



Town of Chino Valley

MEETING NOTICE TOWN COUNCIL

**REGULAR MEETING
Tuesday, October 22, 2013
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)** Presentation by Steve Rutherford regarding the Greater Prescott Regional Economic Partnership. (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 regarding the 2014 Community Development Block Grant funding process. (Cecilia Watts, General Services Director)

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 October 3, 2013 study session minutes. (Jami Lewis, Town Clerk)
- b) Consideration and possible action to approve the October 8, 2013 regular meeting minutes. (Jami Lewis, Town Clerk)
- c) Consideration and possible action to cancel the November 26, 2013 and December 24, 2013 regular Council meetings. (Jami Lewis, Town Clerk)

7) **ACTION ITEMS**

- a) Consideration and possible action to authorize a \$10,500 expenditure as the Town's contribution to the Greater Prescott Regional Economic Partnership. Funds to come from Contingencies. (Mayor Marley)

Recommended Action: Authorize a \$10,500 expenditure as the Town's contribution to the Greater Prescott Regional Economic Partnership.

- b) Consideration and possible action to adopt Ordinance No. 13-775, amending the Town Code, Title III: Administration, Procurement Policy. (Joe Duffy, Finance Director)

Recommended Action: Adopt Ordinance No. 13-775, amending the Procurement Policy in the Town Code.

- c) Consideration and possible action to appoint a participating member of the Public Safety Retirement System of the Chino Valley Police Department as a member to the Public Safety Retirement Board for term expiring on June 30, 2016. (Cecilia Watts, General Services Director)

Recommended Action: Appoint the Police Department's selected member to the Public Safety Retirement Board for term expiring on June 30, 2016.

- d) Consideration and possible action to appoint applicants to fill vacancies on various public bodies. (Jami Lewis, Town Clerk)

Recommended Action: Appoint applicants to the Chino Valley Board of Adjustment, Planning and Zoning Commission, Parks and Recreation Advisory Board, Roads and Streets Committee, and Senior Center Advisory Board as recommended by the Appointments Subcommittee and staff.

- e) Discussion and possible action regarding a possible Council retreat. (Mayor Marley)

Recommended Action: Direction to staff.

- f) Council may recess the meeting to observe Vice-Mayor Croft's and Councilmember Best's birthdays.

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. § 38-431.03(A)(3) and (7) for discussion or consultation with the Town Attorney for legal advice and 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 that is an extension of the existing Road 4 South to the east, in the immediate vicinity of the section line, consisting of approximately 8.6 acres. (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 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)

9) **ACTION ITEMS RESUMED**

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

- a) Consideration and possible action to approve either or both a revised Letter of Intent and a Purchase Agreement with Deep Well Ranches #1 LLC, related to and setting forth the terms of the purchase by the Town of approximately 8.6 acres of real property, generally located in the vicinity of the section line as an extension of the existing Road 4 South to the east to lands immediately adjacent to the Peavine Right of Way's eastern limit for the purpose of extending the Road 4 South right-of-way to Peavine Road. (Robert Smith, Town Manager)

10) **ADJOURNMENT**

Dated this 17th day of October, 2013.

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 636-1787 (TDD) 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



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **5. a.**

Meeting Date: 10/22/2013
Contact Person: Cecilia Watts, General Services Director
 Phone: 928-636-2646 x-1202
Department: General Services
Item Type: Report Only
Estimated length of staff presentation: 15 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Presentation regarding the 2014 Community Development Block Grant funding process.

RECOMMENDED ACTION:

No action required

SITUATION AND ANALYSIS:

The Northern Arizona Council of Governments (NACOG) has distributed their Community Development Block Grant (CDBG) Method of Distribution for 2014 and indicate that currently the Town of Chino Valley will be eligible for \$264,220.00 of CDBG funding. The Town receives an allocation from the Department of Housing for CDBG funds every four years. These funds, when used, must meet one of the three national objectives as authorized by Title 1 of the Housing and Community Development Act of 1974:

- Benefit at least 51% low to moderate income persons;
- Aid in the prevention or elimination of slums or blight;
- Resolve an urgent need health hazard.

Council may recall that in 2006 the Town funded sewer hookups for low-to-moderate homeowners in the Chino Meadows area, and in 2010 continued work in the Chino Meadows area in an effort to alleviate some of their drainage and flooding problems. The solution to the drainage and flooding problems in this large area require many phases, and the Town staff will propose the allocation be used to continue the efforts in the neighborhood of Chino Meadows.

The Town will hold public hearings to allow ideas to be presented, which are viable, will be presented to the Town Council. The first public hearing will be November 12, 2013 at 4 p.m. in the Town Council Chambers, and the 2nd public hearing will be at the Town Council

Meeting scheduled for January 14, 2014, where Council will announce prioritized projects and pass the required resolutions. The application will need to be submitted by April 1, 2014.

Fiscal Impact

Fiscal Impact?: No

If Yes, Budget Code:

Available:

Funding Source:

Attachments

ABCs of CDBG

THE ABC'S of CDBG

A Primer for Nonprofit
Organizations

Northern Arizona Council of Governments
Updated September 2013

A

WHAT IS CDBG?

Did you hear the term CDBG and think it meant Country Dumplings in Barnacle Gravy, or something more interesting? The meaning is actually less exotic. CDBG, or Community Development Block Grant, is a U.S. Housing and Urban Development (HUD) Small Cities Program that provides funds for housing and community development activities in rural Arizona. The Arizona Department of Housing (ADOH) is the state agency which administers the funds. Northern Arizona Council of Governments (NACOG) administers the planning of annual allocations and provides technical assistance for application and project success.

The Department of Housing allocates funds to the four rural Councils of Government (COGs) based on a poverty/population formula. NACOG, in turn, allocates funds among the four counties of Apache, Coconino, Navajo, and Yavapai with the same formula. Within each county a rotation schedule has been established which determines the year each city, town and county will apply for funding. The current schedule is in the Appendix.

CDBG can fund a diverse assortment of projects. However, to be eligible for funding, projects must meet at least one of three national objectives as authorized by Title I of the Housing and Community Development Act of 1974:

- ♦ at least 51% of the persons who benefit from the project must be low to moderate income;
- ♦ the project must aid in the prevention or elimination of slums or blight;
- ♦ the project must solve an urgent need health hazard.

or

B

HOW TO MEET A NATIONAL OBJECTIVE

A project design must meet at least one of the three national objectives to be eligible for funding.

- ♦ At least 51% of the persons who benefit from the project must be low to moderate income.
 - * This is the national objective under which you will probably request funding. At least 51% of the beneficiaries must earn 80% or less of the county median income, adjusted by household size. Current rates are in the Appendix. You must be able to substantiate your claim by **hard data**.
- ♦ The project must aid in the prevention or elimination of slums or blight.
 - * The community will designate a target neighborhood or area per Arizona laws that has multiple infrastructure or housing needs and is dilapidated or becoming blighted.
- ♦ The project must solve an urgent need health hazard.
 - * The health safety problem must be life threatening and an emergency.

Low Moderate Income Benefit

Congress has defined certain populations as automatically low to moderate income, evidence to the contrary.

If your program is specifically for:	Persons who are elderly Adults with severe disabilities Persons who are homeless Abused children Battered spouses Persons who are illiterate Persons living with AIDS Migrant farm workers
--------------------------------------	---

... you will normally not have to prove the 51% benefit to low to

moderate income persons. However, if persons in these groups are some of your participants, but the program is not for them only, you will still need to prove the 51% low-moderate income.

If your program income qualifies persons for service and the income schedule is 80% of the county median income or less...

... your project can be considered low-mod income benefit based on your income schedule.

If you feel that at least 51% of your participants are low-mod income or less but have no information to prove it...

... you can do an income survey, but you must follow Arizona Department of Housing's prescribed format.

If at least 51% of your participants do not meet the low-mod income criteria...

... your program may not be eligible for CDBG funding... you may wish to advocate for other services or programs that benefit your participants who are low-mod income, such as housing rehabilitation or replacing deteriorated water lines in a low income neighborhood.

C

WHAT CAN CDBG DO FOR YOU?

Do you get frustrated because there are not enough resources to truly meet the needs of your participants? Are you peeved because your funding source says, O. K., you can do this, but you can't do that, and you know that the participant really needs that? Are you tired of playing catch-up and never being able to really meet all of your program priorities? Is your facility outgrown, with a leaky roof and no disability accessibility?

The CDBG program has its limitations also, but, if you can prove that the participants meet the low moderate income criteria, CDBG may be the funding source for you to consider for activities and projects like:

Fire Protection: fire stations, fire trucks, equipment and apparatus.

Infrastructure: water or wastewater system improvements, flood and drainage improvements, road/street improvements.

Homeless Facilities: land/building acquisition, construction, reconstruction.

Food Bank, Senior Center, Center for Persons with Disabilities: acquisition of land or building, construction, reconstruction, expansion, parking lot, landscaping, permanently affixed equipment.

Shelters, Halfway Houses, Group Homes: for substance abusers, parolees, group homes for persons with disabilities, emergency and transitional shelters, hospitals, nursing homes.

Removal of Architectural Barriers: remove architectural barriers which restrict the accessibility of persons with disabilities or the elderly to publicly or privately owned buildings; e.g., elevators, ramps, rest rooms, curb and gutter cuts (also known as American's with Disabilities (ADA) improvements).

Privately Owned Housing Rehabilitation: may be grants or loans, to perform a variety of housing rehabilitation measures.

Historic Preservation: rehabilitation, preservation or restoration of historic properties. Must be listed on or eligible to be listed in the National Register of Historic Places, listed in a state or local inventory of historic places, or designated as a state or local landmark or historic district by law or

ordinance.

Economic Development: funding to provide technical assistance to promote economic development; job creation, retention, or job training.

Public Services: for a new service or measurable increase in the level of existing service; includes labor, supplies and materials, facility operations and maintenance. Sample services B health care, job training, education programs, public safety services, fair housing activities, senior citizen, handicapped, homeless services, emergency assistance.

Special Activities: lead-based paint evaluation or reduction, neighborhood revitalization, community economic development, energy conservation carried out by Neighborhood Based Non-Profit Organizations, Section 301(d) Small Business Investment Companies, or Local Development Corporations that meet the required definitions.

Home ownership Assistance: this has been annually authorized; you need to see if it is available in a particular year. Subsidize interest rate and mortgage principal, finance acquisition, acquire guarantees for mortgage financing, pay up to 50% of the down payment, pay reasonable closing costs. (FUNDING IS NOT CURRENTLY AVAILABLE FOR THIS ACTIVITY)

Housing Development Support: acquisition, on-site and off-site improvements, clearance or demolition. Community may not turn over the title to the property to a nonprofit for housing construction until the measures are completed. (FUNDING IS NOT CURRENTLY AVAILABLE FOR THIS ACTIVITY)

Planning: comprehensive plans, housing plans, homeless studies, fair housing, or neighborhood revitalization strategy. Data gathering, analysis, review of alternatives, identification of actions to implement plans.

INELIGIBLE ACTIVITIES

A general rule of thumb is that CDBG may NOT fund activities for 1) the conduct of government or general government expenses; 2) political or religious purposes; 3) construction of new permanent residential structures EXCEPT as allowed by a CBDO.

TECHNICAL ASSISTANCE

Discuss any project that you are considering with your community's CDBG staff person, or contact Isabel Rollins, CDBG Program Director, NACOG, P.O. Box 2451, Prescott, AZ 86302; 928-778-2692, irollins@nacog.org.

D

LIMITATIONS OF CDBG

O.K., so you now know that CDBG can be a wonderful resource. What are the CDBG limitations you need to understand before you get too excited?

- ♦ You May NOT Apply for Funds Directly. Only incorporated entities (cities, towns and counties) may apply for CDBG funds; you must request your community to apply for funds for you.
- ♦ Federal Overlay Statutes apply to CDBG which can drive up the cost of your project. The major ones for you to consider in project planning are:

- * **Your agency must be a legal entity, which can enter a contract.** There will be an agreement with the community that will outline your responsibilities. The agreement will also include items that are non-negotiable. If you cannot live with these, there is probably no need to apply for CDBG.

– Nondiscrimination in program operations and provision of services, employment, procurement;
 – Nondiscrimination in facility use policies;
 – Fees impact on low income families/persons must be negligible;

– Insurance, usually \$1,000,000, will need to be carried;
 – Workers Compensation will be required, should be paid on volunteers;
 – No assignment or subletting without the community=s permission;

– Hold the community harmless for any event arising from the agreement (you will pay, not the community);
 – Records will have to be kept for at least five years;
 – Records will have to be available, upon request, to the community, Department of Housing, and HUD;
 – Anti-lobbying provisions will need to be met.

- * An **Environmental Review** is required on all projects. There can be a time delay if a special study is required. If the Environmental Review uncovers a negative effect on the environment, mitigation may be required which can increase the cost of the project, or the project may be found to be non-fundable with federal funds at the selected location.

- * **Competitive Procurement** policies must be followed. If you have a favorite contractor or vendor, he/she may not get the bid. This may sound like an unusual statement, but sometimes a nonprofit has been working with a very helpful and supportive contractor or vendor to develop the project and there have already been discussions of a price or terms that are agreeable to both parties. The project will nevertheless have to go out to bid.
- * **Labor Standards** include Davis Bacon wages (established construction employee minimum wage rates: example - \$21.22 per hour for a carpenter), which will make the cost of construction more expensive. A safe estimate of increased cost is to add 20% to 30% to the cost of labor. If your project cost can be covered entirely with the grant, this should not be a problem. If however, you are planning a large project and putting your own dollars into it, the wages will apply to the total project, not just the CDBG portion, so the total cost of the project may increase and, possibly, your contribution to it will increase. Sometimes the Davis Bacon wage requirement makes the grant money “cost” more than the benefit.
- ♦ You will be required to make a minimum five-year commitment to the project. If you do not fulfill this obligation, the community could be asked to return funds, and it will in turn ask you for the money.
- ♦ There can be a long time between grant application and actual release of funds. This sample timeline reflects a construction project:

March	Applications submitted to NACOG
June	Applications submitted to Arizona Department of Housing
October	Grant signed
January	Completion of Environmental Review
February	Procure Design
May	Procure Construction
June	Begin Construction

E

HOW DO YOU GET CDBG FUNDS?

The community is required to hold at least two public hearings: the first to receive public input and to discuss potential CDBG projects and the second to prioritize the projects. The hearings will be announced by ads in your local paper. The community may not apply for a project that is not discussed at the hearings. This is your opportunity. Attend those hearings and make your case known.

HINT 1

Bring written materials to the hearing that will make it easy for the community to understand the grant request. Bring at least two copies: one for the City/Town/County or minutes, and one for the staff who has to write the grant. Be clear and concise; each statement should be no longer than one brief paragraph. Your community might also have its own pre-application form they would like you to use. You can elaborate in your verbal presentation.

- Describe the project you want
- Describe the need for the project
- Describe who the beneficiaries are; state the number of persons who will benefit and the number who are low to moderate income. (All persons served are low moderate income if the beneficiaries are one of the target populations.)
- Describe how the project will benefit low moderate income persons
- Estimate a cost range for the project, keeping in mind Davis Bacon wage rates
- Provide a contact person, address, and phone number

HINT 2

If your request is looked upon favorably, be prepared to provide your community a copy of at least:

- Operations budget
- Articles of Incorporation
- List of your board members
- Name and title and phone number of intake or eligibility worker
- Proof that at least 51% of your participants have low to moderate income (not needed if you are serving one of the target population groups)

- Fee schedules and proof that the fees are affordable to low to moderate income persons
- Deeds, leases, agreements, if appropriate
- Any other item requested by the community, NACOG, or Department of Housing

HINT 3

You cannot expect that a Council or Board of Supervisors will wish to put funding into a project that they are unfamiliar with, or expect that they can understand what you are trying to do to help the residents and voters of their community from information given at a couple of Public Hearings. If you truly see CDBG as the solution to your dilemma, inform the Council/Board of your program and your plans before the hearings. Invite them to see your operations.

For a CDBG project between the community and a nonprofit to be successful, there will need to be a partnership. The community will need a clear understanding of the nonprofit's program and needs and the nonprofit will need a clear understanding of the timelines and limits of CDBG.

HINT 4

The City or Town Council or Board of Supervisors has the right and the responsibility to select the project which best fits the community's housing and community development needs. Although you may think that a homeless shelter, for example, is the best use of the funds, the Town Council may think that replacing deteriorated water lines that are causing a health hazard a greater priority.

F

APPENDIX

ROTATION SCHEDULE

Apache County	2014	Town of Eagar
	2015	Town of Springerville
	2016	Apache County
	2017	City of St. Johns
Coconino County	2014	Coconino County
	2015	City of Williams
	2016	Town of Fredonia
	2017	City of Page
	2018	Town of Tusayan
Navajo County	2014	Town of Taylor and Town of Pinetop-Lakeside
	2015	Navajo County
	2016	Town of Snowflake and City of Winslow
	2017	City of Holbrook and City of Show Low
Yavapai County	2014	Town of Camp Verde, Town of Chino Valley, Town of Clarkdale
	2015	City of Cottonwood, City of Sedona, Town of Dewey-Humboldt
	2016	Town of Prescott Valley and Town of Jerome
	2017	Yavapai County

2013 LOW TO MODERATE INCOME LIMITS

County	1 person	2 person	3 person	4 person	5 person	6 person	7 person	8 person
Apache	27,550	31,500	35,450	39,350	42,500	45,650	48,800	51,950
Coconino	34,800	39,800	44,750	49,700	53,700	57,700	61,650	65,650
Navajo	27,550	31,500	35,450	39,350	42,500	45,650	48,800	51,950
Yavapai	30,750	35,150	39,550	43,900	47,450	50,950	54,450	57,950

Northern Arizona Council of Governments

Community Development Block Grants

119 East Aspen Avenue

Flagstaff, Arizona 86001

928-774-1895

FAX 928-773-1135

Disability Relay: TDD 800-367-8939; Voice 800-842-4681

Chris Fetzer, Executive Director

Isabel Rollins, CDBG Program Director

Ray Baum, Housing Rehab Services Specialist II

Tracy Bouvier, Program Specialist II

The work that provided the basis for this publication was supported by funding under an award with the U.S. Department of Housing and Urban Development. The substance and findings of the work are dedicated to the public. The author and publisher are solely responsible for the accuracy of the statements and interpretations contained in this publication. Such interpretations do not necessarily reflect the views of the government.

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **6. a.**

Meeting Date: 10/22/2013

Contact Person: Jami Lewis, Town Clerk

Phone: 928-636-2646 x-1208

Department: Town Clerk

Item Type: Consent

AGENDA ITEM TITLE:

Consideration and possible action to approve the October 3, 2013 study session minutes. (Jami Lewis, Town Clerk)

RECOMMENDED ACTION:

Approve the October 3, 2013 study session minutes. (Jami Lewis, Town Clerk)

Attachments

October 3, 2013 minutes

DRAFT

MINUTES OF THE STUDY SESSION OF THE TOWN COUNCIL OF THE TOWN OF CHINO VALLEY

**TUESDAY, OCTOBER 3, 2013
6:00 P.M.**

The Town Council of the Town of Chino Valley, Arizona, met for a Study Session in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on Tuesday, October 3, 2013.

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

Absent: Councilmember Don Wojcik

Staff Present: General Services Director Cecilia Watts; Town Attorney Phyllis Smiley; Police Chief Chuck Wynn; Police Lieutenant Vince Schaan; Town Engineer/Public Works Director Ron Gritman; Planner Ruth Mayday; Town Clerk Jami Lewis (recorder)

1) CALL TO ORDER; ROLL CALL

Mayor Marley called the meeting to order at 6:01 p.m.

2) Discuss possible amendments to the Unified Development Ordinance with regard to regulations for Medical Marijuana. (Ruth Mayday, Planner)

Acronym used in this item:

CUP (Conditional Use Permit)

UDO (Unified Development Ordinance)

Ms. Mayday reported that:

- Proposition 203 was approved by the voters in November 2010. The issue was discussed by the Planning and Zoning Commission and Town Council between March 2011 and April 2012. On April 24, 2012, Council voted unanimously to operate solely under state law with no amendments to the UDO.
- A.R.S. § 36-2801 "Arizona Medical Marijuana Act, and State Regulations Title 9 "Health Services," and Chapter 17 "Medical Marijuana Program" were the regulating authorities for this matter.
- ARS § 36-2804 and R9-17-321 provided that dispensaries or a dispensary's cultivation site be located at least 500 feet from schools.

- Of the Town's neighbors, only Prescott Valley imposed additional separation requirements for dispensaries. Regarding cultivation sites, Chino Valley imposed a minimum lot size of 10 acres and 500 feet from SR 89, and Prescott Valley also imposed additional restrictions.
- The Town's 10 acre requirement came from the UDO's definition (§ 2.1) of "Greenhouse, Commercial." UDO § 4.3 "Commercial Greenhouse Development Standards," which set the parameters for grow facilities, also included the restrictions for acre size and distance from the highway.
- If Council changed any regulations for medical marijuana, the facilities that already existed would be considered a non-conforming use per UDO § 2.1. UDO § 4.20 provided regulations for such non-conforming uses and structures.
- During the September 10, 2013 regular meeting of Town Council, staff was directed by council to further research regulation of the cultivating of medical marijuana within the corporate boundaries of the Town.
- Based on an analysis of state statute and the Arizona Department of Health Services regulations, and ordinances adopted by similar communities in Arizona, staff drafted language that would amend the UDO to regulate the cultivation, infusion, and dispensing of medical marijuana.
- Staff's suggested language included: (i) adding definitions for marijuana/cannabis, dispensary, cultivation, and infusion to UDO § 2.1; (ii) providing for separation from residential zoning classes; (iii) allowing conditional use permits in Commercial and/or Industrial zoning classes for lot sizes less than 10 acres; and (iv) requiring additional landscaping and/or screening.

Council reviewed the proposed changes and discussed topics as follows:

Infusion facilities in agricultural/residential zones. Some councilmembers did not support infusion facilities in agricultural/residential zones due to potential chemical use in the processes.

Jason Gully with SWBC in Tempe explained the infusion process and advised that no chemicals were dumped into the groundwater. If volatile chemicals were used, hoods would be employed. Infusion also only used low heat up to 180 deg. F and the industry norm for extraction was olive oil.

Open air cultivation. This was only permitted in an enclosed area with a lot of security regulations. Council generally did not support it due to the plant's distinct odor and the Town's winds, and potential effects from runoff if grown in the ground.

Jason Gully spoke about most growers preferring to avoid growing outdoors.

Duke Rodriguez with Ultra Health spoke about his company desiring to grow indoors and outdoors in Town. He described the protection measures included in their site plan and recommended that Council understand the level of protection before enacting regulations on it.

Kate and Mike O'Connor-Masse, local field and greenhouse farmers, spoke about cannabis industry growers being very sensitive to runoff and their intent to use water as efficiently as possible. They did not want to harm the aquifer or overuse the water supply.

She invited Council to visit their operation and read reports that addressed runoff with outdoor growing.

Separation requirements from other medical marijuana facilities, certain public buildings, and certain housing facilities in an agricultural/residential zone. Two councilmembers preferred a 200 foot separation. One supported 200 feet for cultivation, but not infusion. One supported the proposed 500 foot requirement.

Drew Melbourne with Emerald City Organics clarified that infusion could only take place in a commercial kitchen in the grow facility or dispensary per state law; and it could only be done in a separate building on the same property if the local codes and regulations allowed it.

Separation requirement from residential uses. Council discussed distances and infusion facilities potentially falling under the same restrictions as commercial bakeries. Ms. Smiley reported that commercial bakeries were closer to manufacturing or light industrial, and due to the sensitivity of medical marijuana, it could be defined differently than a commercial bakery. Council appeared to support different definitions.

Total square footage of cultivation facility. Ms. Mayday clarified that the proposed 3,000 square feet was per greenhouse.

Dennis Gizzy with Emerald City Organics spoke about 3,000 square feet being too small for many operations and recommended just following the UDO's current requirements.

Jason Gully spoke about some operations needing at least 5,000-6,000 square feet and also supporting the UDO's current requirements.

Duke Rodriguez with Ultra Health spoke about 3,000 square feet not being adequate to meet consumers' needs, estimates that Arizona needed 10,000 square feet of growing for every licensed dispensary, and there currently being 60 dispensaries with only a dozen grow facilities.

Kate O'Connor-Masse, Chino Valley farmer and greenhouse operator, spoke about Council taking a broad view of the greenhouse industry and considering medical marijuana like any other plant grown inside a greenhouse. In addition, about 10 years ago, the Council and other greenhouse growers in Town worked together to establish the current greenhouse regulations and definitions; but due to the size difference in a commercial greenhouse versus a warehouse, it did seem appropriate to separate them a bit.

Council recommended deleting this requirement.

Dust, fumes, odor or vapors. Council discussed concerns about new people not familiar with Chino Valley's environment who would push the limit, setting minimum standards for filtration, and owing it to citizens to reduce those things that bothered them as much as possible. Participants did not believe there were any state regulations for this matter.

Kate O'Connor-Masse recommended changing the language to state that all reasonable efforts will be made to control odor, as eliminating all odor might not be technological

possible, and that Town officials consult with industry experts before setting standards.

Charles Houghten, public member, stated that during harvest or processing, it was impossible to contain the odor, and while there was no perfect solution, he suggested that it be addressed through the Town's nuisance ordinance.

Council discussed the need for something reasonable to protect neighbors and a need for more research on particular issues with marijuana, and asked staff to bring the topic back for further discussion.

Designated caregivers. Mayor Marley related that any jurisdiction in the state without a dispensary was required to allow caregivers to grow for patients. Police Chief Chuck Wynn added that once a dispensary was open for a full year, people within the 25 miles radius, which included all of Chino Valley, will have to purchase from the dispensary. This was actually easier for law enforcement.

Jeff Tice with Salubrious Wellness Clinic in Tempe clarified that initially, caregivers were allowed to grow until the dispensaries came. The state was sunsetting that by allowing certain cultivators to wait until their card expired. Currently 95% of the state was covered in the 25 mile range. As caregivers and cardholders must live outside a dispensary area, the caregiver model will ultimately be eliminated, except in the 5% area not covered.

Council suggested changing the language to simply refer to state law, and possibly researching to see if a caregiver in an assisted living facility might still be allowed to grow.

Definition of cultivation and infusion facilities as "commercial greenhouses."

Kate O'Connor-Masse spoke about cultivation being done three different ways: indoors in a warehouse, indoors in a greenhouse, and outdoors.

Ms. Mayday clarified that regardless of the type of structure for growing, they all met the same requirement for "commercial greenhouse" and under the CUP process a warehouse could request the use of more than 50% of the property. A councilmember objected to a warehouse having to go through the CUP process to use more than 50% of the property.

Charles Houghton suggested that Council eliminate the 50% restriction in industrial zones only. Council had no objections to that.

Entry into cultivation or infusion facilities.

Jeff Tice reported that all persons entering these facilities must be a dispensary agent, or accompanied by one. He will send these rules to Ms. Mayday.

Separation requirements from other medical marijuana facilities, and certain public and housing facilities on commercial property. The state had no regulations for this. Council preferred to remove the requirement for separation from other medical marijuana facilities, and revise the other separation requirements to 200 feet.

Regulations for dispensaries with cultivation and/or infusion facilities. Ms. Mayday explained that this would only come into play if the state decided to allow more dispensaries.

Mayor Marley called for a recess at 8:03 p.m. and reconvened the meeting at 8:16 p.m.

Council asked what benefit the Town would receive from grow facilities.

Duke Rodriguez spoke about commerce being good for the community and due to Chino Valley's unique environment, there was an opportunity to be a leader in medical marijuana cultivation.

Dennis Gizzy spoke about workers needing housing and shopping in Town.

Jeff Tice spoke about it taking 15-20 workers per half-acre and his company purchasing as many needed products from the Town as possible.

Kate O'Connor-Masse spoke about this business providing a new opportunity in the biotech industry, as people were working to isolate the properties of the plant for medical purposes that did not include the "high" effect.

3) Discuss possible amendments to the Unified Development Ordinance to provide parameters for the location of Recovery Homes in the community. (Ruth Mayday, Planner)

Ms. Mayday reported that:

- Recovery Residences provided persons recovering from substance abuse a supportive living environment to better transition them into activities of daily life. However, concentrations of such facilities in neighborhoods undermined the benefits of community living necessary for success; instead, they had a tendency to duplicate the institutionalized setting of a hospital or extended care facility.
- The Fair Housing Act (FHA) set forth regulations that governed how these residences could be regulated by local communities.
- This was a relatively new issue for planning groups and Prescott recently revised its regulations governing these sorts of uses. Staff reviewed regulations from other areas and prepared draft language for guiding the location of sober living/recovery residences in the Town.

Town Attorney Phyllis Smiley added that:

- One basic difference between a recovery residence and a normal rental situation was that in the normal rental, people deciding to live together entered into one lease. In a recovery residence, a company running a business chose the residents, with individual residents having no say.
- There was a strong distinction between developmentally disabled and assisted living residences. Under state and federal Fair Housing Acts, recovering addicts were considered to be disabled and their rights were protected. However, per case law, municipalities could require certain reasonable regulations to protect the character of the neighborhood, such as separation requirements.
- Sex offenders or current illegal drug users were not included in this definition.

Council reviewed the proposed language and discussed the following topics.

Definitions, "Single Housekeeping Unit." Council asked staff to reword this paragraph to make it less confusing as to who determined the residents of a rental unit.

Conditional Uses, separation requirement.

Dennis Gizzy, public member, spoke about his experience with this in another town, which found that allowing such homes close to one another was a disaster. They then enacted a mile separation requirement, placed them near churches, and had much better success. Ms. Mayday added that congregating the recovery homes together duplicated the institution the residents just left and did not achieve the goals of recovery.

Council agreed with the mile separation.

4) ADJOURNMENT

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Pat McKee to adjourn the meeting at 8:40 p.m.

Vote: 7 - 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 Study Session of the Town Council of the Town of Chino Valley, Arizona held on the 3rd day of October, 2013. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 22nd day of October, 2013.

Jami C. Lewis, Town Clerk

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 6. b.

Meeting Date: 10/22/2013

Contact Person: Jami Lewis, Town Clerk

Phone: 928-636-2646 x-1208

Department: Town Clerk

Item Type: Consent

AGENDA ITEM TITLE:

Consideration and possible action to approve the October 8, 2013 regular meeting minutes.
(Jami Lewis, Town Clerk)

RECOMMENDED ACTION:

Approve the October 8, 2013 regular meeting minutes.

Attachments

October 8, 2013 minutes

DRAFT

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

**TUESDAY, OCTOBER 8, 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, October 8, 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; Officer Mike Pereda; Civilian Operations Supervisor Laurie Whisenand; Town Engineer/Public Works Director Ron Grittman; 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.

Mayor Marley gave the invocation and led the Pledge of Allegiance.

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

- a)** Proclamation declaring October 20-26 as "Bullying Awareness Week," sponsored by Beth Vicory, Lead Ambassador, The Million Misfit Sock March.

Mayor Marley read the proclamation and presented it to Miss Vicory, who spoke about The Million Misfit Sock March.

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 Dudley with Bright Star Mini Storage and the Chino Valley Lions thanked Council and staff for their support of the recent 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)** Issues with an overabundance of weeds in the Town.

Mayor Marley read his monthly Mayor's Report, which pertained to this matter, the Town's responsibilities, and an upcoming community clean-up day.

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 Northern Arizona Council of Governments Economic Development Committee meeting.

Vice-Mayor Croft reported on a recent Appointments Subcommittee meeting.

Councilmember McKee reported on a recent Upper Verde River Water Protection Coalition meeting.

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 items 6e.

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

Vote: 7 - 0 PASSED - Unanimously

- a)** Consideration and possible action to approve the September 10, 2013 regular meeting minutes. (Jami Lewis, Town Clerk)

- b) Consideration and possible action to approve the September 24, 2013 regular meeting minutes. (Jami Lewis, Town Clerk)
- c) Consideration and possible action to approve Resolution No. 13-1019 disbanding the Town of Chino Valley Transit Advisory Committee. (Phyllis Smiley, Town Attorney)
- d) Consideration and possible action to adopt Resolution No. 13-1018 setting a basis for computation of worker's compensation benefits for volunteers involved in public safety. (Cecilia Watts, General Services Director)
- e) Consideration and possible action to approve Equitable Sharing Agreement with the Department of Justice to accept and expend RICO proceeds in the amount of \$110,000 for development of the Law Enforcement Tactical Range. Funds be disbursed from Grants Fund, Shooting Range Law Enforcement line item. (Chuck Wynn, Police Chief)

Councilmember Turner asked about the Town's obligations upon accepting these monies, the responsible party for maintenance of the facility, and fees for use of the facility being added to the Town's fee schedule. Chief Wynn reported that:

- All Yavapai County law enforcement agencies had a sharing agreement with regard to county seizure funds. The County also held separate federal seizure funds, which the county attorney suggested using for the project.
- The Town will be obligated to use this money only for the range and file additional paperwork with the Department of Justice and county.
- The Police Department had a verbal agreement with the Sheriff's Office to use inmates for general maintenance, and staff was considering renting the facility to private teachers on the weekend and using the fees collected toward maintenance.
- As the facility was new, associated fees were not on the fee schedule, and since the Town was using RICO funds, it could only charge for private uses.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to approve Consent Agenda item 6e.

Vote: 7 - 0 PASSED - Unanimously

7) ACTION ITEMS

- a) Consideration and possible action to approve an Accountability Contract between the Town of Chino Valley and the Chino Valley Chamber of Commerce in the amount of \$40,500. Funding source: \$38,000 to come from Non-Departmental outside agency line and \$2,500 to come from Contingencies. (Robert Smith, Town Manager)

Mr. Smith reported that:

- The standing agreement between the Town and the Chamber was in need of revision. Staff had identified several mechanisms by which the Town and Chamber could cooperatively work together to secure business and economic development improvements for the community, several of which were highlighted in this proposal.
- The proposed contract outlined a set of specific objectives and deliverables, as

well as reporting that would be expected from the Chamber. The proposal also offered a range of additional services that the Chamber believed might be beneficial to strengthening the Town's local economy.

- Staff was asking the Economic Development Subcommittee to review these items and provide feedback to Council. Council will then have the opportunity to select those items it would like for the Chamber to pursue, if any, and add them to the proposal offered for consideration.
- The additional \$2,500 from Contingencies was to include the Town's Platinum Sponsorship, which in previous years had been paid for separately.

Council asked about the Chamber's tourism logs and budget, and a loss of value from the Platinum Sponsorship since the Council could not accept the associated free tickets and materials.

Tracie Schimikowsky, Chamber Director of Operations and Tom Payne, Past Board Chair, reviewed some statistics and the draft budget, and reported that:

- Statistics from last year were very limited and they had started more detailed tracking last month.
- The budget was still under review as they were all getting accustomed to the new director and direction.
- If the Town desired, they could remove the value of the event tickets from the contract.

Town Attorney Phyllis Smiley advised that while Councilmembers could not accept tickets, they could accept them on behalf of the Town and raffle them off.

Several councilmembers spoke in support of the Chamber, business community, and the proposed contract.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Lon Turner to approve an Accountability Contract between the Town and the Chino Valley Chamber of Commerce in the amount of \$40,500.

Vote: 7 - 0 PASSED - Unanimously

- b)** Consideration and possible action to approve Agreement for Professional Consulting Services with Economists.com for the update to the valuation of the City of Prescott water distribution system in an amount not to exceed \$55,160. Funds to come from Water Enterprise Fund, professional services line. (Ron Grittman, Public Works Director)

Acronym used in this item:

CVID (Chino Valley Irrigation District)

Mr. Grittman reported:

- In May 2007, the Town contracted with Economists.com to determine the value of the water distribution system that the City of Prescott had within the Town boundaries. The 2007 valuation also contemplated possibly acquiring the CVID water rights, which proved to be too complicated and convoluted and ultimately

were the undoing of further negotiations.

- As both the Town's most recently adopted utility rate structure and the SR89 Utility Committee recommendations for developing infrastructure along the highway included Prescott's ratepayers coming onto the Town's water system, staff recommended having Economists.com update its 2007 valuation.
- This update will only determine the value of the distribution pipes, not the main lines, and the existing customer base. It will include pipe replacement costs and options for acquiring all or portions of the system. While it will examine pertinent CVID issues, there will be no intent to alter or relieve Prescott of any CVID benefits or obligations.
- The update will allow the Town to begin negotiations with Prescott, whose officials were aware of the study and will work with the Town to obtain a value that both parties could agree upon.
- Should the Town succeed in acquiring the system, current Prescott water customers who were Chino Valley residents will realize a reduction in their water billings by both removing the 30% surcharge that Prescott assessed and bringing them under the Town's rate structure, which was lower than Prescott's.

Town Manager Robert Smith added that the Town needed to obtain at least 435 customers. Chino Meadows 1 had 435 customers, but the Town may be able to do a cutover at Center Street and pick up the bulk of the system for a total of 650 plus customers. Town Water Attorney Bill Staudenmaier was also working on water rights matters.

Council asked several questions about the above, and generally supported the proposal.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Pat McKee to approve Agreement for Professional Consulting Services with Economists.com for the update to the valuation of the City of Prescott water distribution system in an amount not to exceed \$55,160.

Vote: 7 - 0 PASSED - Unanimously

- c) Consideration and possible action to approve change order number 1 to contract with Watkins Mendoza Construction Company in the amount of \$4,000 for additional work in the construction of the Police Tactical Shooting Range. Funds to come from the Law Enforcement Shooting Range Grant. (Ron Grittman, Public Works Director)

Mr. Grittman reported that:

- On April 23, 2013, the Town awarded construction of the Police Tactical Shooting Range to Watkins Mendoza Construction Company ("WMC") in the amount of \$128,578. This change order was the culmination of negotiations between WMC and the Town, in that WMC contended that the design of the slope of the range's berms were not constructible, and they built the range's base wider and moved much more dirt than the quantities called out on the construction documents and the bid schedule. WMC claimed \$34,000 of additional costs.
- WMC provided sufficient documentation to support that they moved this

additional dirt; however, staff contended that the additional work was a choice based on how the contractor chose to construct the project.

- Since this project was funded with grant monies, the ability to absorb any change order was extremely limited. On August 28, 2013 staff met with the Police Department, the originator of the initial grant funding, regarding options for additional funding. Department staff felt that they could incur an additional \$4,000 without impacting the completion of the overall project. WMC agreed to accept \$4,000 as settlement of the claim, provided that the Town release them from the one year warranty period.
- While this was not the best solution, staff believed it was an appropriate settlement, and any necessary repairs to the berms will be performed by the Public Works Department.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to approve change order number 1 to contract with Watkins Mendoza Construction Company in the amount of \$4,000.

Vote: 7 - 0 PASSED - Unanimously

- d) Consideration and possible action to amend Personnel Policy Numbers 200: "Conditions of Employment," and 245: "Personnel Records and Privacy" to conform to the guidelines for the Town's fingerprint policy and to meet requirements established by the Arizona Department of Public Safety (DPS). (Cecilia Watts, General Services Director)

Acronyms used in this item:

DPS (Arizona Department of Public Safety)
ASC (Agency Security Contact)

Ms. Watts reported that:

- DPS implemented the Noncriminal Justice Fingerprint Compliance Program in January 2013 in response to changes in federal guidelines concerning the dissemination of criminal history record information. DPS required Agencies, which included municipalities for this purpose, to designate an ASC as the primary liaison with DPS and who will be responsible for coordinating Agency compliance with federal and state laws and regulations pertaining to the access, use, handling, dissemination and destruction of criminal justice information and criminal history record information.
- The Town's ASC will be the Human Resources Analyst or Director.
- The proposed changes to the Personnel Policies will incorporate privacy language as required by the Compliance Program, as well as language from Ordinance 405, dated May 20, 2000, which gave the Town the authority to process fingerprints on volunteers or employees who met certain criteria.
- Volunteers that will be affected by these policies were those that worked in departments with seniors and children, or drove a vehicle.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Lon Turner to amend Personnel Policy Numbers 200: *Conditions of Employment*, and 245: *Personnel Records and Privacy* to conform to guidelines for the Town's fingerprint policy and to meet requirements established by the Arizona Department of Public Safety.

Vote: 7 - 0 PASSED - Unanimously

- e) Consideration and possible action to approve the Monthly Financial Report for month ended June 30, 2013. (Joe Duffy, Finance Director)

Mr. Duffy reported that Hinton Burdick, CPAs & Advisors completed the field work portion of the annual audit in September 2013. The subject report included a comparison of FY 2012 and FY 2013 and budget estimates, revenues and expenses for each fund, and fund balance. Key points were:

- General Fund and HURF revenues increased significantly in FY 2013 and exceeded the budget. General Fund expenditures increased slightly, but both funds came in under budget.
- Water Enterprise Fund revenues increased slightly, but fell slightly short of budget, and Sewer Enterprise Fund revenues were \$50,000 less than estimated. Expenses for both funds came in significantly under budget.
- Capital Improvement Fund revenues increased and were slightly above budget, while expenses were over budget due to various projects.
- Total revenues increased \$1.4 million and were over budget, while total expenses were a little higher than expected.
- Total fund balance in the major funds increased \$0.9 million, with the CIP being the only fund that decreased. Total fund balance in the minor funds was lower due to using impact fees.

Town Engineer Ron Gritman added that one reason the Sewer Enterprise Fund had decreased revenues was due to the sewer plant no longer accepting septage as of a year ago as a result of receiving tainted septage that took the plant many months to stabilize.

Town Manager Robert Smith added that while this report gave the Town confidence in short term operations, it did not address the capital asset replacement and infrastructure side of things.

- f) Council may recess the meeting to observe Vice-Mayor Croft's and Councilmember Best's birthdays.

Staff reported that this item needed to be postponed.

MOVED by Councilmember Linda Hatch, seconded by Vice-Mayor Darryl Croft to postpone this item to the next meeting.

Vote: 7 - 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:

- a) Pursuant to A.R.S. § 38-431.03(A)(3) and (7) for discussion or consultation with the Town Attorney for legal advice and 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 that is an extension of the existing Road 4 South to the east, in the immediate vicinity of the section line, consisting of approximately 8.6 acres. (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 an intergovernmental agreement with the City of Prescott related to payments for the transportation of water that is the subject of negotiations. (Robert Smith, Town Manager)

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Pat McKee to go into executive session at 7:39 p.m.

Vote: 7 - 0 PASSED - Unanimously

9) ACTION ITEMS RESUMED

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

Mayor Marley reconvened the regular meeting at 8:31 p.m.

- a) Consideration and possible action to approve either or both a revised Letter of Intent and a Purchase Agreement with Deep Well Ranches #1 LLC, related to and setting forth the terms of the purchase by the Town of approximately 8.6 acres of real property, generally located in the vicinity of the section line as an extension of the existing Road 4 South to the east to lands immediately adjacent to the Peavine Right of Way's eastern limit for the purpose of extending the Road 4 South right-of-way to Peavine Road. (Robert Smith, Town Manager)

Council took no action.

- b) Consideration and possible action to approve an Intergovernmental Agreement with the City of Prescott related to Payments for the Transportation of Water. (Robert Smith, Town Manager)

Council took no action.

10) ADJOURNMENT

MOVED by Councilmember Linda Hatch, seconded by Councilmember Pat McKee to adjourn the meeting at 8:32 p.m.

Vote: 7 - 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 8th day of October, 2013. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2013.

Jami C. Lewis, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **6. c.**

Meeting Date: 10/22/2013
Contact Person: Jami Lewis, Town Clerk
 Phone: 928-636-2646 x-1208
Department: Town Clerk
Item Type: Consent
Estimated length of staff presentation: None
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to cancel the November 26, 2013 and December 24, 2013 regular Council meetings.

RECOMMENDED ACTION:

Cancel the November 26, 2013 and December 24, 2013 regular Council meetings.

SITUATION AND ANALYSIS:

Historically, Council has not held their regularly scheduled second meetings in November and December due to conflicts with holiday schedules. If any items arise needing immediate attention, the mayor is authorized per Town Code to schedule a special meeting on another date.

Fiscal Impact

Fiscal Impact?: No
If Yes, Budget Code:
Available:
Funding Source:

Attachments

No file(s) attached.

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 7. a.

Meeting Date: 10/22/2013
Contact Person: Jami Lewis, Town Clerk
 Phone: 928-636-2646 x-1208
Department: Council
Item Type: Action-Presentation
Estimated length of staff presentation: 5 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to authorize a \$10,500 expenditure as the Town's contribution to the Greater Prescott Regional Economic Partnership.

RECOMMENDED ACTION:

Authorize a \$10,500 expenditure as the Town's contribution to the Greater Prescott Regional Economic Partnership.

SITUATION AND ANALYSIS:

Chino Valley has been invited to join the Greater Prescott Regional Economic Partnership (GPREP), which is a public/private sector partnership which encourages economic development in the quad-city area. Other public sector participants include the City of Prescott, Town of Prescott Valley, Town of Dewey-Humboldt, Prescott Indian Tribe, and Yavapai County. The amount of funding requested from Chino Valley is \$10,500 per year.

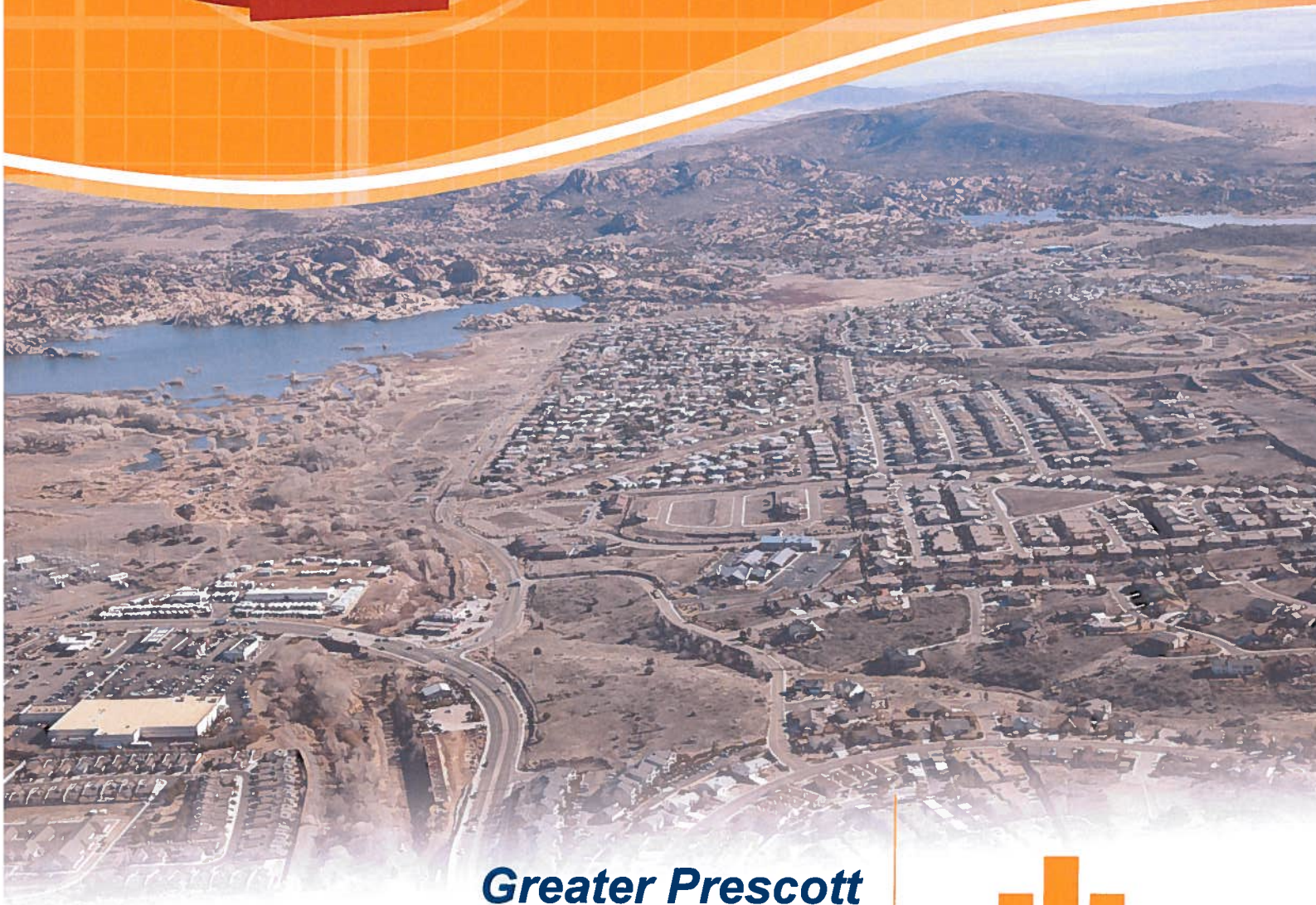
Fiscal Impact

Fiscal Impact?: Yes
If Yes, Budget Code: 01-95-5600
Available: \$10,500
Funding Source:

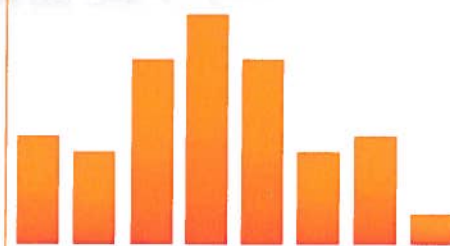
This expenditure was not included in the current year budget. Per the attached the Town will have \$217,370 remaining in the General Funds Contingency account after this expenditure.

Attachments

GPREP Brochure
Contingency YTD



***Greater Prescott
Regional Economic Partnership
— Charting the Path to Success***



Our Mission

GPREP mission is to create a regional identity to help local companies expand, attract new quality businesses, and foster capital investment in the greater Prescott region, thereby making our region more competitive with other regions to ensure a vibrant and self-sustaining regional economy.

Economic Analysis

Economic analysis shows that for every 100 new base jobs created in the region, there are another 48 support jobs created in other sectors of the economy.....this benefits the region in countless ways including increased tax collection.

Regional Competitiveness

Regional Competitiveness is a comparative concept of the ability and performance of a region to sell and supply goods and services in a given market.

The drive of enterprises is to maintain and improve their own competitiveness.



Prescott Airport

Who We Are

The Greater Prescott Regional Economic Partnership (GPREP) is a public private partnership dedicated to growing our regional economy by recruiting new industry and facilitating the retention of our current employers. The GPREP stakeholders include all the local municipalities and the county, YRMC, Yavapai College, Embry Riddle Aeronautical University, Prescott College, APS as well as representatives from the financial, real estate, hospitality and development sectors of our economy. These stakeholders understand that sustainable growth integrated with thoughtful development enhances our region by growing the tax base, raising the level of employment and benefit options, while providing a future for our next generation in the Prescott area. We invite you to join us in creating a strong regional economic development organization dedicated to sustainable and smart growth in the Prescott Region.

Vision

The economy is beginning to show signs of recovery and Arizona is at the forefront of regaining jobs lost during the downturn. Our road map to a strong regional economy begins with the creation of a 3-year results driven economic development plan, which will be completed early this summer.

Plan Objectives:

Local stakeholders have worked together over the past year to facilitate the creation of a regional economic development organization. This group is committed to creating a 3 year economic development action plan customized to our region. Benchmarks will be established to evaluate GPREP and the capital invested to ensure the organization is true to its mission and goals.

By summer 2013 we will celebrate a vibrant new regional economic development organization led by a committed economic development board and an executive director championing and executing the strategic economic development plan.



Why Economic Development?



Our economy is destined to change and we can influence the future of our region while holding onto the traditions and lifestyle that makes the Prescott area our home by working toward a sustainable growth model. GPREP will lead the way in recruitment of industries/businesses that enhances the local economy through higher salaries paid and increased benefits offered.

Benefits to municipalities and stakeholders

- Increased tax base
- Increase trading partners for existing businesses
- Growing high quality work force
- Increase in economic and civic partnerships

"There is strong competition in relocating high-wage businesses by well organized communities and regions within the State of Arizona and across the country. Therefore, it is essential for the Prescott region to come together and act now to ensure our economic future."

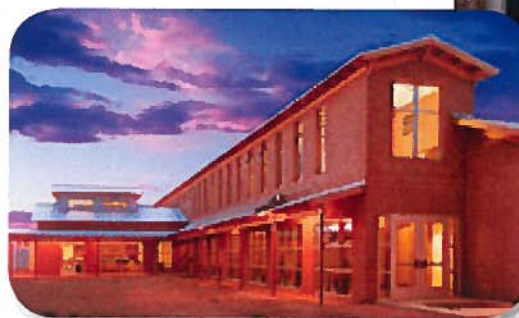
***~ Dane Beck, President
Central Arizona Partnership***



Embry-Riddle

"The parallels between effective economic development and healthy communities are undeniable. It is clear that healthy communities and healthy people create a supportive environment for sound, successful economic development practices and, by the same token, sound economic development practices support healthy communities and healthy people. Yavapai Regional Medical Center focus is on health and well-being so there is a natural alignment with economic development."

***~ Tim Barnett, President and CEO
Yavapai Regional Medical Center***



Chino Valley

"Yavapai College is one of 1,200 community colleges in America that stands at the intersection of workforce demand and supply, making it a valuable resource for future economic development. Here in Yavapai County, we focus on aligning College goals with regional economic development efforts and partnering with area businesses to ensure a stable supply of skilled workers for employers in the communities we serve."

***~ Steve Walker, Vice President
of Advancement, Yavapai College***



Agribusiness



Why is this important?

Collaboration among communities and the private sector is the foundation that supports regional economic development. Working together to achieve common goals is not only cost effective, but provides a single point of contact for prospects evaluating the region. This streamlines the site selection process and enables our region to be competitive against other areas in the state and country. Regions within our state who have already taken this approach include;

- Flagstaff (Economic Collaborative of Northern Arizona),
- Yuma (Greater Yuma Economic Development Corporation),
- Casa Grande (Central Arizona Regional Economic Foundation)
- Metro Phoenix (Greater Phoenix Economic Council).

By working cooperatively as a region, GPREP will market the Prescott area to firms looking to relocate as well as to provide the local knowledge that will allow future employers to accurately evaluate our region and facilitate their relocation process.

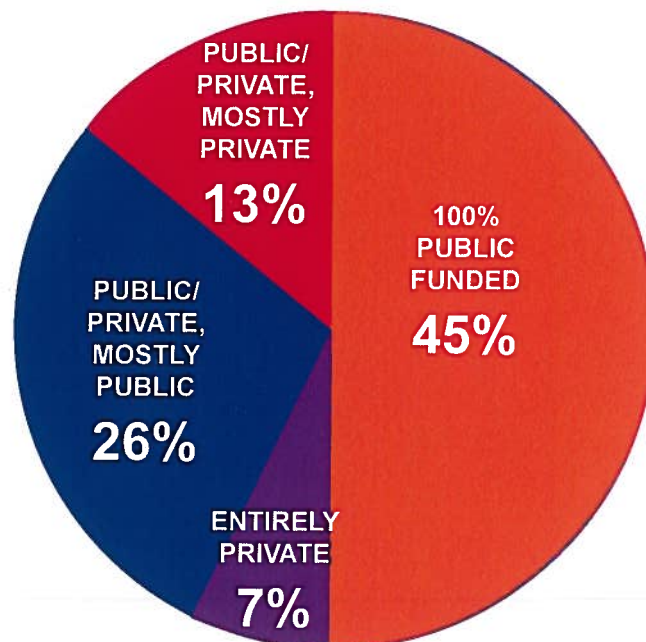
Acting Now Ensures a Strong Future

This is capital campaign to support economic development in the Greater Prescott Region over the next three years. The breakdown of the funding sources is 60 percent public and 40 percent private. A national survey of economic development organizations found that most of public private partnerships received the majority of their funding from the public sector.

Join current supporters:

- Yavapai Regional Medical Center
- Embry Riddle
- Arizona Public Service
- Yavapai College
-
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How Organizations Are Funded



Source: International Economic Development Council, 2012



GPREP 2013-2016 CAPITAL CAMPAIGN



Total Pledge \$ _____

Over a period of: ☐ One year ☐ Two years ☐ Three years

Donor _____

Contact for Invoicing _____

Address _____

City _____ State _____ Zip _____

Name of Person Making the Pledge _____

Signature _____

Contributions to GPREP can be made as a business expense.

For further information please contact:

Dane Beck • 928-458-5361 • gprepaz@gmail.com • PO Box 3185 • Prescott, AZ 8630

General Fund Contingency Budget					
For the three month ending September 30, 2013 25% of the Fiscal Year					
	Actual Year to Date 2013-14	Annual Budget 2013-14			
Adopted Budget FY 2013/14		\$ 321,500			
Encumbered to Date					
North Campus Gas Line	\$ 75,053	\$ 93,630			
Great Prescott Regional Economic		\$ 10,500			
Balance of Contingency Budget	\$ 75,053	\$ 217,370			



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 7. b.

Meeting Date: 10/22/2013
Contact Person: Joe Duffy, Finance Director
 Phone: 928-636-2646 x-1211
Department: Finance
Item Type: Action-Presentation
Estimated length of staff presentation: 10 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to adopt Ordinance No. 13-775, amending the Town Code, Title III: Administration, Procurement Policy.

RECOMMENDED ACTION:

Adopt Ordinance No. 13-775, amending the Procurement Policy in the Town Code.

SITUATION AND ANALYSIS:

The Town of Chino Valley's Procurement Policy defines the guidelines for procuring goods and services for the Town. It is important that the Policy be reviewed and updated on a regular basis to ensure it meets the current needs of the community. The Town updated the policy last in 2005.

Staff and the Town Attorney prepared the initial recommended changes to the Policy.

The Finance Committee reviewed the recommended changes on July 17, 2013 and August 20, 2013 and made recommendations which were incorporated in the final recommended Policy.

The Town Attorney has reviewed the recommended changes and drafted the final Policy for Council's approval.

Fiscal Impact

Fiscal Impact?: No

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Ordinance 13-775

ORDINANCE NO. 13-775

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE TOWN OF CHINO VALLEY, ARIZONA CODE OF ORDINANCES, TITLE III ADMINISTRATION, PROCUREMENT POLICY BY AMENDING THE FOLLOWING SECTIONS: 32.01 SCOPE, 32.02 DEFINITIONS, 32.03 COUNCIL APPROVAL; WHEN REQUIRED, 32.04 EMERGENCY PURCHASES; PROCEDURE, 32.05 PURCHASES IN GENERAL; BIDS, 32.06 LOWEST RESPONSIBLE BIDDER, 32.08 EXCEPTIONS, 32.09 PROFESSIONAL AND TECHNICAL SERVICES, AND 32.10 FORMS AND RULES, AND ADDING NEW SECTION 32.11 WAIVER BY TOWN COUNCIL ALL RELATED TO RAISING THE MINIMUM AMOUNT REQUIRED FOR OBTAINING BIDS FOR TOWN PURCHASES AND SERVICES AND REVISING AND CLARIFYING THE TOWN'S PROCUREMENT CODE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES

BE IT ORDAINED by the Common Council of the Town of Chino Valley, Arizona, as follows:

Section 1. In General.

The Town of Chino Valley, Arizona, Code of Ordinances, Title III Administration, Chapter 32 Finance and Revenue, Procurement Policy is hereby amended by amending §§ 32.01 Scope, 32.02 Definitions, 32.03 Council Approval; When Required, 32.04 Emergency Purchases; Procedure, 32.05 Purchases in General; Bids, 32.06 Lowest Responsible Bidder, 32.08 Exceptions, 32.09 Professional and Technical Services, and 32.10 Forms and Rules to read as follows (additions shown in ALL CAPS; deletions shown in ~~strikeout~~):

PROCUREMENT POLICY AND PROCEDURES

§ 32.01 Scope.

This subchapter shall govern the purchase of ~~all~~ANY goods ~~or~~AND services for or on behalf of the town. NO PURCHASE OR CONTRACT FOR SUPPLIES OR SERVICES OF ANY KIND OR DESCRIPTION, PAYMENT FOR WHICH IS TO BE MADE FROM FUNDS OF THE TOWN, SHALL BE MADE BY THE PURCHASING AGENT, OR ANY OFFICER, EMPLOYEE OR AGENT OF THE TOWN, EXCEPT IN THE MANNER SET FORTH IN THIS SUBCHAPTER, AND UNLESS THE PURCHASE IS IN ACCORDANCE WITH THE ADOPTED TOWN BUDGET.

§ 32.02 Definitions.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

BID. TO OFFER GOODS OR SERVICES TO THE TOWN IN RESPONSE TO AN ORAL OR WRITTEN REQUEST FOR BIDS OR A FORMAL INVITATION FOR BIDS.

* * *

COOPERATIVE PURCHASE CONTRACT. A CONTRACT PREVIOUSLY BID THROUGH A COMPETITIVE PROCESS BY ANOTHER GOVERNMENTAL ENTITY, INCLUDING PURCHASES FROM THE STATE BID LIST OR FROM A PURCHASING COOPERATIVE.

EMERGENCY PURCHASE. PROCUREMENT WHEN GOODS OR SERVICES ARE NEEDED FOR A SITUATION WHERE TIME IS OF THE ESSENCE TO PROVIDE FOR THE HEALTH, SAFETY OR WELFARE OF THE PUBLIC.

* * *

IN HOUSE CONSTRUCTION PROJECT. A CAPITAL PROJECT, AS DEFINED IN THE CURRENT BUDGET, THAT IS CONSTRUCTED USING PRIMARILY REGULARLY EMPLOYED TOWN PERSONNEL OR VOLUNTEER LABOR, PURSUANT TO A.R.S. § 34-201, AS AMENDED.

INVITATION FOR BID (IFB). ALL DOCUMENTS, INCLUDING THOSE ATTACHED OR INCORPORATED BY REFERENCE, USED FOR SOLICITING BIDS WHERE PRICE IS THE SOLE DETERMINING FACTOR.

* * *

PROPOSAL. AN OFFER TO SELL GOODS OR SERVICES OR A COMBINATION OF GOODS AND SERVICES TO THE TOWN IN RESPONSE TO A REQUEST FOR PROPOSALS.

REQUEST FOR PROPOSALS (RFP). ALL DOCUMENTS, INCLUDING THOSE ATTACHED OR INCORPORATED BY REFERENCE, USED FOR SOLICITING PROPOSALS.

RESPONSIBLE BIDDER OR PROPOSER. A BIDDER OR PROPOSER WHO HAS THE CAPABILITY TO FULLY PERFORM THE CONTRACT REQUIREMENTS AND THE RELIABILITY WHICH WILL ASSURE PERFORMANCE OF THE CONTRACT.

* * *

TOWN MANAGER. THE MANAGER OF THE TOWN OF CHINO VALLEY OR HIS DESIGNEE.

§ 32.03 Council Approval; When Required.

~~No purchase shall be made by or on behalf of the town without first obtaining Council approval~~ SHALL BE OBTAINED PRIOR TO MAKING A PURCHASE in the following instances:

- (A) Where the funds for the purchase are not provided in the budget as adopted; ~~and~~
- (B) For the expenditure of funds in the amount of ~~\$20,000~~25,000 or more, unless the project has been determined to be constructed as an in house project;
- (C) FOR AN EXPENDITURE OF FUNDS IN THE AMOUNT OF \$50,000 OR MORE, WHERE THE COUNCIL HAS DETERMINED THAT A CAPITAL PROJECT SHALL BE CONSTRUCTED AS AN IN HOUSE CONSTRUCTION PROJECT.

§ 32.04 Emergency Purchases: Procedure.

In case of an emergency which requires immediate purchases of supplies or services and when time is of the essence, a special ~~emergency~~ meeting of the council shall be called, AS NEEDED, for possible APPROVAL OF AN EMERGENCY purchase ~~approval~~. In the event time prevents such a meeting, the mayor shall be empowered to authorize the Town Manager to purchase goods or services without complying with the requirements and procedures in this chapter. A full report of the circumstances of the emergency PURCHASE and the goods or services obtained shall be made to the Council at its next regular meeting for ratification of the emergency action.

§ 32.05 Purchases In General; Bids.

~~(A) *Petty cash.* The Town Manager is authorized to set up petty cash accounts in appropriate departments. The department head or designee shall be responsible for the safe keeping of funds and for the full accountability of funds spent. Cash shall be replenished with the presentation of receipts for disbursements to the Accounting Department.~~

~~(AB) *Purchase orders.* Division managers are authorized to issue minor purchase orders up to \$20,00025,000. Each division will be issued a block of pre-numbered purchase order forms. One copy of the purchase order shall be presented to the Accounting Department with the invoice for payment. Any purchase of goods or services over \$20,000 shall require Council approval. Following Council approval, a requisition shall be presented to accounting, signed by the division manager, listing the name and address of the vendor, type and quantity of goods or services required, and an approximate dollar amount (as close as can be determined). The requisition is entered into the computer accounting system and a purchase order is generated.~~

(1) BUDGETED ITEMS OVER \$5,000: PURCHASE ORDERS SHALL BE SUBMITTED TO AND PROCESSED BY THE FINANCE DIRECTOR PRIOR TO THE GOODS AND SERVICES BEING ORDERED.

(2) NON-BUDGETED ITEMS OVER \$5,000 BUT LESS THAN \$25,000 SHALL BE APPROVED BY THE TOWN MANAGER BEFORE THE GOODS OR SERVICES ARE ORDERED.

(3) EACH DIVISION WILL BE ISSUED A BLOCK OF PRE-NUMBERED PURCHASE ORDER FORMS. ALL COMPLETED PURCHASE ORDERS SHALL BE PRESENTED TO THE FINANCE DEPARTMENT FOR PAYMENT.

(4) ANY PURCHASE OF GOODS OR SERVICES OVER \$25,000 FOR PURCHASE THAT ARE NOT IN HOUSE CONSTRUCTION PROJECTS AND PURCHASE OF GOODS OR SERVICES OVER \$50,000 FOR IN HOUSE CONSTRUCTION PROJECTS SHALL REQUIRE COUNCIL APPROVAL, AS REQUIRED IN SECTION 32.03, ABOVE.

(GB) *Oral bids.* FOR purchases of goods or services totaling more than \$2,500, but less than \$10,000, ~~funds for which are included in the budget, shall require three (3) oral bids SHALL BE OBTAINED whenEVER possible. It is the town's desire to purchase goods and services locally whenever available. In some cases, it may be impossible to obtain 3 oral bids, in which case 1 or 2 bids shall be obtained.~~

(DC) *INFORMAL Written Bids.* FOR purchases of \$10,000 up to \$20,000 ~~25,000 for goods or services, shall require three (3) written bids SHALL BE OBTAINED. It is the town's desire to purchase goods and services locally whenever available. In some cases, it may be impossible to obtain three written bids, in which case 1 or 2 bids shall be obtained. THE BIDS RECEIVED SHALL BE SUBMITTED WITH THE PURCHASE ORDER. The Town Manager or his or her designee shall execute all contracts in the amounts between \$10,000 and \$20,000.~~

(ED) *Competitive Sealed Bids and Proposals.* Whenever any contemplated purchase or contract for GOODS OR services is for the sum of \$20,000 ~~25,000 or more, the Town Manager shall cause A NOTICE OF INVITATION FOR BIDS to be published PURSUANT TO THE PROCEDURES SET FORTH IN A.R.S. § 39-204 on 4 consecutive days on a newspaper of general circulation in the town, notice inviting bids, which notice shall be published at least 10 days prior to the date set for the receipt of the bids. The notice herein required shall include a general description of the articles to be purchased or services to be performed and the time and place for opening bids AND, FOR PROJECTS GOVERNED BY A.R.S. TITLE 34, CHAPTER 2, ALL INFORMATION SET FORTH IN A.R.S. § 34-201. In addition, The town manager shall post THE notice inviting bids in the town hall TOWN'S REGULAR POSTING PLACES AND ON THE TOWN WEBSITE and may also mail A COPY OF THE NOTICE to all responsible prospective suppliers a copy of the notice inserted in the newspaper.~~

(1) *Competitive sealed bids.* The Town Manager shall follow the procedure set forth below for all purchases and contracts subject to the bidding process:

- (a) A notice of ~~solicitation~~-INVITATION for bids shall state the date, time and place of opening and the place and time period within which bids shall be submitted.
- (b) The notice shall state, with particularity, the goods or services required.
- (c) THE INVITATION FOR BIDS SHALL BE ISSUED AND SHALL INCLUDE A DESCRIPTION OF THE GOODS OR SERVICES TO BE PURCHASED AND ALL CONTRACTUAL SPECIFICATIONS, TERMS AND CONDITIONS APPLICABLE TO THE PROCUREMENT.
- (ed) Bids shall be submitted in a sealed envelope clearly identified as a bid on the front of the envelope. Any bids not received within the time period allowed shall be rejected.
- (de) All bids shall be opened in public at the time and place specified, and a tabulation of all bids received shall be posted in town hall for public inspection.
- (ef) The Town Manager and the Council shall have the right to reject any and all bids and parts of bids and to re-advertise or re-solicit for bids.
- (g) UPON A FINDING BY THE TOWN COUNCIL THAT A REASONABLE BASIS FOR CONSTRUCTING A CAPITAL PROJECT IN HOUSE AND THAT THE PROJECT IS NOT BEING CONSTRUCTED IN HOUSE FOR THE PURPOSE OF AVOIDING THE BIDDING REQUIREMENTS, THE TOWN COUNCIL MAY DETERMINE THAT A CAPITAL PROJECT SHALL BE CONSTRUCTED AS AN IN-HOUSE CONSTRUCTION PROJECT. IF THE PROJECT IS FOR CONSTRUCTION OF A BUILDING, STRUCTURE, ADDITION OR ALTERATION, THE MATERIALS AND EQUIPMENT USED IN THE PROJECT SHALL BE BID IN COMPLIANCE WITH THIS SUBCHAPTER.

(2) *Competitive sealed proposals.* If the Town Manager determines, in writing, that the use of competitive sealed bidding is either not practical or not advantageous to the town, a contract may be entered into by competitive sealed proposals, except that the competitive sealed proposal method may not be used for construction contracts. A REQUEST FOR PROPOSALS MAY BE USED WHEN THE TOWN WISHES TO EXERCISE COMPETITIVE NEGOTIATION, THE AWARD WILL BE BASED ON CRITERIA OTHER THAN PRICE, OR IF THE TOWN IS UNABLE TO PROVIDE BID SPECIFICATIONS FOR A PROJECT AND REQUESTS PROSPECTIVE BIDDERS TO SPECIFY WHAT GOODS AND SERVICES WILL BE NEEDED TO PERFORM THE PROJECT.

- (a) Competitive sealed proposals shall be solicited according to the same procedure for bid solicitation.
- (b) Proposals shall be opened publicly at the time and place designated in the request for proposals. The name of each ~~offeror~~ PROPOSER, and such other relevant information as is specified by regulations, shall be publicly read and recorded. All other information contained in the proposals shall be confidential so as to avoid disclosure of contents prejudicial to competing ~~offerors~~ PROPOSERS during the process of negotiation. The proposals shall be open for public inspection after the contract is awarded.
- (c) The request for proposals shall state the relative importance of price and other evaluation factors.
- (d) Discussions may be conducted with responsible ~~offerors~~ PROPOSERS for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements. ~~Offerors~~ PROPOSERS shall be accorded fair treatment with respect to any opportunity for discussion and revision of proposals and such revisions may be permitted after submissions and before award for the purpose of obtaining best and final ~~offers~~ PROPOSALS. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing ~~offerors~~ PROPOSERS.
- (e) The award shall be made to the responsible ~~offeror~~ PROPOSER whose proposal is determined to be the most advantageous to the town, taking into consideration the evaluation factors set forth in the request for proposals. No other factors or criteria may be used in the evaluation. The contract file shall contain the basis on which the award is made. THE AWARD SHALL BE APPROVED BY THE COUNCIL.

(F) **CONTRACTING AUTHORITY.** THE TOWN MANAGER OR HIS OR HER DESIGNEE SHALL EXECUTE ALL CONTRACTS IN THE AMOUNTS BETWEEN \$10,000 AND \$25,000. ALL CONTRACTS FOR PURCHASES TOTALING \$25,000 OR MORE SHALL BE APPROVED BY THE TOWN COUNCIL AND EXECUTED BY THE MAYOR.

§ 32.06 Lowest Responsible Bidder.

(A) Unless the Council or the Town Manager, as appropriate, ~~shall~~ exerciseS the right of rejection, BIDS FOR all SUPPLIES, goods and services in an amount in excess of ~~\$10,000~~ \$25,000 shall be awarded to the lowest responsible bidder, except as provided in §§ 32.05 and 32.08.

(B) In determining the lowest responsible bidder, the Council or the Town Manager ~~shall~~MAY consider:

* * *

§ 32.08 Exceptions.

THE FOLLOWING PROCUREMENTS ARE EXEMPT FROM THE REQUIREMENTS OF THIS SUBCHAPTER TO THE EXTENT SET FORTH BELOW:

(A) *Sole SOURCE provider.* ~~In the event that~~IF there is only ONE (1) KNOWN person or entity capable of providing a particular commodity or service, the requirement of this SUBchapter concerning bidding procedures shall not be applicable. DOCUMENTATION AND JUSTIFICATION OF THE SOLE SOURCE PROVIDER SHALL BE INCLUDED IN WRITING WITH SUBMISSION OF THE PURCHASE ORDER.

(B) *Used equipment.* Upon recommendation of the Town Manager, the Council may elect to waive the bid procedures with respect to the purchase of used equipment.

(C) *Cooperative purchasing.* ~~In the event of a purchase made by, through or with the State of Arizona or its political subdivisions,~~ The Council may approve A COOPERATIVE ~~the purchases~~ or award ~~the A~~ contracts for services without a formal bidding process whenever ANother governmental units OR PUBLIC PROCUREMENT UNIT has~~ve~~ done so for the same item or service if, in the opinion of the Town Manager, a separate bidding process is not likely to result in a lower price for the items or services.

(D) *Public works.* All public works contracts shall be bid in accordance with the provisions of ~~A.R.S. § 34-101 et seq.~~ TITLE 34, ARIZONA REVISED STATUTES.

(E) *CONSTRUCTION PROJECTS.* CONSTRUCTION PROJECTS SHALL COMPLY WITH TITLE 34, ARIZONA REVISED STATUTES, EXCEPT THAT WHERE THE TOWN COUNCIL HAS DETERMINED THAT A PROJECT SHALL BE CONSTRUCTED AS AN IN-HOUSE CONSTRUCTION PROJECT, PUBLIC BIDDING SHALL NOT BE REQUIRED.

(F) *INTERGOVERNMENTAL AGREEMENTS.*

(G) *EMERGENCY PURCHASES.* EMERGENCY PURCHASES, AS SET FORTH IN SECTION 32-04.

§ 32.09 Professional and Technical Services.

(A) The provisions of this SUBchapter shall not apply to professional or technical services when the services are provided by licensed professionals such as engineers, architects, or attorneys, PROVIDED HOWEVER, THAT THE TOWN MANAGER MAY ISSUE A REQUEST FOR PROPOSALS OR INVITATION FOR BIDS FOR SUCH SERVICES IN HIS DISCRETION.

(B) No person or firm practicing in a professional or technical field for which a license is required by state law shall be engaged by the town unless possessing a current license in good standing.

§ 32.10 Forms and Rules.

The Town Manager shall prescribe and maintain the forms and rules as he or she shall find necessary for the operation of the provisions of this SUBchapter.

The Town of Chino Valley, Arizona, Code of Ordinances, Title III Administration, Chapter 32 Finance and Revenue, Procurement Policy is hereby amended by adding new section 32.11 Waiver by Town Council to read as follows (deletions shown in ~~strikethrough~~; additions shown in ALL CAPS):

§ 32.11 Waiver by Town Council.

EXCEPT AS OTHERWISE REQUIRED BY ARIZONA LAW, THE TOWN COUNCIL MAY WAIVE THE REQUIREMENTS SET FORTH IN THIS SUBCHAPTER UPON FINDING THAT DOING SO IS IN THE BEST INTEREST OF THE TOWN. CRITERIA JUSTIFYING SUCH A FINDING INCLUDE BUT ARE NOT LIMITED TO: SITUATIONS WHERE TIMING OR EXPEDIENCY IS CRITICAL; SPECIAL OR UNIQUE QUALIFICATIONS OF AN INDIVIDUAL, FIRM, VENDOR OR ITEM(S); THE PROCUREMENT OF ADDITIONAL GOODS OR SERVICES UNDER AN EXISTING CONTRACT; OR TO COMPLY WITH SPECIFIC REQUIREMENTS OF A GIFT OR GRANT.

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section 3. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 4. Providing for Penalties

Any person found responsible for violating any provision of this Ordinance section shall be subject to the civil sanctions and habitual offender provisions set forth in Section 10.99(A), (B) and (D) of the Town Code of the Town of Chino Valley, Arizona.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 22nd day of October, 2013 by the following vote:

AYES: _____

NAYES: _____

EXCUSED: _____

ABSENT: _____

ABSTAINED: _____

Chris Marley, Mayor

ATTEST:

APPROVED AS TO FORM:

Jami C. Lewis, Town Clerk

Curtis, Goodwin, Sullivan, Udall &
Schwab, PLC, Town Attorneys
By: _____

I, JAMI C. LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 13-755 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE 22nd DAY OF OCTOBER, 2013, WAS POSTED IN THREE PLACES ON THE DATE DAY OF OCTOBER, 2013.

Jami C. Lewis, Town Clerk

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 7. c.

Meeting Date: 10/22/2013
Contact Person: Cecilia Watts, General Services Director
 Phone: 928-636-2646 x-1202
Department: General Services
Item Type: Action
Estimated length of staff presentation: 5 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to appoint a participating member of the Public Safety Retirement System of the Chino Valley Police Department as a member to the Public Safety Retirement Board for term expiring on June 30, 2016.

RECOMMENDED ACTION:

Appoint the Police Department's selected member to the Public Safety Retirement Board for term expiring on June 30, 2016.

SITUATION AND ANALYSIS:

The Public Safety Retirement Board is comprised of the Chair, Vice-Mayor Darryl Croft, 2 Citizens, Mike Tobey and Cheri Romley, and 2 members from the Police Department selected from members within the police department who participate in the public safety retirement system. Lieutenant Vince Schaan is one member, and with Brian Sanders' termination the Board has a position to fill. Lt. Schaan has polled the membership within the Police Department and they will determine on October 21 whom they want to serve for the term expiring June 30, 2016.

Fiscal Impact

Fiscal Impact?: No

If Yes, Budget Code:

Available:

Funding Source:

Attachments

No file(s) attached.



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 7. d.

Meeting Date: 10/22/2013
Contact Person: Jami Lewis, Town Clerk
 Phone: 928-636-2646 x-1208
Department: Town Clerk
Item Type: Action-Presentation
Estimated length of staff presentation: 5 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to appoint applicants to fill vacancies on various public bodies.

RECOMMENDED ACTION:

Appoint applicants to the Chino Valley Board of Adjustment, Planning and Zoning Commission, Parks and Recreation Advisory Board, Roads and Streets Committee, and Senior Center Advisory Board as recommended by the Appointments Subcommittee and staff.

SITUATION AND ANALYSIS:

The Council Appointments Subcommittee met on September October 7, 2013 to review applications for several public bodies. The status of each of these bodies and the subcommittee's recommendations are listed below.

Board of Adjustment (BOA) and Planning and Zoning Commission (PZC). The BOA has two vacancies with two applicants, Corey Mendoza and Celia Vander Molen. The PZC has one vacancy with three applicants, Corey Mendoza, Celia Vander Molen, and Gary Pasciak.

When the subcommittee reviewed the applications for BOA, they voted to recommend Mr. Mendoza to the term ending 2015 and Ms. Vander Molen to the term ending 2016 for the BOA. However, while reviewing the same applications for the PZC, they noticed that Ms. Vander Molen lived outside the Town limits. Believing that a non-resident could not be appointed to either body, they reconsidered their BOA recommendation and removed Ms. Vander Molen from it. The subcommittee then voted to recommend Mr. Mendoza for the PZC. They did not review Mr. Pasciak's application, as staff did not receive it until the day after the subcommittee meeting.

After the meeting, staff consulted with the town attorney and town planner about BOA residency and one person serving on both bodies. Staff found that neither state law, the Town's current UDO, nor the board's Rules addressed either matter. The town attorney stated that it was her personal preference to limit BOA membership to residents and she knew of no prohibitions against one person serving on both bodies, but she would not object if planning staff recommended something different. The town planner does not object to appointing a non-resident to the BOA, but she does not recommend any one person serving on both boards, as that person could have a conflict of interest should a BOA case be an appeal of a PZC recommendation. At the planner's suggestion, staff contacted Mr. Pasciak about serving on the BOA, who was agreeable to that. Therefore, staff's recommendation is that Council appoint Mr. Mendoza to the PZC and Ms. Vander Molen and Mr. Pasciak to the BOA for the terms ending 2016 and 2015, respectively.

Parks and Recreation Advisory Board. The board had two vacancies with no applicants. However, knowing that Celia Vander Molen was actively involved in recreational activities, they asked staff to contact her about serving on this board, and if she agreed, they would recommend it to Council. Staff contacted Ms. Vander Molen and she was agreeable to it. As the subcommittee did not recommend her for a particular term ending (2014 or 2015), staff recommends she be appointed to the term ending in 2015.

Roads and Streets Committee. The committee has one vacancy with one applicant, former Council and committee member, Dean Echols.

Senior Center Advisory Board. The board has two vacancies with one applicant, Nancy Mitchell, who formerly served on the board.

Because of the new information received after the subcommittee meeting, there are differing subcommittee and staff recommendations for the BOA.

- *BOA recommendation:* Appoint Corey Mendoza to the Board of Adjustment with term ending July 31, 2015 (*Subcommittee*); OR Appoint Gary Pasciak with term ending July 31, 2015 and Celia Vander Molen with term ending July 31, 2016 (*Staff*).
- Appoint Corey Mendoza to the Planning and Zoning Commission with term ending January 31, 2016.
- Appoint Celia Vander Molen to the Parks and Recreation Advisory Board. (*Staff recommends she be appointed to term ending June 30, 2015.*)
- Appoint Dean Echols to the Roads and Streets Committee with term ending June 30, 2015.
- Appoint Nancy Mitchell to the Senior Center Advisory Board with term ending June 30, 2015.

Fiscal Impact

Fiscal Impact?: No

If Yes, Budget Code:

Available:

Funding Source:

Attachments
<i>No file(s) attached.</i>

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 7. e.

Meeting Date: 10/22/2013
Contact Person: Jami Lewis, Town Clerk
 Phone: 928-636-2646 x-1208
Department: Council
Item Type: Action
Estimated length of staff presentation: None
Physical location of item: To be determined.

AGENDA ITEM TITLE:

Discussion and possible action regarding a possible Council retreat.

RECOMMENDED ACTION:

Direction to staff.

SITUATION AND ANALYSIS:

Mayor Marley would like to discuss possible dates and structure for a Council retreat.

Fiscal Impact

Fiscal Impact?: Yes

If Yes, Budget Code: 01-50-5280

Available: TBD

Funding Source:

This is not a budgeted item. However, there is approximately \$1,000 in this fund for general training and seminars.

Attachments

No file(s) attached.