



Town of Chino Valley

MEETING NOTICE TOWN COUNCIL

REGULAR MEETING
Tuesday, September 23, 2014
6:00 P.M.

Council Chambers
202 N. State Route 89
Chino Valley, Arizona

AGENDA

- 1) CALL TO ORDER, INVOCATION; PLEDGE OF ALLEGIANCE; ROLL CALL**
- 2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS**
 - a)** Status update by Russell Duerksen on the "Arizona Sunshine-Prescott 2015" health expo and fair. (Councilmember Best; Mayor Marley)

- 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.

- 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.

- 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) Presentation by Finance Director Joe Duffy regarding past donations to the proposed Community Center amphitheater.
- b) Status report by Town Manager Robert Smith regarding Town accomplishments, and current or upcoming 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.

- a) Consideration and possible action to approve the June 19, 2014 study session minutes. (Jami Lewis, Town Clerk)
- b) Consideration and possible action to approve disbanding the Town of Chino Valley General Plan Committee, originally established January 24, 2012. (Liz Hart, Deputy Town Clerk)
- c) Consideration and possible action to approve Financial Report for the month ended July 31, 2014. (Joe Duffy, Finance Director)

7) ACTION ITEMS

- a) *Continued from September 9, 2014:* Discussion and possible action to address a complaint filed by Vice-Mayor Croft pursuant to Town Code Chapter 35 Code of Ethics Section 35.04 Conduct in Public Office paragraph (D). (Mayor Marley; Vice-Mayor Croft)

Recommended Action: Call upon Councilmember Hatch to publicly apologize to Ms. Schimikowsky, President/CEO, Chino Valley Area Chamber of Commerce, and to refrain from conversing in an intimidating manner when discussing Town business with visitors and staff.

- b) Presentation by Pat Walker, Walker Consulting, and discussion regarding the proposed Development Impact Fee Study.
- c) Consideration and possible action to approve change order number 1 to contract with Civil Tec, Inc. for Road 4 South construction staking in an amount not to exceed \$3,175.00. Funds to come from Road Impact Fees. (Ron Gritman, Public Works Director/Town Engineer)

Recommended Action: Approve change order number 1 to contract with Civil Tec, Inc. for Road 4 South construction staking in an amount not to exceed \$3,175.00.

- d) Consideration and possible action to approve change order number 1 to contract with Civil Tec, Inc. in an amount not to exceed \$9,464.00 for additional engineering services on the Center Street and Road 4 South projects. Funds to come from Road Impact Fees. (Ron Gritman, Public Works Director)

Recommended Action: Approve change order number 1 to contract with Civil Tec, Inc. in an amount not to exceed \$9,464.00 for additional services on the Center Street and Road 4 South projects.

- e) Consideration and possible action to award the bid to and approve the construction contract with Capital Improvements, LLC, in an amount not to exceed \$352,720.00 for the base bid and \$90,540.00 for the alternative bid for a project total of \$443,260.00 for construction of the box culvert at Center Street and the Santa Cruz Wash. Funds to come from Capital Improvements Funds. (Ron Gritman, Public Works Director/Town Engineer)

Recommended Action: Award the bid to and approve the construction contract with Capital Improvements, LLC, in an amount not to exceed \$352,720.00 for the base bid and \$90,540.00 for the alternative bid for a project total of \$443,260.00 for construction of the box culvert at Center Street and the Santa Cruz Wash.

- f) Consideration and possible action regarding review, feedback, and possible revision of the 2014 Strategic Plan. (Ruth Mayday, Development Services Director)

Recommended Action: Review, receive feedback, and possibly revise the draft Strategic Plan and forward it to the October 14, 2014 agenda for adoption.

- g) Consideration and possible action to authorize the Mayor to sign all documents related to the submittal of the Economic Development Administration Public Works Grant Program (EDAP). (Ruth Mayday, Development Services Director)

Recommended Action: Authorize the Mayor to sign all documents related to the submittal of the EDAP grant application.

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.

- a) Pursuant to A.R.S. Section 38-431.03(A)(3) for discussion or consultation for legal advice with the Town Attorney regarding waiving the attorney-client privilege on on the following documents: 1. Memorandum from Town Attorney to Planning & Zoning Commissioners re: Conflicts of Interest on Zoning Matters, dated August 15, 2014; 2. Email from Phyllis Smiley to Planning Commissioners re: Planning Commissioners and Arizona Conflict of Interest Laws, dated June 18, 2013; 3. Email from Dava Hoffman to Mary Brasher forwarding previous email; 4. Email from Michael Edmonds to Phyllis Smiley dated June 18, 2013; and 4. Email from Phyllis Smiley to Robert Smith and Dava Hoffman re: P & Z Conflict of Interest, dated June 18, 2013. (Phyllis Smiley, Town Attorney)

- 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 Settlement and Release Agreement that is the subject of negotiations related to the Construction Manager at Risk Contract between the Town of Chino Valley and Fann Contracting, Inc. dated June 12, 2003 and all amendments thereto. (Robert Smith, Town Manager)
- c) *Continued from September 9, 2014:* 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 the Town Attorney. (Councilmember Hatch; Councilmember McKee; Councilmember Wojcik)

9) ACTION ITEMS RESUMED

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

- a) Consideration and possible action to waive the attorney-client privilege on the following documents: 1. Memorandum from Town Attorney to Planning & Zoning Commissioners re: Conflicts of Interest on Zoning Matters, dated August 15, 2014; 2. Email from Phyllis Smiley to Planning Commissioners re: Planning Commissioners and Arizona Conflict of Interest Laws, dated June 18, 2013; 3. Email from Dava Hoffman to Mary Brasher forwarding previous; 4. Email from Michael Edmonds to Phyllis Smiley dated June 18, 2013; and 4. Email from Phyllis Smiley to Robert Smith and Dava Hoffman re: P & Z Conflict of Interest dated June 18, 2013. (Phyllis Smiley, Town Attorney)

Recommended Action: Waive the attorney-client privilege on the following documents: 1. Memorandum from Town Attorney to Planning & Zoning Commissioners re: Conflicts of Interest on Zoning Matters, dated August 15, 2014; 2. Email from Phyllis Smiley to Planning Commissioners re: Planning Commissioners and Arizona Conflict of Interest Laws, dated June 18, 2013; 3. Email from Dava Hoffman to Mary Brasher forwarding previous; 4. Email from Michael Edmonds to Phyllis Smiley dated June 18, 2013; and 4. Email from Phyllis Smiley to Robert Smith and Dava Hoffman re: P & Z Conflict of Interest dated June 18, 2013.

- b) Consideration and possible approval of the Settlement and Release Agreement that is the subject of negotiations related to the Construction Manager at Risk Contract between the Town of Chino Valley and Fann Contracting, Inc. dated June 12, 2003 and all amendments thereto. (Robert Smith, Town Manager)

10) ADJOURNMENT

Dated this 18th day of September, 2014.

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 1-(800) 347-1695 (Arizona Relay Service) 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.

CERTIFICATION OF POSTING

The undersigned hereby certifies that a copy of this notice was duly posted at Chino Valley South Campus, Chino Valley Post Office, and Chino Valley North Campus in accordance with the statement filed by the Town Council with the Town Clerk.

Date: _____ Time: _____ By: _____
Jami C. Lewis, Town Clerk