

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

**TUESDAY, MARCH 22, 2016
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, March 22, 2016.

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

Staff Present: Town Manager Robert Smith; Assistant Town Manager Cecilia Grittman; Town Attorney Phyllis Smiley; Finance Director Joe Duffy; Police Chief Chuck Wynn; Police Lieutenant Vince Schaan; Police Sergeant Randy Chapman; Acting Public Works Director/Town Engineer Michael Lopez; Associate Planner James Gardner; Town Clerk Assistant Amy Pyeatt-Lansa; 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.

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

Mayor Marley designated Councilmember Miller as Presiding Chair.

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

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.

Craig Brown, Yavapai County District 4 Supervisor, spoke about a recent Central Yavapai Metropolitan Planning Organization meeting and Yavapai County clean up in May.

Ron Maines, resident, spoke about a lack of response regarding a records request he had submitted. Councilmember Miller asked Mr. Maines to provide his contact information to Town Manager Smith.

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) Comment regarding offsite business signs on highway.

Mayor Marley reported on the Development Services Department initiating an extensive outreach in January regarding updates to the sign code.

5) **CURRENT EVENT SUMMARIES AND REPORTS**

This item is for information only. The Mayor, any Councilmember, or Town Manager may present a brief summary or report of current events, or ask a staff member to provide the same. Presentation on information requested by the Mayor and Council will be made and questions answered. No action will be taken.

- a) Status reports by Mayor and Council regarding current events.

Vice-Mayor Croft spoke about the current Citizen's Academy.

Councilmember Miller reported on a recent CYMPO meeting and the status of the Road 1 North signal project.

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

Mr. Smith had nothing to report.

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 6a and b.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to approve consent agenda items 6c, d and e.

Vote: 7 - 0 PASSED - Unanimously

- a) Consideration and possible action to approve Intergovernmental Agreement ("IGA") between Yavapai County and Town of Chino Valley to provide electronic law enforcement records management and maintenance services. Funds to come from Professional Services line in the FY 2016-2017 Police Department budget. (Chuck Wynn, Police Chief)

Council asked about the IGA's \$5,000 increase in cost.

Chief Wynn explained that:

- The county had had been absorbing a 3% increase for each of the seven years the IGA had been in effect.
- This increase will more accurately reflect the actual costs.
- To purchase this service on its own would cost the Town \$100,000 and \$15,000 in

maintenance.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to approve consent agenda item a.

Vote: 7 - 0 PASSED - Unanimously

- b) Consideration and possible action to approve the Agreement for Professional Consulting Services with CivilTec Engineering, Inc., for the preparation of engineering construction plans for the Old Home Manor Industrial Park project in an amount not to exceed \$196,105.00. Funds to come from EDA grant and accounted for in the Grants Fund. (Michael Lopez, Acting Public Works Director/Town Engineer)

Mr. Lopez reported that at the EDA's request for amendments to the scope of work, the original price for this agreement jumped from \$198,000 to \$220,000. The EDA did not accept the new amount as it was outside of the 10% range. Staff went back to the professional, who reworked their proposal down to \$196,000.

Council asked about a time constraint with WIFA loan. Mr. Lopez stated that this item was not associated with the WIFA loan and had a five-year timeframe.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Corey Mendoza to approve consent agenda item b.

Vote: 7 - 0 PASSED - Unanimously

- c) Consideration and possible action to amend the Planning and Zoning Commissioner Position Description & Selection Process. (Jami Lewis, Town Clerk)
- d) Consideration and possible action to accept the February 17, 2016 study session meeting minutes. (Jami Lewis, Town Clerk)
- e) Consideration and possible action to accept the February 23, 2016 regular meeting minutes. (Jami Lewis, Town Clerk)

7) ACTION ITEMS

The Council may vote to recess the public meeting and hold an Executive Session on any item on this agenda pursuant to A.R.S. § 38-431.03(A)(3) for the purpose of discussion or consultation for legal advice with the Town Attorney. Executive sessions are not open to the public and no action may be taken in executive session.

- a) Consideration and possible action to adopt Resolution No. 16-1079, authorizing the refinancing of the May 1, 2007 Greater Arizona Development Authority (GADA) loan and the 2010 US Bank Series Pledged Excise Tax Revenue Obligations. (Joe Duffy, Finance Director)

Recommended Action: Adopt Resolution No. 16-1079, authorizing the refinancing of the May 1, 2007 GADA loan and the 2010 US Bank Series Pledged Excise Tax Revenue Obligations.

Mr. Duffy reported that since the study session on this item, staff was now recommending to not to include the 2007 GADA loan due to tax consequences from the property purchase associated with the loan. Refinancing the remaining 2010 bonds still made good economic sense due to a savings of \$250,000 net present value.

Mark Reader, Managing Director with Stifel Nicolaus, reported that:

- There was \$3 million left on this loan at 4.90% interest.
- They had submitted bids for this loan and were hoping for an interest rate of 2.25% to 2.50%.
- A successful loan will put \$28,000 net back into the Town's general fund per year.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Lon Turner to adopt Resolution No. 16-1079, authorizing the refinancing of the May 1, 2007 GADA loan.

Vote: 7 - 0 PASSED - Unanimously

- b) (i) Public Hearing regarding application from Tony Cordovana for a new Series 12 (Restaurant) Liquor License for Windmill House, located at 1460 W. Road 4 North, Chino Valley.
(ii) Consideration and possible action to recommend approval for a new Series 12 Liquor License for Windmill House. (Jami Lewis, Town Clerk)

Recommended Action:

- (i) Hold Public Hearing.
(ii) Recommend approval for a new Series 12 Liquor License for Windmill House.

Staff report summary: The Police and Planning Departments reviewed the application and recommended approval with no comments. Staff posted the necessary notices to meet the required 20-day period and received no communications in favor of or in opposition to the application.

MOVED by Vice-Mayor Croft, seconded by Councilmember Mendoza to hold the public hearing.

Vote: 7 - 0 PASSED - unanimously

No one from the public spoke.

MOVED by Vice-Mayor Croft, seconded by Mayor Marley to close the public hearing.

Vote: 7 - 0 PASSED - unanimously

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Lon Turner to recommend approval for a new Series 12 Liquor License for Windmill House.

Vote: 7 - 0 PASSED - Unanimously

- c) PUBLIC HEARING regarding Resolution No.16-1078, proposing an extension of the alternative expenditure limitation—home rule option. (Joe Duffy, Finance Director)

Recommended Action: Hold public hearing.

Mr. Duffy reviewed the ballot measure, including:

- History and purpose of the 1980 expenditure limitation initiative.
- Expenditure Limitation options and those used by other Arizona municipalities.
- State-imposed limit versus Home Rule.

Key points were:

- Chino Valley citizens had approved the Alternative Expenditure Limitation—Home Rule Option every four years from 1985 through the present.
- For the next four fiscal years, under the state limit, the Town could spend only approximately \$9 million to provide services to the community, while under Home Rule, the Town could spend approximately \$20 million.
- A "yes" vote will continue the Home Rule option for the next four years; a "no" vote will place the Town under the state-imposed limit for the next two years.

MOVED by Vice-Mayor Croft, seconded by Mayor Marley to open the public hearing.

Vote: 7 - 0 PASSED - unanimously

No one from the public spoke.

MOVED by Vice-Mayor Croft, seconded by Mayor Marley to close the public hearing.

Vote: 7 - 0 PASSED - unanimously

- d) Consideration and possible action to adopt Resolution No. 16-1077, amending the Town's Consolidated Fee Schedule related to public records, business licenses, and liquor licenses. (Jami Lewis, Town Clerk)

Recommended Action: Adopt Resolution No. 16-1077, amending the Town's Consolidated Fee Schedule related to public records, business licenses, and liquor licenses.

Ms. Lewis reported that the proposed fees would:

- Eliminate the meeting transcription fee, as it was obsolete.
- Reinstate the Peddlers and Solicitors refundable deposit fee that had been inadvertently omitted from the consolidated fee schedule.
- Reduce and equalize all liquor business license fees to simplify the fee schedule.
- Establish a new liquor license application processing fee for cost recovery purposes.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Corey Mendoza to adopt Resolution No. 16-1077, amending the Town's Consolidated Fee Schedule related to public records, business licenses, and liquor licenses.

Vote: 7 - 0 PASSED - Unanimously

- e) Consideration and possible action to adopt Ordinance No. 16-812 amending the Unified Development Ordinance ("UDO") Chapter 1 Administration and Procedures, Section 1.9 Review and Approval Processes, Subsection 1.9.5 Citizen Review Process, changing requirements for Neighborhood Meetings for Conditional Use Permits, Zone Changes, and Planned Area Developments. (James Gardner, Associate Planner)

Recommended Action: Approve Unified Development Ordinance Section 1.9 Review and

Approval Processes by adopting Ordinance No. 16-812.

Mr. Gardner reported that the proposed amendment would change requirements for neighborhood meetings by allowing staff the discretion as to whether or not to attend and requiring applicants to submit a written report of the meeting outcomes. This would bring a level of flexibility and discretion to the process, and continue to provide the same level of transparency and public participation.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to approve Unified Development Ordinance Section 1.9 Review and Approval Processes by adopting Ordinance No. 16-812.

Vote: 7 - 0 PASSED - Unanimously

- f) Consideration and possible action to adopt Ordinance No. 16-813 amending Unified Development Ordinance ("UDO") Chapter 4 General Regulations, Section 4.22 Off-Street Parking and Loading, Subsection 4.22.5 Parking Standards for Non-Residential and Mixed Uses, Sub-subsection 4.22.5(E) Joint Use Parking for PAD, and Subsection 4.22.8 Determination of Required Parking, by deleting Sub-subsections (B) and (H) and renumbering the remaining subsections to conform, and amending the Table. (James Gardner, Associate Planner)

Recommended Action: Approve text amendments to Section 4.22 Off-Street Parking and Loading of the Unified Development Ordinance by adopting Ordinance No. 16-813.

Mr. Gardner reported that the proposed amendments would:

- *Sec. 4.22.5(E):* Strike the joint use parking option for PADs only in order to allow for joint use parking agreements and extend the rights granted to PADs to the entire Town.
- *Sec. 4.22.8(B&H):* Strike these contradictory subsections and eliminate a maximum cap for parking spaces, in order to provide clarity in the UDO; allow the market to dictate the amount of parking business owners provide; retain minimum requirements; and allow staff to control excesses through the technical review process.
- *Sec. 4.22.8 Table:* Strike RV parking requirements from apartment and condominium complexes in order to remove a burden on property managers for enforcement, monitoring, and expense of pavement to accommodate RVs.

In response to Council inquiry, Mr. Gardner added that grading permits were required for parking areas.

MOVED by Vice-Mayor Darryl Croft, seconded by Mayor Chris Marley to approve text amendments to Section 4.22 Off-Street Parking and Loading of the Unified Development Ordinance by adopting Ordinance No. 16-813.

Vote: 7 - 0 PASSED - Unanimously

- g) Consideration and possible action to to amend Title V: Public Works, Chapter 50: General Provisions and Chapter 51 Water and Sewers, modifying mandatory connection fees, among other things. (Ruth Mayday, Development Services Director)

Recommended Action: Approve Ordinance 16-815 amending Title V (5) Public Works, Chapters 50 General Provisions, and Chapter 51 Water and Sewer systems, and deleting 50.56 Effluent Collection, Treatment, and Recharge Policy.

Ms. Mayday reported that the proposed amendments would:

- *Sec. 50.56 Effluent Collection, Treatment and Recharge Policy:* Delete in its entirety.
- *Sec. 51.001 Definitions:* Add a definition for package wastewater treatment plant.
- *Sec. 51.002 Private Sewer Systems; Approval Required; Violation; Enforcement:* Amend to expand regulations for private sewer systems.
- *Sec. 51.135 Wastewater Collection Required; Generally:* Amend to divide regulations into new and existing development and make various modifications that Council discussed during previous meetings.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Lon Turner to approve Ordinance 16-815 amending Title V Public Works, Chapters 50 General Provisions, and Chapter 51 Water and Sewer systems, and deleting 50.56 Effluent Collection, Treatment, and Recharge Policy.

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.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to take a five minute break and then recess into executive session at 7:00 p.m.

Vote: 7 - 0 PASSED - Unanimously

- a) An executive session pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation with the Town Attorney in order to consider its position and instruct the Town Attorney regarding the Town's position regarding a contract with the City of Prescott related to acquisition of Prescott Water facilities located within Chino Valley that is the subject of negotiations. (Robert Smith, Town Manager)
- b) An Executive Session pursuant to A.R.S. Section 38-431.03(A)(3) and (4) for discussion or consultation for legal advice with the Town Attorney and in order to consider its position and instruct the Town Attorney regarding the Town's position regarding pending litigation and settlement discussions conducted in order to 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.

Councilmember Miller reconvened the regular meeting at 8:29 p.m.

10) ADJOURNMENT

MOVED by Mayor Chris Marley, seconded by Councilmember Mike Best to adjourn the meeting at 8:30 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 22nd day of March, 2016. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 26th day of April, 2016.


Jami C. Lewis, Town Clerk