

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

**TUESDAY, OCTOBER 13, 2015
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, October 13, 2015.

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

Absent: Councilmember Lon Turner

Staff Present: Town Manager Robert Smith; Assistant Town Manager Cecilia Grittman; Finance Director Joe Duffy; Police Officer Stephen Farmer; Town Engineer/Public Works Director Ron Grittman; Development Services Director Ruth Mayday; Associate Planner James Gardner; Deputy Town Clerk Liz Hart; GIS/CAD/Web Technician (Videographer) Jan Mazy; Town Clerk Jami Lewis (recorder)

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

Mayor Marley called the meeting to order at 6:02 p.m.

Councilmember Best gave the invocation; Mayor Marley led the Pledge of Allegiance.

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

- a) Presentation by Mr. Duane Howard, Chino Valley Unified School District Superintendent, of the school district's performance, using the Auditor General's performance statistics. (Cecilia Grittman, Assistant Town Manager)

Mr. Howard reported on the results of the Auditor General's report relating to district pupil population, per pupil spending, administrative costs per pupil, teacher pay, graduation rate, poverty rate, and math, reading, writing, and science scores.

- b) Presentation regarding the Town of Chino Valley's Sales Tax Audit Program and recent changes in the Sales Tax Laws. (Joe Duffy, Finance Director)

Mr. Duffy and Don Zelechowski, the Town's sales tax auditor, reported on the Town's sales tax audit program, tax simplification legislative changes, prime contracting legislative changes, and specific TPT tax issues in the Town.

Council asked Mr. Zelechowski to look into manufactured homes possibly falling under use tax regulations.

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.

Lee Paul, resident, spoke about Council recalls.

Mary Conner, Assistant for Supervisor Craig Brown, spoke about a County Town Hall meeting to be held November 17 in the Chino Valley Senior Center.

Nancy Herrero with the Senior Center Advisory Board spoke about the Senior Center's grand re-opening and ribbon cutting on October 22.

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) Questions regarding building permit for Freeman Farms.

Mayor Marley reported on the federal ADA standards and the Town's Unified Development Ordinance requirements, as well as the permit process, for the subject building permit.

- b) Access problems on Picacho Boulevard created by new fencing being installed along the right-of-way.

Mayor Marley reported that the developer of the adjacent property had agreed to dedicate additional right-of-way to provide depth to Picacho Blvd.

- c) Questions regarding medical marijuana and Town regulations.

Mayor Marley reported on current medical marijuana farming facilities in the Town and neighboring jurisdictions, and a scheduled study session to discuss the matter.

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 Marley read a letter from a citizen thanking Council for street improvements to Lazy Loop Road. He then read the monthly mayor's report, which pertained to critical thinking.

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

Mr. Smith reported on Town program updates, and statistics regarding permits, business creation, total budget per capita, staffing headcount, and grants and investments in the Town's infrastructure.

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 Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to approve Consent Agenda items 6a, b and c.

Vote: 6 - 0 PASSED - Unanimously

- a) Consideration and possible action to accept the August 25, 2015 regular meeting minutes. (Jami Lewis, Town Clerk)
- b) Consideration and possible action to accept the September 8, 2015 regular meeting minutes. (Jami Lewis, Town Clerk)
- c) Consideration and possible action to accept the September 22, 2015 regular meeting minutes. (Jami Lewis, Town Clerk)

Mayor Marley recessed the meeting at 7:05 p.m. and reconvened it at 7:15 p.m.

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 adopt Ordinance No. 15-803 rezoning subject parcel 306-04-009J, consisting of approximately 0.5 acres, located in Section 03, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, located at approximately 206 West Road 4 North, from Light Commercial (CL) to Single Family Residential (0.16 acre minimum) (SR-0.16). (Ruth Mayday, Development Services Director)

Recommended Action: Adopt Ordinance No. 15-803 allowing the rezoning of the property generally located at 206 W. Road 4 North from Light Commercial (CL) to Single Family Residential (0.16 acre minimum) (SR-0.16).

Councilmember Miller declared a possible conflict of interest, as he lived near the subject property, and recused himself at 7:16 p.m.

Associate Planner Gardner reported on the subject request:

- *Purpose:* Inability to sell the property as zoned, as it could not be financed through a traditional home loan.
- *Conditions:* Although the rezone would allow for subdivision of the parcel into three 7,000 square foot parcels, the property's current configuration would make such subdivision difficult, and the applicant agreed to a stipulation that would prevent further subdivision of the parcel until municipal sewer and water services were available on-site. Sewer and water infrastructure were currently over one mile from the site, limiting its viability for commercial development in the near-term future.
- *Compliance:* The request (i) will not be materially detrimental to persons residing or working in the vicinity adjacent to the property, to the neighborhood, or to the public welfare; (ii) was in general conformance with the zoning classifications in the immediate area; (iii) will not affect the amount of commercial land in town, as it was currently used as a residential property.

The property's potential buyer stated that he understood that nearby parcels could be commercially developed in the future.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to adopt Ordinance No. 15-803 allowing the rezoning of the property generally located at 206 W. Road 4 North from Light Commercial (CL) to Single Family Residential (0.16 acre minimum) (SR-0.16).

Vote: 5 - 0 PASSED

Other: Councilmember Jack Miller (RECUSE)

Councilmember Miller returned to the dais at 7:23 p.m.

- b) Consideration and possible action to approve an Accountability Contract between the Town of Chino Valley and the Chino Valley Area Chamber of Commerce in the amount of \$38,000, which was approved in the Town's budget. Funds to come from a budgeted line in the non-departmental budget. (Robert Smith, Town Manager)

Recommended Action: Approve an Accountability Contract between the Town and the Chino Valley Area Chamber of Commerce in the amount of \$38,000.

Mr. Smith reported that the standing agreement between the Town and the Chamber outlined a set of specific objectives and deliverables, as well as regular reporting that would be expected from the Chamber, and requested a set amount of consideration for that suite of services.

Arlene Alen, CEO, Chamber of Commerce, presented the Director's Plan for fiscal year 2015/16, which included a new customer services position, lunches, community involvement, place-making, tourism, marketing and events, branding, education, grants and incubation, and marketing and public relations.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Corey Mendoza to approve an Accountability Contract between the Town and the Chino Valley Area Chamber of Commerce in the amount of \$38,000.

Vote: 6 - 0 PASSED - Unanimously

- c) Consideration and possible action to fill vacancies and/or modify members on Council subcommittees (Appointments, Economic Development, Finance, Program Review, Public Safety, and Water and Utilities). (Jami Lewis, Town Clerk)

Recommended Action: Fill vacancies and modify subcommittee members as discussed.

Mayor Marley reported that recent Council resignations left vacancies on the five Council subcommittees. Staff recommended that Council appoint the newly-appointed councilmembers to vacant subcommittee positions and make new chair assignments where needed.

Councilmember Cuka indicated an interest in Finance and Economic Development.
Councilmember Miller indicated an interest in Water and Utilities and Public Safety.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to approve appointment of Councilperson Cuka to Finance and Economic Development Committees, and Councilmember Miller to Public Safety and Water and Utilities.

Vote: 6 - 0 PASSED - Unanimously

- d) Consideration and possible action to update the appointment of councilmembers and staff to various regional and state entity committees. (Mayor Marley)

Recommended Action: Update existing appointments as discussed.

Mayor Marley reported that he desired to revisit the entity appointments to include the three new councilmembers.

Council discussed the appointments and made the following changes:

- Removed Yavapai County Water Advisory Committee and its Technical Advisory Committee, as they no longer existed.
- Removed NACOG Economic Development Committee, as the appointee was no longer a councilmember.
- Appointed Councilmember Miller as representative to Central Yavapai Metropolitan Planning Organization.
- Appointed Councilmember Miller as liaison, and Councilmember Best as alternate, to the Chino Valley Fire District Board.
- Appointed Councilmember Cuka as liaison alternate to the Municipal Court.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Corey Mendoza to make appointments to those positions as discussed.

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 Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to recess from the regular meeting and hold an executive session at 7:47 p.m.

Vote: 6 - 0 PASSED - Unanimously

- a) 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 in order to consider its position and instruct the Town Attorney regarding the Town's position regarding settlement of the matter of Cortez v. Town of Chino Valley. (Robert Smith, Town Manager)

9) ACTION ITEMS RESUMED

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

Mayor Marley reconvened the regular meeting at 7:56 p.m.

- a) Consideration and possible action regarding the settlement of the matter of Cortez v. Town of Chino Valley. (Robert Smith, Town Manager)

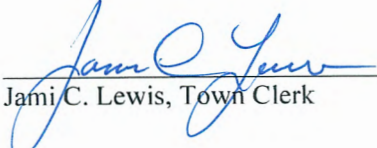
Council took no action on this item.

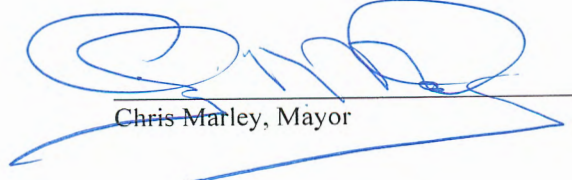
10) ADJOURNMENT

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to adjourn the meeting at 7:57 p.m.

Vote: 6 - 0 PASSED - Unanimously

ATTEST:

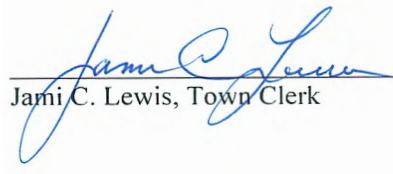

Jami C. Lewis, Town Clerk


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 13th day of October, 2015. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 27th day of October, 2015.



Jami C. Lewis, Town Clerk