

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

**TUESDAY, MAY 10, 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, May 10, 2016.

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

Absent: Councilmember Jack Miller

Staff Present: Town Manager Robert Smith; Assistant Town Manager Cecilia Grittman; Town Attorney Phyllis Smiley (via Skype); Human Resources Director Laura Kyriakakis; Police Lieutenant Vince Schaan; Police Officer Steven Angel; Development Services Director Ruth Mayday; Associate Planner James Gardner; Town Clerk Assistant Amy Pyeatt-Lansa; Town Clerk Jami Lewis (recorder)

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

Mayor Marley called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

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.

Adele Plotkin spoke about Council's courage to step away from tradition and make people feel more included.

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.

- a)** Comments regarding the following information not being on the Town's web site: crime statistics, community disaster preparedness plan, and the Town's preparations related to recreational marijuana.

Mayor Marley reported on crime statistics in the budget document; block watch information on the website; the County's emergency management plan, which included the Town; and being unable to address recreational marijuana unless it became law.

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.

Councilmember Best reported last weekend's Mud Run and Chino Grinder, and the Public Safety Subcommittee reviewing revisions to the dog ordinance.

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

Mr. Smith had nothing to report.

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 6a.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to approve consent agenda items b, c and d.

Vote: 6 - 0 PASSED - Unanimously

- a) Consideration and possible action to approve revised form of Agreement for Towing Services. (Chuck Wynn, Police Chief)

Council asked for further details. Lt. Schaan reported that staff sent proposed changes to the tow companies for review, all of whom indicated support. Amendments related to response times, change of address, and an exception to the impound requirement due to the department's lack of space.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Corey Mendoza to approve consent agenda item a. 6-0.

Vote: 6 - 0 PASSED - Unanimously

- b) Consideration and possible action to accept the April 12, 2016 regular meeting minutes. (Jami Lewis, Town Clerk)

- c) Consideration and possible action to accept the April 12, 2016 special meeting minutes. (Jami Lewis, Town Clerk)

- d) Consideration and possible action to accept the April 14, 2016 study session 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 for the Town of Chino Valley to financially participate in the Town's 4th of July activities in the amount of \$10,000.00. If approved, the \$10,000 will be added to the Recreation Department's Recreation Programs 2016/2017 budget. (Chris Bartels, Recreation Supervisor)

Recommended Action: Approve the Town of Chino Valley to financially participate in the Town's 4th of July activities in the amount of \$10,000.00.

Assistant Town Manager Gritman introduced John Coomer, Chair of the Chino Community Enrichment Organization (CCEO), who spoke about:

- The CCEO's purpose and goal to help existing organizations with community projects and events.
- Prescott downsizing their July 4 event and giving the Town an opportunity to keep its citizens home.
- Expanding the Town's July 4 event and making it better.

Council comments: This was a quality of life issue, rather than a financial issue; and the Town should not expect the anonymous donor to continue paying for the fireworks.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Lon Turner to approve the Town of Chino Valley to financially participate in the Town's 4th of July activities in the amount of \$10,000.00.

Vote: 6 - 0 PASSED - Unanimously

- b) Consideration and possible action to approve Ordinance Number 16-817, to rezone approximately 2.0 acres of real property, located at 1650 Granite Creek Lane, Chino Valley, Arizona from Industrial (I) to Single-Family Residential, 1-acre minimum (SR-1) zoning district. The property being rezoned consists of a portion of the Northeast quarter of Section 11, Township 16N, Range 02W, Gila and Salt River Base and Meridian (Yavapai County Assessor's Parcel number 306-17-110C). (James Gardner, Associate Planner)

Recommended Action: Approve Ordinance Number 16-817, rezoning approximately 2.0 acres of real property located at 1650 Granite Creek Lane.

Mr. Gardner presented the proposal:

- *Purpose:* To bring the property into compliance with the UDO. The property had been used residentially since the 1980s, which was not currently permitted in Industrial zoning. Also, the buyer of the property could not obtain a home loan in Industrial zoning. The buyer had no plans to change the existing property, but staff recommended one-acre minimum in case he desired to split it in the future.

- *Public outreach:* An adjacent neighbor expressed opposition due to a perception that the rezone would change the rights on his two Industrial-zoned properties and possibly diminish their values.
- *Effects of rezone:* The rezone would require adjacent Industrial properties to provide a buffer as they were developed. Should the concerned neighbor develop either of his properties, he could apply for a hardship variance regarding the landscaping.
- *Compliance:* The property was well outside community cores. As it was on the border of low/medium density residential and commercial aggregate, it was hard to tell on the map whether it was in the residential or commercial area.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to approve Ordinance Number 16-817, rezoning approximately 2.0 acres of real property located at 1650 Granite Creek Lane.

Vote: 5 - 1 PASSED

NAY: Councilmember Lon Turner

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 Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to recess into executive session to deal with items 8a, b and c at 6:40 p.m.

Vote: 6 - 0 PASSED - Unanimously

Mayor Marley reconvened the regular meeting at 7:13 p.m.

- a) An executive session pursuant to A.R.S. § 38-431.03(A)(3) and (A)(4) for discussion or consultation for legal advice with the Town Attorney and 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 in settlement discussions conducted in order to avoid or resolve litigation in the matter of Cortez v. Town.
- b) An executive session pursuant to A.R.S. § 38-431.03(A)(7) for discussion or consultation 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. (Ruth Mayday, Development Services Director)
- c) *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)
- d) 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)

(This item was heard after item 9d but is retained here for clarity.)

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to recess into executive session at 7:16 p.m.

Vote: 6 - 0 PASSED - Unanimously

Mayor Marley reconvened the regular meeting at 9:50 p.m.

9) ACTION ITEMS RESUMED

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

- a) *Consideration and possible action to approve ~~an amendment to the Provisional~~ A Settlement Agreement in the matter of Cortez v. Town of Chino Valley. (Phyllis Smiley, Town Attorney)

Recommended Action: Approve ~~amendment to the Provisional~~ Settlement Agreement in the matter of Cortez v. Town of Chino Valley.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to approve Settlement Agreement in the matter of Cortez v. Town of Chino Valley.

Vote: 6 - 0 PASSED - Unanimously

- b) Consideration and possible action to enter into an Option Agreement with Exelon for approximately 40 acres of real property located in Old Home Manor for three one-year terms, as set for in the agreement. (Ruth Mayday, Development Services Director)

Recommended Action: Enter into an Option Agreement with Exelon for approximately 40 acres of real property located in Old Home Manor for three one-year terms, as set for in the agreement.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to table item b, "Enter into an Option Agreement with Exelon for approximately 40 acres of real property located in Old Home Manor for three one-year terms," will be tabled indefinitely.

Vote: 6 - 0 PASSED - Unanimously

- c) *Consideration and possible action to approve a Settlement Agreement in the matter of Yavapai County Superior Court case number P1300-CV2016-00013, Hatch v. Town of Chino Valley, et al. (Phyllis Smiley, Town Attorney)

Recommended Action: Approve the Settlement Agreement in the matter of Yavapai County Superior Court case number P1300-CV2016-00013, Hatch v. Town of Chino Valley, et al.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to approve the Settlement Agreement in the matter of Yavapai County Superior Court case number P1300-CV2016-00013, Hatch v. Town of Chino Valley, et al.

Vote: 6 - 0 PASSED - Unanimously

- d) *Consideration and possible action to approve Resolution No. 16-1081 rescinding Resolution No. 15-1055.

Recommended Action: Approve Resolution No. 16-1081 rescinding Resolution No. 15-1055

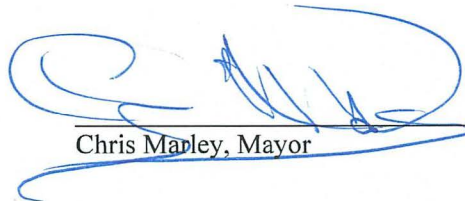
MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to approve Resolution No. 16-1081 rescinding Resolution No. 15-1055.

Vote: 6 - 0 PASSED - Unanimously

10) ADJOURNMENT

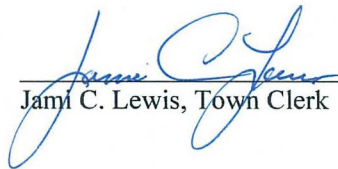
MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to adjourn the meeting at 9:50 p.m.

Vote: 6 - 0 PASSED - Unanimously



Chris Marley, Mayor

ATTEST:

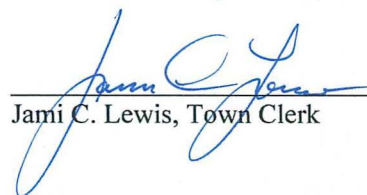


Jami C. Lewis, Town Clerk

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 10th day of May, 2016. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 28th day of June, 2016.



Jami C. Lewis, Town Clerk