chino Valley.

Vote: 6 - 0 PASSED - Unanimously

- b) Consideration and possible action to terminate the Fee Agreement with Musgrove, Drutz and Kack for legal services in the matters of Cortez Enterprises, Inc. v. Town of Chino Valley, City of Prescott v. Town of Chino Valley, and Becker Holdings, LLC v. Hall. (Phyllis Smiley, Town Attorney)

Recommended Action: Terminate the Fee Agreement with Musgrove, Drutz and Kack for legal services in the matters of Cortez Enterprises, Inc. v. Town of Chino Valley, City of Prescott v. Town of Chino Valley, and Becker Holdings, LLC v. Hall.

MOVED by Councilmember Mike Best, seconded by Councilmember Jack Miller to terminate the Fee Agreement with Musgrove, Drutz and Kack for legal services in the matters of Cortez Enterprises, Inc. v. Town of Chino Valley, City of Prescott v. Town of Chino Valley, and Becker Holdings, LLC v. Hall.

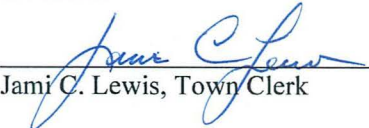
Vote: 6 - 0 PASSED - Unanimously

10) **ADJOURNMENT**

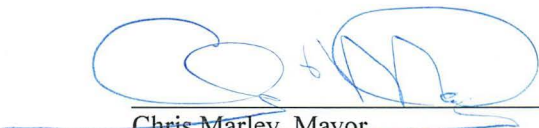
MOVED by Councilmember Lon Turner, seconded by Councilmember Mike Best to adjourn the meeting at 7:20 p.m.

Vote: 6 - 0 PASSED - Unanimously

ATTEST:



Jami C. Lewis, Town Clerk

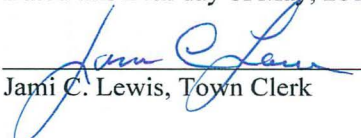


Chris Marley, Mayor

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 26th day of April, 2016. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 24th day of May, 2016.



Jami C. Lewis, Town Clerk