

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

**TUESDAY, NOVEMBER 8, 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, November 8, 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: Acting Town Manager Cecilia Gritman; Town Attorney Phyllis Smiley; Finance Director Joe Duffy; Human Resources Director Laura Kyriakakis; Police Chief Chuck Wynn; Police Lieutenant Vince Schaan; Police Officer Steven Angel; Public Works Director/Town Engineer Michael Lopez; Development Services Director Ruth Mayday; GIS/CAD/Web Technician Jan Mazy; Town Clerk Assistant Amy Pycatt-Lansa; Town Clerk Jami Lewis (recorder)

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

Mayor Marley called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

a) Presentation of Commendation to Police Officer Steven Angel.

Chief Wynn spoke about Officer Angel's actions with regard to a suicidal subject and her children, and Mayor Marley presented Officer Angel with the official commendation.

3) CALL TO THE PUBLIC

Call to the Public is an opportunity for the public to address the Council on any issue within the jurisdiction of the Council 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.

Kathy Rafters suggested that the Town host a public forum regarding the proposed racetrack to provide the facts, respond to questions raised, and clear up misinformation.

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) Comments regarding the proposed motor sports facility at Old Home Manor.

Mayor Marley reported that Council had received numerous letters, both for and against the racetrack, and no further action would be taken before January.

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.

Councilmember Cuka reported on a recent Economic Development Subcommittee meeting and the next meeting focusing on current and future development at Old Home Manor.

Mayor Marley eulogized long-time resident Norma "Birdie" Bennett and recognized the Chino Valley High School boys and girls state soccer champions.

- b) Status report by Acting Town Manager Cecilia Gritman and/or Town staff members regarding Town accomplishments, and current or upcoming projects.

Development Services Director Mayday reported on the results of last month's annual fall clean up event.

6) CONSENT AGENDA

All those items listed below are considered to be routine and may be enacted by one motion. Any Councilmember may request to remove an item from the Consent Agenda to be considered and discussed separately.

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

Vote: 7 - 0 PASSED - Unanimously

- a) Consideration and possible action to approve the First Final Plat Amendment to the Mahoney Acres Unit One Plat. (Ruth Mayday, Development Services Director)
- b) Consideration and possible action to: (i) Accept resignations from Mayor Chris Marley and Vice-Mayor Darryl Croft from the Roads and Streets Committee whenever they are offered; and; (ii) Appoint Councilmember Corey Mendoza and Councilmember Jack Miller to terms ending June 30, 2019 and June 30, 2018, respectively, upon the acceptance of Mayor Marley's and Vice-Mayor Croft's resignations from those positions. (Jami Lewis, Town Clerk)
- c) Consideration and possible action to accept the October 11, 2016 regular meeting minutes. (Jami Lewis, Town Clerk)
- d) Consideration and possible action to accept the October 18, 2016 study session 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 approve final plat for North Chino Business Park Condominium Plat. (Ruth Mayday, Development Services Director)

Recommended Action: Approve the final plat of the North Chino Business Park Condominium.

Ms. Mayday presented on this item:

- **Location:** West side of SR 89 between Road 3 North and Road 4 North.
- **Zoning:** Commercial Heavy, with a land use designation of Commercial/Multi-Family.
- **Proposal:** Divide the interior space of two existing buildings into three units—condominiums were a form of ownership, not a form of structure, with some spaces held in common and each subdivided unit owned by individuals.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Jack Miller to approve the final plat of the North Chino Business Park Condominium.

Vote: 7 - 0 PASSED - Unanimously

- b) Consideration and possible adoption of Resolution No. 16-1093 approving the form and authorizing the execution and delivery of a loan agreement with the Water Infrastructure Finance Authority of Arizona (WIFA); delegating the determination of certain matters relating thereto to the Town Manager of the Town; authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by such loan agreement and the resolution and declaring an emergency. (Joe Duffy, Finance Director)

Recommended Action: Approve Resolution No. 16-1093 related to the loan agreement with WIFA.

Mr. Duffy presented on this item, which related to the Center Street sewer line project. Key points were:

- After approving two loans for the project, the Town found that it needed to borrow more, as project costs were estimated to be more than originally anticipated.
- Although WIFA approved \$640,000 for this loan, the Town will end up using only \$289,000 of it due to the bids coming in lower than anticipated.
- WIFA proposed to fund 57% of the \$917,408 project through its three loans, 42% of forgivable principal (grants), and 1% of Town funds. WIFA had been very generous, as they highly supported this project for environmental reasons.
- Between connection fees and annual user fees from the homes left to be built in Mollie Rae, this project will pay for itself.

Council, Mr. Duffy, and Town Engineer Lopez discussed the following in more detail:

- **Project specifications:** The funding did not include improvements for later add ons. The road and culverts will be destroyed, rebuilt, and chipped in the spring.
- **Sewer connections outside Mollie Rae:** The project included stubouts for the 28 homes

along the way. The project design allowed for expansion down Road 1 West to the south, but WIFA would have to review that to use the remaining loan funds. There was still some forgivable principal left.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Lon Turner to approve Resolution No. 16-1093 related to the loan agreement with WIFA.

Vote: 7 - 0 PASSED - Unanimously

- c) Consideration and possible action to award the bid and construction contract to Earth Resources Corporation in an amount not to exceed \$792,403.05 for construction of approximately 6,000-LF of sewer main, culvert replacement and road work up West Center Street from State Route 89 to Sycamore Vista Drive. (Michael Lopez, Public Works Director/Town Engineer)

Recommended Action: Award the bid and construction contract to Earth Resources Corporation in an amount not to exceed \$792,403.05 for the construction of approximately 6,000-LF of sewer main, culvert replacement and road work up West Center Street from State Route 89 to Sycamore Vista Drive.

Mr. Lopez reviewed the bid results and reported that:

- He believed the bids came in low as it was a winter project when bidding was typically more aggressive.
- The contractor's estimate for the deductive alternative to rebuild the road was \$180,000. While a rough estimate for inhouse construction was \$158,000, staff recommended letting the contractor do the whole project, as staff did not have the manpower.
- The finished roadway was designed match the current one so as not to affect drainage.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Jack Miller to award the bid and construction contract to Earth Resources Corporation in an amount not to exceed \$792,403.05 for the construction of approximately 6,000-LF of sewer main, culvert replacement and road work up West Center Street from State Route 89 to Sycamore Vista Drive.

Vote: 7 - 0 PASSED - Unanimously

- d) Consideration and possible action to approve the use of contingency funds, up to \$10,000, for the renovation of space located in the Town of Chino Valley Library to house the Human Resources (HR) staff, office equipment, files and other various documents/records. (Laura Kyriakakis, Human Resource Director)

Recommended Action: Approve the use of up to \$10,000 in contingency funds to relocate HR to the North campus, and renovate space to accommodate the department's staff, office equipment, files and other various documents/records.

Ms. Kyriakakis reported that in order to improve employee relations, human resources staff believed that physically moving to where the majority of employees were would help with efficiency and create a more neutral location. The Library Director and Interim Town Manager supported the move.

Mayor Marley believed the move would be helpful.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Jack Miller to approve the use of up to \$10,000 in contingency funds to relocate HR to the North campus, and renovate space to accommodate the department's staff, office equipment, files and other various documents and records.

Vote: 7 - 0 PASSED - Unanimously

- e) Consideration and possible action to approve Resolution No. 16-1094, adopting recommended revisions to Policy No. 705 Contribution of Vacation and Sick Leave of the Town of Chino Valley Personnel Policy and Administrative Manual, as recommended. (Laura Kyriakakis, Human Resources Director)

Recommended Action: Approve Resolution No. 16-1094, adopting recommended revisions to Policy No. 705 of the Town of Chino Valley Personnel Policy and Administrative Guidelines Manual.

Ms. Kyriakakis reported that:

- Changes to this existing policy were recommended through input and comments collected through the Personnel Committee. The amended policy would allow employees to donate sick time, as well as vacation.
- The changes will make the policy more usable and convenient.

Council, Ms. Kyriakakis, and Finance Director Duffy discussed the following in more detail:

- *Donation limits:* Council preferred that the policy require a minimum amount for each employee to retain in their leave bank. Ms. Kyriakakis stated that staff did that in practice, but she agreed with adding it to the policy.
- *Privacy:* All paperwork would be handled through HR to maintain privacy. There was also a process to ensure accountability and avoid abuse.
- *Financial impact:* Impacts to the overall budget would be minimal. Since 2010, only four employees had utilized the program, and the employees were generous in taking care of each other. Other communities had had success with similar policies.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to approve Resolution No. 16-1094, adopting recommended revisions to Policy No. 705 of the Town of Chino Valley Personnel Policy and Administrative Guidelines Manual, with the suggested changes.

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.

Mayor Marley recessed the regular meeting at 6:47 p.m. and reconvened it at 6:59 p.m.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to go into executive session for items 8a, b, c, d, e and f at 7:03 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 Prescott Sportsmen's Club related to management of the Chino Valley Shooting Range Facility that is the subject of negotiations. (Mayor and Council)
- b) 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 in pending litigation or in settlement discussions conducted in order to resolve litigation in the matter of Town v. The Glenarm Land Company, Inc., et al. (Phyllis Smiley, Town Attorney)
- c) An executive session pursuant to A.R.S. § 38-431.03(A)(3) and (A)(4) for discussion or consultation for legal advice with the Town Attorney and 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 pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation in the matter of Messenger Lane dedication of rights-of-way. (Ruth Mayday, Development Services Director)
- d) 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 pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation in the matter of a grant and agreement with the Arizona Department of Housing related to its Owner Occupied Housing Rehabilitation Program. (Ruth Mayday, Development Services Director)
- e) An executive session pursuant to A.R.S. § 38-431.03(A)(1) for discussion or consideration of employment, assignment, appointment, and salary of Cecilia Grittman as Interim Town Manager and 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 employment contract with Cecilia Grittman that is the subject of negotiations related to her appointment as Interim Town Manager.
- f) An executive session pursuant to A.R.S. § 38-431.03(A)(3) for discussion or consultation for legal advice with the Town Attorney regarding the Town's Personnel Appeal Process and its effect on the Trout Appeal. (Phyllis Smiley, Town Attorney)

9) **ACTION ITEMS RESUMED**

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

Mayor Marley reconvened the regular meeting at 8:17 p.m.

- a) Consideration and possible action to authorize \$54,961.35 in Contingency funds for Arizona Department of Housing reimbursement. (Ruth Mayday, Development Services Director)

Recommended Action: Allocate contingency funds to reimburse the Arizona Department of Housing in the amount of \$54,961.35.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Jack Miller to allocate contingency funds to reimburse the Arizona Department of Housing in the amount of \$54,961.35.

Vote: 7 - 0 PASSED - Unanimously

- b) Consideration and possible action to appoint Cecilia Gritman to serve as Interim Town Manager and approve an employment agreement with Cecilia Gritman regarding same. (Phyllis Smiley, Town Attorney)

Recommended Action: Appoint Cecilia Gritman as Interim Town Manager and approve the employment agreement with Cecilia Gritman regarding same.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Lon Turner to appoint Cecilia Gritman as Interim Town Manager and approve the employment agreement with Cecilia Gritman regarding same.

Vote: 7 - 0 PASSED - Unanimously

10) **ADJOURNMENT**

MOVED by Councilmember Mike Best, seconded by Councilmember Susie Cuka to adjourn the meeting at 8:18 p.m.

Vote: 7 - 0 PASSED - Unanimously



Darryl L. Croft, 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 November, 2016. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 13th day of December, 2016.



Jami C. Lewis, Town Clerk