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

TUESDAY, NOVEMBER 8, 2011
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, November 8, 2011.

Mayor Marley called the meeting to order at 6:03 p.m.

Council Present:	Mayor Chris Marley, Vice-Mayor Carl Tenney, and Councilmembers Mike Best, Darryl Croft, Dean Echols, Linda Hatch, and Lon Turner.
Staff Present:	Town Manager Michael Scannell, General Services Director Cecilia Watts, Town Attorney Tom Kack, Finance Director Vera Smith, Police Commander Chuck Wynn, Police Commander Mark Garcia, Town Engineer/Public Works Director Ron Grittman, Development Services Director Pat Clingman, Town Clerk Jami Lewis (recorder).

Vice-Mayor Tenney gave the invocation; Mayor Marley led the Pledge of Allegiance.

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

2a) Introduction of newly-appointed members to the Board of Adjustment and Planning and Zoning Commission. (Jami Lewis, Town Clerk)

Mrs. Lewis introduced Candy Blakeslee, Board of Adjustment appointee, and Michael Edmonds, Planning and Zoning Commission appointee.

2b) Introduction by Councilmember Darryl Croft, followed by presentation by Mr. Matt Weatherly, President of Public Sector Personnel Consultants (PSPC) regarding the Wage and Compensation Study to be conducted by PSPC. (See also Consent Agenda for related Professional Services Agreement with PSPC.) (Cecilia Watts, General Services Director)

Mr. Weatherly provided an overview of PSPC and reported on the wage and compensation study:

- The Town's last study was done in 2002 and many of the job descriptions were old or obsolete. The study's purpose was to build a foundation of equal pay for equal work.
- The study will: (i) compare the Town's current pay practices to other entities; (ii) determine an appropriate salary range for every job using market data and internal equity considerations; (iii) provide council and staff with implementation options; and (iv) help the town develop a model for subsequent future external survey comparisons and plan updating. While the Scope of Work did not include a benefit study, Council could direct staff to add it if so desired.
- He expected to find that some positions were over market value, while others were under. He recommended that salaries over market be frozen, rather than be reduced. As for those at or under market, they will provide options for Council to make that policy decision.

3a) CALL TO THE PUBLIC

Harvey Jones, Chair of the Chino Valley Foundation for Seniors, spoke about the organization's two years of service, their intention to continue to provide meals on Fridays until the Town could do so, and those who had provided donations and meals; and he presented a certificate of appreciation to the Mayor for the Town's support.

Ab Jackson, CEO, Chino Valley Area Chamber of Commerce, recognized Citizens' Academy graduates, and spoke about recent Chamber functions.

Tom Payne, Town business owner, spoke about supporting Drew Ryneiwicz, a local singer and contestant on the X-Factor show.

3b) RESPONSE TO THE PUBLIC

Mayor Marley congratulated Drew Ryneiwicz for her accomplishments on the X-Factor and thanked Clay Houten with APS for his presentation on their tree-trimming program.

4) CURRENT EVENT SUMMARIES AND REPORTS

4a) Report by Town Manager Michael Scannell regarding the forthcoming Police Chief's retirement and subsequent recruitment for the position.

Mr. Scannell reported on Police Chief Huntsman's retirement and asked for input from Council and other stakeholders regarding recruitment for her replacement.

Councilmember Best reported on a breakfast honoring veterans, sponsored by the Elks Club, and efforts to update the Town's noise ordinance.

Mayor Marley reported on diminished Town revenues and needing the public's input on possible solutions.

CONSENT AGENDA

Council set down item 8.

5) Consideration and possible action to approve the April 14, 2011 regular meeting minutes. (Jami Lewis, Town Clerk)

6) Consideration and possible action to adopt Ordinance No. 11-755, amending the Town of Chino Valley Town Code, Title III "Administration," Chapter 30 "Governing Body," Sections 30.004 "Vacancies" and 30.006 "Oath of Office." (Jami Lewis, Town Clerk)

7) Consideration and possible action to approve a Fiscal Year 2011/2012 budget transfer in the amount of $48,911 from the Capital Improvement Fund to the General Fund to facilitate the receipt and expenditure of the NACOG nutrition grant. Staff is recommending a $48,911 revenue/expenditure budget increase in the General Fund with a corresponding revenue/expenditure budget decrease in the Capital Improvement Fund. (Vera Smith, Finance Director)

8) Consideration and possible action to adopt Resolution No. 11-975, establishing Town of Chino Valley Transit Program fares for Fiscal Year 2011/2012, and approve waiving of fares for the month of December 2011. (Vera Smith, Finance Director)

Ms. Smith reported that on August 23, 2011, Council authorized continuation of the Transit Program for FY 2011/2012. As a ridership incentive, the Transit Advisory Committee (TAC) recommended waiving bus fares during the month of December 2011. Town Administration recommended that the transit program fares, as well as waivers, be approved by the Council to be consistent with other Town fees.

Ron Romley, TAC Chair, explained that they were following this suggestion from the Ostrander Report to entice new riders and they wanted to do it in December to assist riders with Christmas shopping. He added that previously, they had given away 300 free passes and got 40-50 riders. He also reported that they started their ridership census today.

Vice-Mayor Tenney MOVED, seconded by Councilmember Echols, to accept Consent Agenda item 8. The motion PASSED unanimously 7-0.

9) Consideration and possible action to approve Professional Services Agreement with Public Sector Personnel Consultants for an amount not to exceed $13,500 to conduct a comprehensive classification and compensation study. Funds to come from the Non-Departmental Compensation Study expenditure line in the General Fund. (Cecilia Watts, General Services Director; Councilmember Darryl Croft)

Vice-Mayor Tenney MOVED, seconded by Councilmember Hatch, to approve Consent Agenda items 5, 6, 7, and 9. The motion PASSED unanimously 7-0.

ACTION ITEMS

***9.1)** Discussion and possible action to authorize Town officials to enter into a Participation Agreement with the "Today in America" show for a five (5) minute segment on the Town of Chino Valley; and authorize an expenditure of a $19,800 scheduling fee. Funding source to be determined.

Mayor Marley reported that:

- Tony Ferraro, Associate Producer, of the "Today in America" show contacted him last week about considering the Town for a five minute segment on topics, trends, and issues related to "Best Hidden Gem Places for Live, Work, Visit and Play in the 21st Century" in their "Discover America" series.
- The segment would air one time nationally on FOX Business Network, and 19 times regionally on CNN Headline News through regional cable operators and/or Regional News Networks or ION Broadcast Stations in many of the top 100 markets nationwide.
- The proposal had potential; however they required a scheduling fee of $19,800; the segment would be shot in January or February when the Town was not so inviting; and they needed an answer by November 9.

Council discussion: Due to the mid-winter timeframe, the cost, and the spots being at odd hours, Council generally felt there were better places to spend the Town's money.

Vice-Mayor Tenney MOVED, seconded by Councilmember Croft, to not enter into the agreement. The motion PASSED unanimously 7-0.

10) Items 10a through 10e all pertain to certain property or a portion of said property currently owned by La Vacara Trust/Joe Cordovana Trustee, located at the Northwest corner of W. Road 4 North and N. Road 1 West and includes the Windmill House events facility, which is addressed as 1460 W. Road 4 North.

Items 10a and 10b pertain to a General Plan Minor Amendment (GPMA) and Zone Change which were approved on June 11, 2009 to allow for the JC Ranch Master Planned Community on 170 acres of the subject property. If Council takes no action or grants a time extension on these two items, then no action can be taken on items 10c, 10d and 10e.

Items 10c, 10d, and 10e pertain to 28 acres of the subject property and offer two options to allow for continued operation of the Windmill House facility:

Option 1 – Approval of items 10c and 10d would allow for a new General Plan Minor Amendment and Zone Change of the 28 acres, accommodating permanent continued operation of the Windmill House facility; or

Option 2 – Approval of item 10e would grant a new Conditional Use Permit (CUP) for continued operation of the Windmill House facility. Owner/Applicant: La Vacara Trust/Joe Cordovana, Trustee. (Patricia Clingman, Development Services Director)

Councilmember Echols declared a conflict of interest, as he was the operator of the Windmill House, and recused himself at 6:53 p.m.

Development Services Director Pat Clingman reported that:

- After the applicant first received a CUP on this property, he built and operated the Windmill House facility. The Windmill House currently had a Future Land Use Designation of "Commercial" and a Zoning Designation of "CL-PAD" Commercial Light-Planned Area Development.
- After several attempts to start other projects on the property, the applicant proposed the JC Ranch Master Planned Retirement Community, a 170-acre Planned Area Development (PAD), which included multiple zoning districts for 135 duplexes, 375 apartment units, a two-story senior living facility, and some additional commercial uses; and which also required a GPMA. The Windmill House was included as part of the master plan and was proposed to function as the events facility for the retirement community.
- On June 11, 2009, Council adopted: (i) Resolution 09-899, granting the GPMA and preliminary approval for the master planned community, changing the property's designation from "Medium Density Residential 2 acres or less" to "Commercial," and (ii) Ordinance 09-719, which granted a zone change from "AR-5" to "CL-PAD."
- This approval was done with the condition that if the stipulations required for the final approval were not fulfilled within two years by July 11, 2011, Council might hold a public hearing to take administrative action to extend, remove, or determine compliance with the schedule for development or take action to cause the future land use designation and zoning designation of approximately 170 acres to revert back to their previous designations.
- Since that time, the economic downturn occurred and the applicant informed staff that he no longer owned the portion of the PAD property that was zoned Commercial. Although he discussed several alternatives to the PAD, he had not taken any solid steps toward compliance with the Ordinance, nor had he requested an extension. Per the Unified Development Ordinance (UDO), staff informed him that they would bring this matter to Council for possible action.

Agenda Items 10a and 10b

- Because the JC Ranch Master Planned Retirement Community was approved with the condition that if certain stipulations were not fulfilled within two years, Council could take administrative action to: (i) extend the time period to give more time to develop it; (ii) remove/repeal all approvals for it, or (iii) determine compliance with the prior approvals.
- Staff did not recommend option (i) because the applicant had stated that he was not able to begin the project, or option (iii) as he had not been able to begin the project, and thus had not met the conditions of approval. Thus, staff recommended option (ii) through adoption of Resolution 11-968 and Ordinance 11-752.
- Approval of Items 10a and 10b would revert the entire 170 acres of the master planned community from "CL" and "MR-1" to "AR-5" zoning designations and the Future Land Use Designation from "Medium Density Residential 2 acres or less" to "Agricultural."
- If Council repealed all approvals for the master planned community and did nothing else, the Windmill House would then not have the proper future land use or zoning designation to remain in operation. To allow the Windmill House to remain in operation, Council would need to approve items 10c and 10d or item 10e.

Agenda Items 10c and 10d

- Resolution 11-969 and Ordinance 11-753 would grant a Future Land Use Designation of "Commercial" and a "Commercial Light (CL)" zoning designation for 28 acres of the subject property.
- If Council denied Items 10c and 10d, the Windmill House would not have the proper future land use or zoning designations to remain in operation and Council could then consider item 10e. If Council approved items 10c and 10d, then item 10e's CUP application will be withdrawn.

Agenda Item 10e

- Ordinance 11-754 would grant a CUP for 28 acres of the subject property that would allow continued operation of the existing Windmill House, nursery, and casita.
- If in the future the applicant wanted to expand the use on this property, he would need to come back to the Planning and Zoning Commission ("Commission") and Council.

Summary

- Neighborhood meeting, July 27, 2011: The applicant and his agent, Jim Conn, held the requisite neighborhood meeting to discuss subject items 10c, 10d and 10e with adjacent landowners or other affected citizens. Approximately 28 people attended the meeting and their major concern about item 10c was that this application should wait until the new General Plan was written. Major concerns about item 10d were: the possibility of other commercial development that could affect neighboring property values; the lack of a written development plan; the Windmill House being run as a restaurant; and past outdoor events wherein the noise level was disturbing to the neighbors.
- Technical Review: Mr. Cordovana was not required to attend a Technical Review meeting on this item, as he and his agent were adamant that the CUP granted no changes to the existing uses.
- Commission public hearing, September 6, 2011: The Commission voted 6-0 to forward the application under item 10c to Council with a recommendation for denial with the Finding that the requested amendment did not follow the Future Land Use Designation for the surrounding area and a Future Land Use Commercial Designation and Commercial zoning were not compatible with the surrounding area. They declined to hear item 10d, as they had denied the GPMA (item 10c). They then voted 6-0 to recommend approval of the CUP (item 10e) for the continued operation of the Windmill House Event Facility.

- Subsequently, the Town's legal counsel determined that the Commission's action to not hold the hearing did not comply with A.R.S. § 9-462.04(A) and (C) and UDO §1.9.2(B) in that that there must be a hearing in order to have a commission recommendation. Thus, the item needed to go back to the Commission for a public hearing.
- <u>Commission public hearing, October 18, 2011:</u> The Commission held the public hearing for item 10d and voted 4-0 to recommend denial for the requested zone change.
- <u>Protest:</u> Over the last several weeks, the Town had received enough letters of protest from surrounding property owners to require a supermajority vote of three-fourths of the Council to approve Item 10d. If any member of Council was unable to vote because of a conflict of interest, then the required number of votes would be three-fourths of the remaining Councilmembers, provided that the required number of votes would not be less than a majority of the full Council.

10a) <u>PUBLIC HEARING</u>, followed by consideration and possible action to take administrative action to extend, remove or determine compliance with Ordinance No. 09-719 or adopt Ordinance No. 11-752 to repeal Ordinance No. 09-719 and thereby cause the property's zoning to revert from Planned Area Development (PAD) along with underlying zoning consisting of "CL" Commercial Light, "MR-1" Multiple Family Residential 1 Acre Minimum, "SR-1" Single Family Residential 1 Acre Minimum, and "OS" Open Space to "AR-5" Agricultural Residential 5 Acre Minimum. The zone change previously approved by Ordinance No. 09-719 was done within the context of an approximately 170-acre PAD for JC Ranch Retirement Community, which includes Assessor's Parcel Numbers 306-05-030R, 306-05-030U and 306-05-030V, and is generally located on the northwest corner of W. Road 4 North and N. Road 1 West, and includes the Windmill House events facility which is located at 1460 W. Road 4 North.

10b) <u>PUBLIC HEARING</u>, followed by consideration and possible action to take administrative action to extend, remove, or determine compliance with Resolution No. 09-899 or adopt Resolution No. 11-968 to cause the Future Land Use Designation of the 2003 General Plan to revert from Commercial to Medium Density Residential 2 acres or less. The Minor General Plan Amendment previously approved by Resolution No. 09-899 was for approximately 39 acres and was done within the context of an approximately 170-acre Planned Area Development (PAD) for JC Ranch Retirement Community, which includes Assessor's Parcel Numbers 306-05-030R, 306-05-030U and 306-05-030V; and is generally located on the northwest corner of W. Road 4 North and N. Road 1 West, and includes the Windmill House events facility which is located at 1460 W. Road 4 North.

Vice-Mayor Tenney MOVED, seconded by Councilmember Hatch, to open the Public Hearing for item 10a, which deals with Ordinance 09-719, and item 10b, which deals with the minor general plan amendment for the 170 acre parcel. The motion PASSED unanimously 6-0.

Candy Blakeslee, resident, suggested that, due to the impasse between Mr. Cordovana's desire to operate the Windmill House and his neighbors' concerns about commercial activity in a residential zone, Council consider sending the issue to arbitration.

Ronald Maines, resident, supported approval of this item.

Vice-Mayor Tenney MOVED, seconded by Councilmember Hatch, to close the Public Hearing. The motion PASSED unanimously 6-0.

Vice-Mayor Tenney MOVED, seconded by Councilmember Hatch, to adopt Ordinance 11-752 to repeal Ordinance 09-719 and thereby cause the property's zoning to revert from Planned Area Development

(PAD) along with underlying zoning consisting of "CL" Commercial Light, "MR-1" Multiple Family Residential 1 Acre Minimum, "SR-1" Single Family Residential 1 Acre Minimum, and "OS" Open Space to "AR-5" Agricultural Residential 5 Acre Minimum. The motion PASSED unanimously 6-0.

Vice-Mayor Tenney MOVED, seconded by Councilmember Hatch, to adopt Resolution 11-968 to cause the Future Land Use Designation of the 2003 General Plan to revert from "Commercial" to "Medium Density Residential 2 acres or less." The motion PASSED unanimously 6-0.

10c) MGPA 11-001: PUBLIC HEARING, followed by consideration and possible action to adopt Resolution No. 11-969 approving a Minor Amendment to the 2003 General Plan to change the Future Land Use Designation from Medium Density Residential 2 acres or less to Commercial for an approximately 28-acre portion of Assessor's Parcel Number 306-05-030V, located at 1460 W. Road 4 North, which currently includes the Windmill House events facility.

10d) ZC 11-003: PUBLIC HEARING, followed by consideration and possible action to adopt Ordinance No. 11-753 for a Zone Change from "AR-5" Agricultural Residential 5 Acre Minimum to "CL" Commercial Light for an approximately 28-acre portion of Assessor's Parcel Number 306-05-030V, located at 1460 W. Road 4 North, which currently includes the Windmill House events facility.

Vice-Mayor Tenney MOVED, seconded by Councilmember Hatch, to open the public hearing for items 10c and 10d dealing with the proposed new minor amendment to the general plan and proposed rezoning of La Vacara Trust 28 acres. The motion PASSED unanimously 6-0.

Robert McCaullay, resident, objected to Commercial zoning as it would open the door for non-compatible uses.

Marilyn Maines, resident, opposed certain language defining the casita and approved of the CUP with similar stipulations to the original CUP. She also asked if the lakes on the property were excluded from the 28 acres. Ms. Clingman stated that they were included.

Ronald Maines, resident, objected to commercial zoning in residential areas, and supported the CUP for the Windmill House, so long as it had enforceable stipulations; and due to the long history between the property and the neighbors, he also suggested that arbitration might be the best option.

Marti Klein, resident, opposed CL zoning on any of this property and spoke about the applicant's applying with the Corporation Commission to build a water tank and extend utility lines on the property, as well as to request a 100% increase in water rates.

Cheri Brown, resident, stated that most nearby residents, including herself, opposed commercial zoning.

Patricia McKee, resident, was concerned about increased traffic and safety hazards associated with commercial zoning, and she did not oppose a CUP.

Gary Greinstaff, resident, spoke about the need for a better general plan before spot zoning, opposing the setting a precedent with a rezone, and approving of the CUP.

James Conn, resident, objected to the Town singling out one individual, when there were other such issues all over town; and spoke of the applicant's efforts to compromise by reducing the project's scope to 28 acres and the general plan being too broad.

Vice-Mayor Tenney MOVED, seconded by Councilmember Hatch, to close the public hearing. The motion PASSED unanimously 6-0.

Council comments:

- While the applicant had nice plans for the property, the Town could not act on them until they were written down.
- The applicant built the Windmill House with a five-year CUP at his own risk.
- If Council granted the CUP, arbitration might be the next best step.
- Things change and there was commercial next to residential in a lot of places other than the Town, and people needed to keep an open mind.
- The CUP appeared to be the best option at this time.

Vice-Mayor Tenney MOVED, seconded by Councilmember Hatch, to uphold the Planning and Zoning Commission's recommendation to deny the request for a minor amendment to the 2003 general plan for the La Vacara Trust with the 28-acre parcel. The motion PASSED unanimously 6-0.

Vice-Mayor Tenney MOVED, seconded by Councilmember Hatch, to uphold the Planning and Zoning Commission's recommendation to deny the request for a zone change for the La Vacara Trust property 28-acre parcel. The motion PASSED unanimously 6-0.

10e) CUP 11-002: PUBLIC HEARING, followed by consideration and possible action to adopt Ordinance No. 11-754 approving a Conditional Use Permit (CUP) to continue operation of the Windmill House Events Facility and its present uses in the "AR-5" Agricultural Residential 5 Acre Minimum zoning district for an approximately 28-acre portion of Assessor's Parcel Number 306-05-030V, located at 1460 W. Road 4 North which currently includes the Windmill House events facility.

Ms. Clingman reported that:

- There were two options for this Ordinance.
- Option A – The Commission voted to recommend approval of this item with certain zoning conditions, including the CUP being granted for an indefinite period of time.
- Option B – The Town Attorney recommended alternative conditions, including adding a dust mitigation plan for all special events, amending the CUP period to 15 years, and adding several conditions and possible sanctions for non-compliance.

Vice-Mayor Tenney MOVED, seconded by Councilmember Hatch, to open the public hearing for item 10e, consideration and possible Conditional Use Permit for the 28 acre parcel. The motion PASSED unanimously 6-0.

Marilyn Maines, resident, spoke in favor of the item.

Judy Simpson, resident, spoke in favor of the item, but believed the ordinance was incomplete and the conditions needed to be detailed.

Carol Bland, resident, expressed concern about control over what could be done under the CUP and water problems in the Appaloosa Meadows subdivision.

Vice-Mayor Tenney MOVED, seconded by Councilmember Hatch, to close the public hearing. The motion PASSED unanimously 6-0.

Town Attorney Kack stated that his recommended changes were because CUPs were seldom done more than 15 years, and the other conditions provided something for the Town to enforce.

Council comments:

- Allowable activities for the pumpkin festival should be better defined.
- Property owners should not be restricted to the point that they could not make a living, but Council needed to be thoughtful of the neighbors.
- Option B appeared to be reasonable.

Vice-Mayor Tenney MOVED, seconded by Councilmember Hatch, to uphold the Planning and Zoning Commission's recommendation to grant the Conditional Use Permit for the La Vacara Trust 28 acre parcel, with the following the zoning conditions:
(i) Applicant agrees that the approval of this Conditional Use confers no entitlements or rights to the owner or applicant other than those that are vested as a Conditional Use in the AR-5 Zoning District;
(ii) That the Property Owner/Applicant agrees to comply with the codified procedures set forth in the Town of Chino Valley's Unified Development Ordinance;
(iii) That a dust mitigation plan shall be established for all special events that demand parking requirements beyond the paved parking areas. Such special events shall not occur without first submitting a dust mitigation plan to the Development Services Director for review and approval prior to the start of said events;
(iv) That the Conditional Use Permit (CUP) is granted for a period of 15 years. However, in the event of non-compliance with any of the stated conditions in this Ordinance then the Owner of the property and the party then utilizing the property (occupant) shall be subject to sanctions and enforcement under the UDO. In addition, the Zoning Administrator (ZA) shall request a hearing before the Planning Commission in the event there are repeated material violations, a material violation which is not corrected promptly after notice to the Owner or if the material violation(s) is/are such that they are not amendable to being promptly corrected. In event of referral, the Commission shall hear the matter and may recommend no action be taken or that the CUP be altered, amended or revoked. The Town Council shall thereafter determine whether to take action including whether to alter, amend or revoke the CUP;
(v) that the Conditional Use Permit shall limit the subject property to the following land uses:
  (a) weddings and other private events;
  (b) buffet/open dinners may be served a maximum of two nights per week in a seven day period;
  (c) catering services;
  (d) pumpkin festival;
  (e) indoor and outdoor sales of nursery stock and greenhouse or indoor plants;
(vi) events with amplification equipment shall be limited to an indoor use only;
(vii) there shall be no loud, excessive or unusual noise associated with the uses on the property. Noise shall be considered loud, excessive or unusual if it does not comply with Title 131.02 "Prohibition of Loud or Unusual Noise" in the Town Code; and the following engineering condition: The dedication of right-of-way consistent with section 4.23 and 4.28 of the UDO shall occur along the full frontage of Road 4 North.
The motion PASSED unanimously 6-0.

Mayor Marley recessed the meeting at 8:13 p.m. and reconvened it 8:29 p.m.

11) Consideration and possible action to authorize staff to proceed with necessary repairs to the Town of Chino Valley Aquatic Facility in the amount not to exceed $64,510. Funds to come from General Fund Contingencies. (Ron Grittman, Town Engineer/Public Works Director)

Town Engineer Ron Grittman reported that:

- This past summer, the Utilities Division took over aquatic facility operations. As no repairs or maintenance had been done on the pool since construction in FY 2005/2006, staff asked Shasta Pools to perform an assessment of the facility.
- On October 7, 2011, Shasta found some significant deficiencies in the pool, including some that affected the pool's structural integrity. Repairs in the amount of $40,660, which were deemed essential, were needed before the aquatics facility could be open for the 2012 season. Other repairs deemed non-essential totaled $23,850. Staff recommended repairs to the water slide in the amount of $18,650, which although in the non-essential list, had high demand for its use. The total for all repairs would be $64,510. This was not a budgeted item and but the funds could come from the one percent sales tax instead of contingency.
- Since the assessment was the opinion of one commercial aquatic facility professional, staff will proceed with an open ended request for formal bids to repair the pool. The open ended bid will allow other professionals to assess the facility and recommend their best and most cost effective solution. The bids will be reviewed and awarded based on the most credible and cost effective solution.
- To keep the pool in good condition, the Town needed to authorize annual maintenance of about $10,000-$15,000, starting this fall.

Council comments:

- Although Council should have been briefed on lifecycle costs in the past, going forward, they should authorize the repairs and ongoing maintenance.
- Staff should also consider repair costs in the fee structure.

Vice-Mayor Tenney MOVED, seconded by Councilmember Hatch, to authorize staff to proceed with seeking bids for the repair of the Town of Chino Valley Aquatic Facility in an amount not to exceed $64,510. The motion PASSED unanimously 7-0.

12) Consideration and possible action to approve the Financial Report for three months ending September 30, 2011 for Fiscal Year 2011/2012. (Vera Smith, Finance Director)

Finance Director Vera Smith reported on the first quarter of FY 2011/2012. Key points were:

- At three months, general fund expenditures exceeded revenues by $171,076.
- Although last year's carry forward was $200,000 more than this year's, she was not too concerned at this point.
- All general funds revenues were over budget by $40,350, except for fines and forfeitures, which also caused no concern, as these revenues did not follow any particular pattern.

Vice-Mayor Tenney MOVED, seconded by Councilmember Hatch, to approve the Financial Report for three months ending September 30, 2011 for FY 2011/2012. The motion PASSED unanimously 7-0.

13) Consideration and possible action to hire an Acting Town Manager to provide oversight for the Town's Development Services Department. (Chris Marley, Mayor)

The staff report by Mayor Marley stated that:

- In April 2011 an EEOC complaint was filed against the Town, with mention of the Town Manager specifically, by an employee of the Town's Development Services Department. The Town Manager, acting on his own volition, formally requested that he be removed from oversight of the department because of the assertions brought up by the complainant. The Town Manager was therefore removed from oversight of the department and an outside consultant was brought in to oversee the department's administrative operations and provide technical assistance in the manner of a town manager.

- In the ensuing months, administrative issues arose in the Development Services Department which the consultant was unable to address due to insurance constraints. Since the consultant was serving in both technical and administrative capacities, Council modified the consultant's contract to remove the administrative requirements and retain the consultant in a purely technical capacity.
- Presently, the Development Services Department continued to function without administrative oversight, most particularly for addressing grievances and complaints. Hiring an acting town manager to provide that oversight would ensure adequate supervision of that department and restore the council/manager form of government to the Town.

Councilmember Turner MOVED, seconded by Councilmember Hatch, to move to executive session to discuss this. The motion PASSED unanimously 7-0 at 9:19 p.m.

Mayor Marley reconvened the regular meeting at 9:58 p.m.

Vice-Mayor Tenney MOVED, seconded by Councilmember Hatch, to authorize the Mayor to solicit proposals for manager services for the Development Services Department to include administrative oversight and grievance resolution for a period up to six months. The motion PASSED 6-1 with Councilmember Croft voting "no."

EXECUTIVE SESSION

Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the Town's attorneys on any of the above agenda items pursuant to A.R.S. § 38-431.03(A)(3).

14) Council may vote to hold an executive session pursuant to A.R.S. §38-431.03(A)(4) to obtain legal advice from its attorneys and to consider its position and instruct its attorneys, or other designated representatives, regarding the model city tax code as it relates to pipeline tax matters. (Michael Scannell, Town Manager)

Vice-Mayor Tenney MOVED, seconded by Councilmember Hatch, to go into executive session for item 14. The motion PASSED unanimously 7-0 at 9:59 p.m.

Mayor Marley reconvened the regular meeting at 10:21 p.m.

15) ADJOURNMENT

Vice-Mayor Tenney MOVED, seconded by Councilmember Croft, to adjourn the meeting. The motion PASSED unanimously 7-0 at 10:22 p.m.

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 November, 2011. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 8th day of October 2015.

Jami C. Lewis, Town Clerk