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

TUESDAY, AUGUST 13, 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, August 13, 2013.

Present: Mayor Chris Marley; Vice-Mayor Darryl Croft; Councilmember Mike Best; Councilmember Linda Hatch; Councilmember Pat McKee; Councilmember Lon Turner; Councilmember Don Wojcik

Staff Present: Town Manager Robert Smith; General Services Director Cecilia Watts; Town Attorney Phyllis Smiley; Finance Director Joe Duffy; Police Chief Chuck Wynn; Police Lieutenant Vince Schaan; Police Officer Dan Beal; Town Engineer/Public Works Director Ron Grittman; Planner Ruth Mayday; Plans Examiner/Inspector Jim Shinost; Administrative Technician Hilda Johnson; Utility Supervisor Chris Bartels; Utilities Crew Leader Joe Grassi; Utilities Maintenance Technician David Jaime; Lien & Collections Technician Mike Bovee; Administrative Technician Sally Self; Town Clerk Assistant Liz Hart; Town Clerk Jami Lewis (recorder)

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

Mayor Marley called the meeting to order at 6:00 p.m.

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

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

a) Proclamation declaring August 2013 as "Child Support Awareness Month," sponsored by the Arizona Department of Economic Security Division of Child Support Services.

Mayor Marley read the proclamation.

b) Presentation regarding the Prescott Active Management Area Groundwater Users Advisory Council's Fourth Management Plan, by GUAC Member Carl Tenney.

Mr. Tenney provided a summary of GUAC, the 1980 Groundwater Safe Yield Act, and the Prescott Active Management Area's draft Fourth Management Plan, for which the group was seeking comments from the public.

c) Recognize staff member Roger Strader for his U.S. Army service and recent deployment and the Water and Sewer Crews that stepped up to fill in the resulting gaps. (Ron Grittman, Town Engineer)

Mr. Grittman recognized Town employee Roger Strader for his U.S. Army service and return from a recent deployment; and Darren Venters with the Employer Support of the Guard and Reserve presented an appreciation award to Chris Bartels, Mr. Strader's supervisor, for his support during Mr. Strader's service and deployment.

d) Overview of Community Services by General Services Director Cecilia Watts.

Ms. Watts acknowledged the volunteers, organizations, and businesses that had supported the Library and Senior Center over the past six months, as well as Human Resources and Finance staff that assisted the Town with several changes to employee health care and benefits.

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 criticism.

10-year old Beth Vicory requested assistance with her efforts to support the Million Misfit Socks March and taking a stand against bullies.

Lee Dudley, Chair of several Territorial Days activities offered Miss Vicory a free booth during the Territorial Days celebration.

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) Waiver of park facility use fees for sponsoring organizations of the Territorial Days celebration.

Mayor Marley reported that this item was being addressed under item 6h on this agenda.

b) Discrepancies with enforcement of the Town's sign ordinance, particularly relating to the Days Inn motel.

Mayor Marley read a letter from the Development Services Department indicating that the Days Inn had been working with staff on compliance for eight months.

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.

Councilmember Hatch reported on a recent NACOG Economic Development Committee meeting and regional grants.

Vice-Mayor Croft reported on: a flag raising ceremony at the Chamber of Commerce of service flags donated by the Yavapai County Veterans Administration; and breakfast meetings at Gabby's for veterans.

Mayor Marley read a letter from Police Chief Chuck Wynn acknowledging his staff for their support of neighboring entities in the aftermath of the Yarnell fire and memorial services for the 19 fallen Hot Shots. He also read the monthly mayor's report, which pertained to near completion of several long term projects.

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 6i.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to approve Consent Agenda items 6a, b, c, d, e, f, g, and h.

Vote: 7 - 0 PASSED

a) Consideration and possible action to approve the June 24, 2013 study session minutes. (Jami Lewis, Town Clerk)

b) Consideration and possible action to approve the June 25, 2013 regular meeting minutes. (Jami Lewis, Town Clerk)

c) Consideration and possible action to approve the July 9, 2013 regular meeting minutes. (Jami Lewis, Town Clerk)

d) Consideration and possible action to accept resignation of Marti Klein from the Board of Adjustment, effective July 15, 2013. (Jami Lewis, Town Clerk)

e) Consideration and possible action to accept the resignations of Stephen Whisenhunt, Karen Rockhold, Marti Klein, and Vanessa Herb from the General Plan Committee, and ratify the appointments of Celia Vander Molen and Trisha Lamb as of May 2012, and Robert McCaullay as of July 2013 to the same. (Jami Lewis, Town Clerk)

f) Consideration and possible action to adopt Resolution No. 13-1017, amending Resolution No. 11-973, which established the Mayor's Ad Hoc Flood Control Committee. (Jami Lewis, Town Clerk)

g) Consideration and possible action to adopt Resolution No. 13-1016, disbanding and dissolving the Town of Chino Valley Council Utilities Committee, the Council Public Safety and Traffic Control Committee, Mayor's Ad Hoc Water Stewardship Committee, and Mayor's Ad Hoc Alternative Energy Committee. (Jami Lewis, Town Clerk)

h) Consideration and possible action to waive Park Rental Fees and Special Event Vendor fees for Territorial Days, Saturday, August 31, 2013 at Memory Park, up to $456.00. (Cecilia Watts, General Services Director)

i) Consideration and possible action to approve Amendment to Intergovernmental Agreement (IGA) Regarding Gang and Immigration Intelligence Team Enforcement Mission State Gang Task Force between the Town of Chino Valley Police Department and the State of Arizona through the Department of Public Safety. Funds to come from reimbursements will be accounted for in the Grant Fund. (Chuck Wynn, Police Chief)

Council asked for clarification about funding. Chief Wynn explained that the Department of Public Safety will pay 75% of payroll expenses for the officer assigned to the task force and the Town will pay 25%.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Linda Hatch to approve Consent Agenda item 6i.

Vote: 7 - 0 PASSED

7) **ACTION ITEMS**

a) (i) Public Hearing regarding application from Clare Hollie Abel for a new Series 10 (Beer and Wine Store) Liquor License for DG Retail, LLC (dba Dollar General Store #9943), located at 945 N. Highway 89, Chino Valley.

(ii) Consideration and possible action to recommend approval for new Series 10 Liquor License application for the Dollar General Store. (Jami Lewis, Town Clerk)

Staff report summary:

- A.R.S. § 4-201 required a person desiring a new liquor license to apply with the State Liquor Board. Upon receiving such application, the State forwards it to the local governing body, which is asked to make a recommendation to the Board for granting or denying the license. If the recommendation is for disapproval, a statement of the specific reasons must be provided.
- Clare Abel applied with the state for a new Series 10 (Beer and Wine Store) Liquor License for the Dollar General Store. The Series 10 license allowed a retail store to sell beer and wine only, to be consumed off the premises.
- The Police and Planning Departments reviewed the application and recommended approval with no comments. Staff posted the establishment with the necessary notices for the required 20-day period and received no written arguments in favor

of or in opposition to the application.

Applicant Clare Abel further described the permissions of a Series 10 license.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to open the Public Hearing.

Vote: 7 - 0 PASSED

No one from the public spoke.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to close the Public Hearing.

Vote: 7 - 0 PASSED

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to recommend approval for a new Series 10 Liquor License application for the Dollar General Store.

Vote: 7 - 0 PASSED

b) Consideration and possible action to approve Agreement to Transfer Responsibility for Transit Operations and Management between the Town of Chino Valley and Yavapai Regional Transit, Inc. (Councilmembers Hatch and McKee)

Acronyms used in this item:
CVT (Chino Valley Transit)
LTAF (Local Transportation Assistance Fund)
YRT (Yavapai Regional Transit)

Councilmember Hatch reported that:

- The Town had been operating a Transit system through CVT since February 2010, via Resolution 10-925. CVT will be transitioning to a regional system, operating under the name of YRT, and had obtained an Arizona Department of Transportation grant for funding. Previously, funding included the Town's share of LTAF II funds, other grants, advertising dollars received, fares received, staff time, and volunteer time.
- On July 23, 2013, Council postponed this item, which originally included three separate agreements, and which had been rewritten as a single agreement.
- The subject agreement provided for: (i) transition of responsibility and management of transit operations, and the Town beginning to divest itself of CVT, with YRT assuming full control and management of CVT on October 1, 2013, along with ownership and responsibility for the vehicles; (ii) the Town continuing to administer the LTAF II grant until July 30, 2014 or until exhausted, and (iii) continued cooperation between the Town and YRT as needed.
- The Town will also: (i) transfer any remaining balances in LTAF II funds, and any funds remaining that were collected by or on behalf of YRT or CVT; (ii) transfer the business cell phone number to YRT; (iii) retain the Town number for YRT's use; and (iv) provide meeting space for YRT or CVT on an available basis.
- The Transit Program, through CVT, also obtained items defined as Transit

Facilities, such as bus signs, shelters, sign posts, and benches, some of which were located in the Town's rights-of-ways and some on private property. YRT will enter into a separate license agreement with the Town to work within the Town's rights-of-way for the purpose of maintenance, repair, and replacement of Transit Facilities and also will request agreements from the private property owners to work on facilities placed on private property. The purchase, repair, maintenance or replacement of transit facilities will be the sole responsibility of YRT.

Ron Romley and Ed Steinback with the CVT/YRT thanked the Town for giving them a start, and Council acknowledged the group's efforts.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Linda Hatch to approve Agreement to Transfer Responsibility for Transit Operations and Management between the Town and Yavapai Regional Transit, Inc.

Vote: 7 - 0 PASSED

c) ZC 13-004. Consideration and possible action to adopt Ordinance No. 13-773 approving a zone change from Commercial Light "CL" to Commercial Heavy "CH" for an approximately 1 acre parcel located at 694 N. State Route 89, further described as Assessor's Parcel No. 306-23-021X. Owner/Applicant: Resource Holdings II, LP/Timothy J. Coury/Kottke Law Firm. (Ruth Mayday, Planner)

Ms. Mayday reported that:

- Request: The subject property contained an office building, used for corporate administration, and a metal storage building. The owner/applicant desired to locate an affiliated business on the site that offered towing and vehicle storage, which necessitated the zone change. If approved, some vehicles will be temporarily stored on-site within a screened-fenced area, only until a determination was made as to where it will be repaired or otherwise disposed of.
- Surrounding Area: The predominant zoning district in the surrounding vicinity was Commercial Light; however the general commercial character of the area was automotive and service trade related and the site had been used previously for motor vehicle sales.
- Citizen Participation: The owner/applicant conducted a neighborhood meeting in June and notices were mailed to neighboring parcels. The Town received no responses to the notices and one comment was heard at the neighborhood meeting pertaining to culverts.
- Public Hearing: The Planning and Zoning Commission heard the request on July 16, 2013. There were no objections voiced. The Commission voted 5-0 to recommend approval with the stipulations indicated in the proposed Ordinance.
- Staff Recommendation: As the request was consistent with the General Plan and Code regulations, staff recommended approval.

No one from the public spoke.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Lon Turner to adopt Ordinance No. 13-773 approving the zone change from Commercial light "CL" to Commercial Heavy "CH" for Assessor's Parcel Number 306-23-021X.

Vote: 7 - 0 PASSED

d) ZC 13-005. Consideration and possible action to adopt Ordinance No. 13-772 approving a zone change from Agricultural Residential 4 acre minimum "AR-4" to Single Family Residential 1 acre minimum "SR-1" on a parcel consisting of approximately 14+ acres, located at 851 W. Road 1 North, and further described as Assessor's Parcel Numbers 306-23-041W, 306-23-041X, and 306-23-041Z. Owner/Applicant: M.D. Builders/Martin D. Messenger. (Ruth Mayday, Planner)

Ms. Mayday reported that:

- Background: In 2006, the applicant obtained a rezone from "AR-5" to "SR-1" for a minor subdivision. In 2008, Council removed the stipulation for the subdivision process and granted "SR-1.6" zoning. In 2009, he dedicated a 40-foot frontage along W. Road 1 North and split the property into three five-acre lots. In 2011, he obtained another rezone from "SR-1.6" to "AR-4" as he felt unable to develop or sell the property due to economic conditions.
- Request: The applicant desired to secure "SR-1" zoning to increase the marketability of his existing lots. If approved, that zoning for the three lots could ultimately result in the future development of 14 to 15 lots. Since he created the existing three lots, by law, he could not divide them any further. However, each of the three lots could be split to yield up to three lots by each successive owner or to the extent allowed by the approved zoning district.
- Citizen Participation: 17 notices were mailed to surrounding properties, yielding two responses in favor and one opposed. Three citizens attended the the neighborhood meeting held in July.
- Public Hearing: The Planning and Zoning Commission heard the request on July 16, 2013, and voted 5-0 to recommended approval.
- Staff Recommendation: As the zone change was consistent with the General Plan land use designation, and all parcels had adequate access and met the remaining requirements of the UDO, staff recommended approval.

Council and staff discussed the ability of new owners to further split these properties. Town Attorney Phyllis Smiley advised that it appeared per state law that a new owner might not be able to split the property further, except through the subdivision process.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Lon Turner to adopt Ordinance No. 13-772 approving the zone change from Agricultural Residential 4 acre minimum "AR-4" to Single Family Residential 1 acre minimum "SR-1" for Assessor's Parcel Numbers 306-23-041W, 306-23-041X, and 306-23-041Z.

Vote: 7 - 0 PASSED

e) ZC 13-003. Consideration and possible action on request for a zone change from "AR-5" Agriculture/Residential 5 Acre Minimum to "MHP-4" Manufactured Home Park 4-Acre Minimum for an approximately 60-acre parcel located between Road 4 North and Road 4½ North, at 1429 W. Road 4½ North, approximately ¼ mile west of Road 1 West and identified as Assessor's Parcel Number 306-05-030X. Applicant/Property Owner: La Vacara Trust (~~Ruth Mayday, Planner~~ Dava Hoffman, Planning Consultant)

Councilmember McKee stated that although she had no pecuniary or physical interest in the rezone and it was not necessary for her to recuse herself, due to her proximity to the rezone and to avoid the appearance of impropriety, she recused herself and stepped down from the dais at 7:00 p.m.

Ms. Hoffman reported that:

- Request: The applicant requested the rezoning to develop a gated manufactured home park for 55+ residents, consisting of 74 pads, visitor parking and RV/boat storage, with primary access from Road 4 North and secondary access to Bumblebee Drive.
- Citizen Participation: The applicant conducted the neighborhood meeting in June and presented an original site plan. In response to public input, he modified the site plan in an attempt to provide buffering along the west perimeter and presented it to staff. Staff recommended further changes, which the applicant declined.
- Public Hearing: On June 7, 2013, the applicant presented the modified site plan to the Planning and Zoning Commission. After receiving much input from neighbors, the Commission voted 6-0 to postpone the matter to allow further modifications to the site plan. Although the proposed rezoning complied with the General Plan's land use designation and met the UDO's density calculations, they believed that compatibility with existing neighborhoods had to be considered. Suggestions for additional impact mitigation included relocating four pads away from the entry area and using more of the open space area for buffering the west perimeter.
- Public Hearing: On July 16, 2013, after reviewing a newly revised site plan and receiving further input from neighbors, the Commission voted 5-0 to recommend denial of the request, as the latest site plan did not address the issue of compatibility and the buffering requested at the previous public hearing, and the intensity of the proposed land use was not consistent with that of the immediate neighborhood as stated in the General Plan.
- Protests: The Development Services and Town Clerk Departments subsequently received written statements protesting the rezoning and determined that as the protests represented 28% of the legal protest area, a three-quarter vote (5 of 6) of the Council would be necessary for approval.
- Staff Recommendation: Although the request was consistent with the General Plan's land use designation, staff recommended denial, as the proposed site plan was not consistent with the Land Use Element's Goal and Policy pertaining to preserving neighborhood stability and land use consistency with the immediate neighborhood.

Public Comment:

Lee Paul, resident, expressed concern about adequate water supply for the project, as well as sufficient space for emergency vehicles.

David Roe, General Manager, Clayton Homes, spoke about adequate emergency access being a legal requirement, the proposed project having excellent aesthetics, and receiving daily inquiries about this type of housing in the Town.

Another person with Clayton Homes spoke about their desire to support safe gated retirement communities in Arizona and the 10,000 baby boomers retiring daily.

Gary Grindstaff, resident, opposed the project, expressing concern about water contamination from septic tanks, declining property values, and the proposed access off Bumblebee Drive.

Ronald Maines, resident, spoke about there being 59 total letters from neighbors, with only one in favor, and suggested that the applicant stop pursuing projects that did not fit in the neighborhood.

Council spoke about wanting to see the Windmill House open again and something done on the property, but also needing something that fit in with the neighborhood.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to deny the requested zone change from "AR-5" to "MHP-4" for Assessor's Parcel Number 306-05-030X, based on non-conformance with the 2003 General Plan Land Use Element Goal LU-1 and Policy LU-1.4, and as recommended by the Planning Commission.

Vote: 6 - 0 PASSED

Other: Councilmember Pat McKee (RECUSE)

Councilmember McKee returned to the dais at 7:30 p.m.

f) Discussion and possible action to honor the 19 fallen Granite Mountain Hot Shots by installing a plaque or other type of memorial. Funding source to be determined; this is not a budgeted item. (Mayor Marley and Councilmember McKee)

Mayor Marley and Councilmember McKee expressed a desire for the Town to erect some sort of permanent memorial in honor of the 19 Granite Mountain Hot Shots killed in the Yarnell Hill fire. Some of the fallen were from or had affiliation with Chino Valley.

Council discussed various ideas and consented to installing a bench in the new Community Center area with a tree behind it, containing a plaque saying "In Honor of our Granite Mountain Hot Shots, June 30, 3013," to be made from local flagstone, and at a cost up to $1,500.

Town Manager Robert Smith stated that staff will work on the project and solicit donations.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to direct staff to put together a plan for a flagstone bench in the new park for the 19 young men who passed away.

Vote: 7 - 0 PASSED

g) *Timed Item [at or near 7:30 p.m.]:* Council will recess to observe Councilmember Linda Hatch's birthday.

Council recessed at 7:36 p.m. and returned at 7:58 p.m.

h) Consideration and possible action to approve the priority list for the 2013 Chip Seal Program. Funds to come from Public Works roadway maintenance line. (Ron Grittman, Public Works Director)

Mr. Grittman reported that:

- Through the budget process, Council approved a $250,000 chip seal program for the first time in several years. While chip sealing was not the best solution for roads maintenance, it was the best the Town could afford. The cost of providing chips was $80,000, leaving $170,000 for roadway surfacing.
- Staff prepared an initial assessment of the Town's streets, which under normal engineering criteria, all rated extremely poor. However, since many of the streets were simply several layers of chip seal over dirt, the application of normal engineering criteria was not appropriate.
- Therefore, staff prepared a recommendation for the 2013 chip seal program based on the following criteria: existing condition of the road surface; number of residents to benefit from roadway repair; number of vehicles driving along the roadway to be repaired; and surfacing versus reconstruction.
- Streets proposed to be resurfaced were primarily arterial streets. While staff looked extensively at reconstructing neighborhoods like Granada Estates, the time required for reconstruction was not sufficient to meet the chip seal deadlines; thus staff intended to reconstruct Granada Estates next year.
- Regarding a public request to consider M.A. Perkins Trailway for chipsealing, staff found that it would cost $100,000-$120,000 and would benefit four residences; thus they were not recommending it.
- Staff recommended that the following roads be resurfaced: Road 3 North from Highway 89 to Reed Road; Road 1 North from Road 1 East to Cactus Wren; Road 1 East from Road 4 North to Perkinsville Road; and Road 4 North from Highway 89 to Road 1 East.

Council added that it would cost $12 million to perform maintenance on all the roads that needed it and asked about past discussions about paving the dirt roads in Chino Meadows 5. Mr. Grittman and Town Manager Robert Smith related that:

- The subject project was primarily for maintenance, which had not been done in a long time.
- Council could approve using these funds to pave Chino Meadows instead.
- Dirt roads will be paved when the Town had the money and staff hoped to designate Community Development Block Grant funds for paving the Chino Meadows area.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Lon Turner to approve the priority list for the 2013 Chip Seal Program as presented.

Vote: 6 - 1 PASSED

NAY: Councilmember Don Wojcik

i) Consideration and possible action to ratify the declaration of an emergency by the Mayor pursuant to Town Code Section 32.04, and award the gas line replacement project at the North Campus of Town Facilities to Hot AZ Hell Welding in an amount not to exceed $84,830 plus tax estimated at $8,800 for a total project cost of $93,630.00 and to approve a contract with Hot AZ Hell Welding to repair the gas leaks. Funds to come from Contingency. (Ron Grittman, Town Engineer)

Mr. Grittman reported that:

- The Road 3 North Drainage Project required extensive gas line relocations on both the Unisource system along Road 3 North and the Town's gas line that served the North Campus. The Town's system was installed in the mid 1980s, and was under permit from the Corporation Commission, using a master meter in lieu of individual building meters.
- During the project, the contractor hit a Unisource gas line. Although this did not cause a leak, the Corporation Commission, in reviewing the matter, found no previous record of inspection for the Town's onsite gas system. They expressed concern about the Town's master meter and gas delivery system and asked that the Town immediately perform a gas leak test on its system.
- Hot Az Hell Welding, a subcontractor on the Road 3 North project, performed the leak test and found that the Town's gas line was leaking in several locations on the low pressure side. Although there was no imminent threat of explosion, the Town needed to act quickly in order to avoid fines from the Commission and stop the leakage.
- Based on the above, the mayor, authorized by Town Code Section 32.04, declared an emergency to exist, allowing award of a contract to effect repairs without going through the regular bidding process and Council approval for a non-budgeted item. Such purchases were required to be ratified by the full Council.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to ratify the Mayor's declaration of an emergency and the award of the gas line replacement project at the Town's North Campus to Hot Az Hell Welding; and approve contract with Hot AZ Hell Welding to repair the gas leaks, in an amount not to exceed $84,830 plus tax estimated at $8,800 for a total project cost of $93,630.00.

Vote: 7 - 0 PASSED

j) Consideration and possible action to approve the Intergovernmental Agreement with the Yavapai County Flood District for design of the stormwater improvements at Chino Meadows Unit 5, in an amount not to exceed $120,000.00. Funds to come from Capital Improvements line. (Ron Grittman, Public Works Director)

Mr. Grittman reported that:

- In January 2012, the Town submitted five flood control projects to the Yavapai County Flood Control District for consideration of funding.
- In July 2012, the County notified the Town that it would fund three flood control projects over the next three years: (i) Road 3 North at Town Hall, which was now complete; (ii) Chino Meadows Unit 5 at Peavine Trail; and (iii) Road 2 South at Highway 89.
- The subject agreement was for funding to: (i) construct a series of detention basins

between Chino Meadows Unit 5 and the Bright Star development in the vicinity of the one million gallon water storage tank; (ii) consider constructing several box culverts and channel improvements to the wash known as Little Doggie Draw between the Peavine Trail and the Santa Cruz Wash; and (iii) extend a new roadway across the drainage way from Margie Drive to Mylo Drive.
- The County will fund the design in this year's budget with construction in the next fiscal year.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Lon Turner to approve the Intergovernmental Agreement with the Yavapai County Flood District for design of the stormwater improvements at Chino Meadows Unit 5 in an amount not to exceed $120,000.

Vote: 7 - 0 PASSED

k) Consideration and possible action to approve the Professional Services Agreement with Lyon Engineering for design of the stormwater improvements at Chino Meadows Unit 5 in an amount not to exceed $119,980.00. Funds to come from Capital Improvement Program fund. (Ron Grittman, Public Works Director)

Mr. Grittman reported that:
- This item provided for Lyon Engineering to develop the necessary construction plans for design of the flood control project between Chino Meadows Unit 5 and Unit 2 approved under item 7j.
- While this project was not within the FEMA floodplain, the Little Doggie Draw was in all likelihood a jurisdictional drainage according the Army Corp of Engineers 404 permit, and Lyon will prepare all necessary documents for submittal under the 404 permit.
- As the proposed agreement was currently being rewritten, staff recommended that Council postpone the item until September 10.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to postpone item 7k to the first meeting in September.

Vote: 7 - 0 PASSED

l) Consideration and possible action to designate terms for Councilmember appointments to the Roads and Streets Committee. (Jami Lewis, Town Clerk)

Ms. Lewis reported that on July 23, 2013, Council appointed Mayor Marley and Councilmember Wojcik to the Roads and Streets Committee. As the terms they will filling ended in two different years, 2014 and 2015, Council needed to assign a term-ending to each appointee.

Mayor Marley offered to take the short term.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Linda Hatch to assign the term ending June 30, 2014 to Mayor Marley and the June 30, 2015 term to Councilmember Wojcik for appointment to the Roads and Streets Committee.

Vote: 7 - 0 PASSED

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).

Mayor Marley and Town Attorney Phyllis Smiley noted that item 8e was not an executive session item and when Council finished with the executive sessions, it would reconvene the regular meeting and take action on item 8e.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Linda Hatch to go into executive session for items 8a, b, and c at 8:24 p.m.

Vote: 7 - 0 PASSED

Council reconvened into open session at 9:43 p.m.

Discussion and possible action to recess the regular meeting and reconvene in executive session for the following purposes:

a) 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 pending or contemplated litigation or settlement discussions conducted in order to avoid or resolve litigation in the matter of Town of Chino Valley v. City of Prescott. (Robert Smith, Town Manager)

b) 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 (intergovernmental agreement) with the City of Prescott related to converting the Transaction Privilege Tax on water transportation to water transportation fees that is the subject of negotiations. (Robert Smith, Town Manager)

c) 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 or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation in the matter of Cortez v. Town of Chino Valley. (Robert Smith, Town Manager)

d) (i) Pursuant to A.R.S. § 38-431.03(A)(3) for discussion or consultation for legal advice with the Town Attorney regarding the terms of the Town Manager's contract with the Town; and
(ii) Pursuant to A.R.S. § 38-431.03(A)(1) for discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of Town Manager Robert Smith. (Councilmembers Hatch and McKee)

e) Discussion and possible action to approve the Settlement and Mutual Release Agreement with the City of Prescott in settlement of the claims in the matter of Town of Chino Valley v. City of Prescott. (Robert Smith, Town Manager)

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to enter into agreement with the City of Prescott and Town of Chino Valley regarding the pending settlement discussion as discussed in the executive session.

Vote: 7 - 0 PASSED

9) ADJOURNMENT

MOVED by Councilmember Don Wojcik, seconded by Councilmember Linda Hatch to adjourn the meeting at 9:45 p.m.

Vote: 7 - 0 PASSED

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 13th day of August, 2013. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 10th day of September, 2013.

Jami C. Lewis, Town Clerk