

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

**TUESDAY JANUARY 8, 2019
6:00 P.M.**

The Town Council of the Town of Chino Valley met for a Regular Meeting in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on Tuesday, January 8, 2019.

Present: Mayor Darryl Croft; Vice-Mayor Jack Miller; Councilmember Mike Best; Councilmember Cloyce Kelly; Councilmember Annie Perkins; Councilmember Corey Mendoza; Councilmember Lon Turner

Staff: Town Manager Cecilia Grittman; Town Attorney Andrew McGuire (electronically); Finance Director Present: Joe Duffy; Police Chief Chuck Wynn; Police Officer Tiffany Farmer; Public Works Director/Town Engineer Frank Marbury; Planner Alex Lerma; Community Services Director Scott Bruner; Administrative Technician Kathy Frohock (videographer); Town Clerk Jami Lewis (recorder)

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

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

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

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.

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)** Request for an update on the shooting facility.

Mayor Croft reported that this item was on the agenda and it could not be discussed until then.

- b)** Question regarding the Town's pursuit of a second supermarket.

Mayor Croft reported that this was one of the citizens' biggest desires. The Town was committed to actively pursuing a second supermarket and will work with any grocer that presented itself. This will be a key objective of the Economic Development Director position that was yet to be filled. Challenges to attract a grocer included:

- Most supermarkets in the current economy preferred to lease a building, and the Town did not have any vacant buildings of sufficient size.
- The Town lacked available commercial space.
- The Town lacked utilities in the key strategic areas that a grocer might consider, but would work actively and cooperatively with any potential grocer in locating the infrastructure if the opportunity presented itself.

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 Kelly encouraged people to attend upcoming question and answer meetings regarding the water and road repair issue.

Councilmember Best reported on January 9 50th Anniversary Committee meeting.

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

Town Manager Gritman reported on:

- Lights at the ballfields being successfully installed.
- A thank you letter to Council from retired Children's Librarian Darlene Westcott.

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.

Councilmember Miller requested to remove Item 6b.

Town Clerk Lewis informed Council that there was a typographical error in the text amendment under Item 6a and Council's motion should include correction of the error.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Lon Turner to accept Consent Agenda items 6a, c and d with the correction to Item 6a text amendment, Section 152.007 as amended.

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Mike Best,
Councilmember Cloyce Kelly, Councilmember Annie Perkins, Councilmember Corey
Mendoza, Councilmember Lon Turner

PASSED - Unanimously

- a) Consideration and possible action to adopt Ordinance No. 2019-863 amending the Town of Chino Valley Town Code by repealing Chapter 152 Flood Damage Prevention and adopting new Chapter 152 Flood Damage Prevention. (Frank Marbury, Public Works Director/Town Engineer)
- b) Consideration and possible action to approve the Intergovernmental Agreement (IGA) between the Chino Valley Unified School District (CVUSD) and the Town of Chino Valley to complete design and construction improvements to transportation conveyance systems related to Del Rio School and Heritage Middle School. Funds to come from Adjacent Ways funding with no cost to the Town other than staff's time to perform engineering and project management. (Frank Marbury, Public Works Director/Town Engineer)

(This item was heard after item 6d but is retained here for clarity.)

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Cloyce Kelly to adopt Resolution 2019-1134, approving the Intergovernmental Agreement (IGA) between the Chino Valley Unified School District (CVUSD) and the Town of Chino Valley for design and construction management of improvements to transportation conveyance systems related to Del Rio School and Heritage Middle School at no cost to the Town but staff's time to perform engineering and project management.

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Mike Best,
Councilmember Cloyce Kelly, Councilmember Annie Perkins, Councilmember Corey
Mendoza, Councilmember Lon Turner

PASSED - Unanimously

- c) Consideration and possible action to accept the November 27, 2018 study session minutes. (Jami Lewis, Town Clerk)
- d) Consideration and possible action to accept the December 11, 2018 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 accept the Comprehensive Annual Financial Report and the Annual Expenditure Limitation Report for the fiscal year ended June 30, 2018, as prepared by Henry & Horne, LLP, Certified Public Accountants. (Joe Duffy, Finance Director)

Recommended Action: Accept the Comprehensive Annual Audited Financial Report and the Annual Expenditure Limitation Report for the fiscal year ended June 30, 2018, as prepared by

Henry & Horne, LLP, Certified Public Accountants.

Mr. Duffy introduced Brian Hemmerle from Henry & Horne, who reviewed the Annual Financial Report and reported that the Town received a clean opinion on compliance with government accounting standards, tax revenues had increased, and Town Finance staff was very transparent.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Mike Best to accept the Comprehensive Annual Audited Financial Report and the Annual Expenditure Limitation Report for the fiscal year ended June 30, 2018, as prepared by Henry & Horne, LLP, Certified Public Accountants.

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Mike Best,
Councilmember Cloyce Kelly, Councilmember Annie Perkins, Councilmember Corey
Mendoza, Councilmember Lon Turner

PASSED - Unanimously

- b) Consideration and possible action to terminate the Concessionaire Agreement between the Prescott Sportsmen's Club (PSC) and the Town of Chino Valley, dated May 31, 2011, effective immediately. (Cecilia Grittmann, Town Manager)

Recommended Action: Terminate the Concessionaire Agreement between the Prescott Sportsmen's Club and the Town of Chino Valley, dated May 31, 2011, effective immediately.

Ms. Grittmann recommended that Council go into executive session to review communication received from the Club's attorney.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Cloyce Kelly to go into Executive Session at 6:16 p.m.

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Mike Best,
Councilmember Cloyce Kelly, Councilmember Annie Perkins, Councilmember Corey
Mendoza, Councilmember Lon Turner

PASSED - Unanimously

Mayor Croft reconvened the regular meeting at 6:23 p.m. and reported that the Council read a letter that was received from an attorney; Council would take a vote; and the Town Manager would then report on current issues and how to deal with those issues.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Cloyce Kelly to terminate the Concessionaire Agreement between the Prescott Sportsmen's Club and the Town of Chino Valley, dated May 31, 2011, effective immediately.

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Mike Best,
Councilmember Cloyce Kelly, Councilmember Annie Perkins, Councilmember Corey
Mendoza, Councilmember Lon Turner

PASSED - Unanimously

Ms. Grittmann reported that Chief Wynn had been working with the Recreation Department and the shooting range will be open for public shooting beginning January 26 on Saturdays and Sundays. The Town will work with volunteers and part-time people to get the range open. The Concessionaire Agreement to run the range will go out for bid and current active memberships will be honored.

- c) Consideration and possible action to adopt Resolution No. 2019-1133 ordering and calling an election to be held in and for the Town of Chino Valley, Arizona on May 21, 2019, to submit to the qualified electors thereof the questions of (1) the proposed amount to be raised by an initial primary (ad valorem) property tax to fund a road construction and maintenance program, and (2) voter authorization for purchase of certain water companies to expand the Town's water utility system. Funds to come from General Fund, Town Clerk Elections expenditure line. (Jami Lewis, Town Clerk)

Recommended Action: Adopt Resolution No. 2019-1133 ordering and calling a special election to be held on May 21, 2019, for the purpose of submitting two questions to the voters related to a property tax levy of \$_____ to fund a road construction and maintenance program, and utility system acquisitions.

Public Works Director/Town Engineer Marbury reported that:

- The Roads and Streets Committee developed a potential solution to the lack of funding for the degradation of the Town's road system.
- They determined a minimum of \$1.2 million additional funding per year was needed to keep the roads at the current maintenance level and they were recommending \$1.5 million per year to improve the condition of the roadways and provide for future expansion.
- Town staff met with over 200 citizens and 21 organizations for input.
- The recommended ballot measure was to ask voters to approve a primary property tax levy in the amount decided by Council for a 20-year program dedicated to road maintenance and construction.
- The second ballot question concerned the ability of the Town to enter into negotiations to purchase private or public water distribution systems as the opportunities arose. The measure would specifically name each system within the Town. Voters would be asked to grant Council permission to purchase the named companies when conditions are favorable.
- The feedback from the community regarding these items had been favorable.

Councilmember Mendoza added that:

- The Community was concerned about what would happen when the current Council did not hold office, but he reminded the community that the councilmembers were also citizens of the community. The Roads and Streets Committee believed that implementing a property tax for an additional \$1.5 million per year was best solution to the issue.

Councilmember Kelly reported that he had received a huge amount of correspondence concerning the road situation and there was quite a bit of misinformation. There would be several more public question and answer meetings including one on January 17 at the Nazarene Church. He encouraged the community to attend to get the facts.

Town Manager Gritman explained that the bulk of the public meetings would occur closer to the election and would begin in March.

Mrs. Lewis reported that:

- This would be a vote by mail election.
- Citizens would receive a voter pamphlet approximately 35 days before the election which would contain the information that was presented at the public meetings. Any citizen that wanted to submit an argument (pro/con statement) to be included in the pamphlet must submit it by February 20 with an \$80 fee.
- Voter registration would close April 22 and the ballots would be mailed that week. Onsite voting would be available at the Yavapai County Administration Building.
- The Town website had relevant information located under News Flash and under the Ballot Measures and Propositions page.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Cloyce Kelly to adopt Resolution No. 2019-1133 ordering and calling a special election to be held on May 21, 2019, for the purpose of submitting two questions to the voters: (1) related to a property tax levy of \$1.5 million to fund a road construction and maintenance program, and (2) utility system acquisitions.

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Mike Best, Councilmember Cloyce Kelly, Councilmember Annie Perkins, Councilmember Corey Mendoza, Councilmember Lon Turner

PASSED - Unanimously

- d) Consideration and possible action to approve a Conditional Use Permit (CUP18-007) for 14.46 acres (approx. 629,877 sq. ft.) of real property, Assessor's Parcel No. 306-18-010K, located approximately 0.25 miles south of the southeast corner of East Perkinsville Road and North Road 1 East at 1525 North Road 1 East to rehabilitate the existing well site within the PL (Public Land) zoning district. (Owner of Record: City of Prescott) (Alex Lerma, Planner)

Recommended Action: Approve Conditional Use Permit (CUP18-007) to allow the rehabilitation of the existing well site including removal of the existing building and construction of a new facility within the PL (Public Land) zoning district.

Mr. Lerma reported that:

- The 2008 approved CUP for arsenic equipment had expired.
- The City of Prescott was requesting a CUP in order rehabilitate their facilities. They proposed to demo the existing steel building and remove the walls that enclosed it and develop a new 912 sq. ft. 15-foot high concrete block building that would house a new pump house and motor.
- The landscaping plan would be implemented within six months of approval of the CUP and lighting would only be turned on when staff was on site or during an emergency.
- The Planning and Zoning Commission voted unanimously to recommend approval of the CUP.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Cloyce Kelly to approve Conditional Use Permit (CUP18-007) to allow the rehabilitation of the existing well site including removal of the existing building and construction of a new facility within the PL (Public Land) zoning district.

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Mike Best, Councilmember Cloyce Kelly, Councilmember Annie Perkins, Councilmember Corey Mendoza, Councilmember Lon Turner

PASSED - Unanimously

- e) Consideration and possible action to adopt Ordinance 2019-858 to rezone 2.71 acres of real property, Assessor's Parcel No. 306-04-010U, located approximately 375 feet east of the northeast corner of State Route 89 and Road 4 North intersection at 868 East Road 4 North from CH (Commercial Heavy) zoning district to CL (Commercial Light) zoning district. (Owner of Record: Corey and Robin Mendoza) (Alex Lerma, Planner)

Recommended Action: Adopt Ordinance 2019-858 to rezone 2.71 acres of real property from CH (Commercial Heavy) zoning district to CL (Commercial Light) zoning district.

Councilmember Mendoza recused himself from this item at 6:45 p.m.

Mr. Lerma reported that:

- The property included an office building and three steel buildings. In 2010, Council approved a zone change from the AR-5 district to the CH district, which allowed the applicant to operate the C&R Trucking business currently located onsite. In 2017, Council approved a CUP to allow a marijuana research facility.
- The applicant was moving the current business to another location and believed the CH zone was no longer necessary.
- The General Plan land use designation was identified as a potential community core and one of the goals was to have diversity or a mix of uses. The rezone of the property would fall into that category and the zone change would have less impact on the surrounding area.

The Planning and Zoning Commission unanimously voted to recommend approval to the Council.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Lon Turner to adopt Ordinance 2019-858 to rezone 2.71 acres of real property from CH (Commercial Heavy) zoning district to CL (Commercial Light) zoning district.

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Mike Best, Councilmember Cloyce Kelly, Councilmember Annie Perkins, Councilmember Lon Turner

Other: Councilmember Corey Mendoza (ABSTAIN)

PASSED

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 Jack Miller, seconded by Councilmember Mike Best to go into executive session at 6:51 p.m.

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Mike Best,
Councilmember Cloyce Kelly, Councilmember Annie Perkins, Councilmember Corey
Mendoza, Councilmember Lon Turner

PASSED - Unanimously

- a) 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 a current zoning case. (Martin Scribner, Interim Development Services Director)

9) ACTION ITEMS RESUMED

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

Mayor Croft reconvened the regular meeting at 7:34 p.m. and reported that Council discussed the matter with its attorney and gave direction to staff.

10) ADJOURNMENT

MOVED by Councilmember Mike Best, seconded by Councilmember Cloyce Kelly to adjourn the meeting at 7:34 p.m.

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Mike Best,
Councilmember Cloyce Kelly, Councilmember Annie Perkins, Councilmember Corey
Mendoza, Councilmember Lon Turner

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 January, 2019. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 22nd day of January, 2019.

Jami C. Lewis, Town Clerk