



Town of Chino Valley

MEETING NOTICE TOWN COUNCIL

**REGULAR MEETING
Tuesday, March 26, 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) Introduction of new Planner, Dennis Price. (Robert Smith, Town Manager)

b) Annual report by the Chino Valley Model Aviators.

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 speaker remarks.

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.

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 February 26, 2013 Regular Meeting minutes. (Jami Lewis, Town Clerk)
- b) Consideration and possible action to accept resignation of Billie Messaros, Dolores Morgan and Don Wojcik from the Senior Center Advisory Board, effective February 15, March 8, and March 21, 2013, respectively. (Jami Lewis, Town Clerk)
- c) Consideration and possible action to amend Policy Number 605, "Overtime: Non-Exempt Employees," from the Town of Chino Valley Personnel Policy dated September 12, 2002 to include Amendment 2 of the Memorandum of Understanding between the Town of Chino Valley and the Chino Valley Police Officer's Association, dated February 26, 2013. (Cecilia Watts, General Services Director)

7) **ACTION ITEMS**

- a) Consideration and possible action to adopt Resolution No. 13-1009, declaring the "Chino Valley Unified Development Ordinance Section 4.25: Wireless Communications Facilities" as a public record and adopt Ordinance No. 13-767 repealing the current Section 4.25, and adopting the new "Chino Valley Unified Development Ordinance Section 4.25: Wireless Communications Facilities" by reference. (Robert Smith, Town Manager)

Recommended Action: Adopt Resolution No. 13-1009, declaring the "Chino Valley Unified Development Ordinance Section 4.25: Wireless Communications Facilities" as a public record and adopt Ordinance No. 13-767 repealing the current Section 4.25, and adopting the new "Chino Valley Unified Development Ordinance Section 4.25: Wireless Communications Facilities" by reference.

- b) Consideration and possible action to adopt Ordinance No. 13-766 approving a Conditional Use Permit for a wireless communication tower, 99 feet in height, proposed for construction on the east side of State Route 89 at 2655 N. State Route 89, approximately 600 feet north of Road 3½ North, identified as Assessor's Parcel Number 306-14-021C. Applicant: Clear Blue Services/AT&T; Property Owner: Mannix Holdings LLC. (Dava Hoffman, Planning Consultant)

Recommended Action: Adopt Ordinance No. 13-766 approving the Conditional Use Permit for a wireless communication tower, 99 feet in height, for Assessor's Parcel Number 306-14-021C.

- c) Consideration and possible action to adopt Resolution No. 13-1008, declaring and adopting the results of the primary election held on March 12, 2013. (Jami Lewis, Town Clerk)

Recommended Action: Adopt Resolution No. 13-1008, declaring and adopting the results of the primary election held on March 12, 2013.

- d) Consideration and possible action to approve the Arizona Department of Administration General Accounting Office Interagency Service Agreement, for the Arizona Open Books Transparency Project. The Town did not budget for this expense in the current fiscal year; \$2,000 will be paid this fiscal year from the Professional Services line in the Finance Department and \$3,000 will be budgeted next fiscal year. (Joe Duffy, Financial Director)

Recommended Action: Approve the Arizona Department of Administration General Accounting Office Interagency Service Agreement.

- e) Presentation, discussion and possible action regarding development of a Council Code of Ethics. (Robert Smith, Town Manager)

Recommended Action: Presentation, discussion and possible action regarding development of a Council Code of Ethics.

8) 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).

- a) Council may vote to hold an executive session pursuant to A.R.S. §§ 38-431.03(A)(1) to discuss the employment, assignment, appointment, promotion, demotion, dismissal, and/or salaries of the office of town attorney. (Mayor & Council)
- b) Consideration and possible action regarding the employment, assignment, appointment, promotion, demotion, dismissal, and/or salaries of the office of town attorney.

Recommended Action: To be determined per Council discussion.

- c) Council may vote to hold an executive session pursuant to Arizona Revised Statutes § 38-431.01(A)(3), discussion or consultation for legal advice with the attorney or attorneys of the public body, and/or § 38-431.01(A)(4), discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding issues concerning water transportation/pipeline transaction privilege taxes due to the Town from the City of Prescott, including but not limited to *City of Prescott v. Town of Chino Valley*, Case No. CV 46161, Yavapai County Superior Court, Order Confirming Apportionment Formula and Apportionment Schedule filed June 21, 1996, and negotiations to settle disputes regarding the same. (Mayor Marley; Vice-Mayor Tenney)
- d) Consideration and possible action regarding issues concerning water transportation/pipeline transaction privilege taxes due to the Town from the City of Prescott, including but not limited to *City of Prescott v. Town of Chino Valley*, Case No. CV 46161, Yavapai County Superior Court, Order Confirming Apportionment Formula and Apportionment Schedule filed June 21, 1996, and negotiations to settle disputes regarding the same.

Recommended Action: To be determined per Council discussion.

- e) Council may vote to hold an executive session pursuant to Arizona Revised Statutes § 38-431.03(A)(3), discussion or consultation for legal advice with the attorney or attorneys of the public body regarding pending litigation concerning Complaint for Foreclosure of Right to Redeem (Tax Sale), *Becker Holdings, LLC v. Hall; Denney; Fitzgerald All-State Bail Bonds, LLC; CitiFinancial, Inc.; Town of Chino Valley; Ross Jacobs; Yavapai County Treasurer*, Case No. CV 2013-00180, Yavapai County Superior Court, pertaining to real property located at 1831 Yvonne Way, Chino Valley, Arizona. (Sharon Sargent Flack, Town Attorney)
- f) Consideration and possible action regarding pending litigation, Case No. CV 2013-00180, Yavapai County Superior Court, pertaining to real property located at 1831 Yvonne Way, Chino Valley, Arizona.

Recommended Action: To be determined per Council discussion.

9) **ADJOURNMENT**

Dated this 20th day of March, 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. **6. a.**

Meeting Date: 03/26/2013

Contact Person: Jami Lewis, Town Clerk

Phone: 928-636-2646 x-1208

Department: Town Clerk

Item Type: N/A

AGENDA ITEM TITLE:

Consideration and possible action to approve the February 26, 2013 Regular Meeting minutes.
(Jami Lewis, Town Clerk)

RECOMMENDED ACTION:

Approve the February 26, 2013 Regular Meeting minutes.

Attachments

February 26, 2013 minutes

DRAFT

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

**TUESDAY, FEBRUARY 26, 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, February 26, 2013.

Present: Mayor Chris Marley; Vice-Mayor Carl Tenney; Councilmember Mike Best; Councilmember Darryl Croft; Councilmember Dean Echols; Councilmember Linda Hatch; Councilmember Lon Turner

Staff Present: Town Manager Robert Smith; General Services Director Cecilia Watts; Town Attorney Sharon Sargent-Flack; Finance Director Joe Duffy; Town Engineer/Public Works Director Ron Grittman; Town Clerk Assistant Liz Hart; Town Clerk Jami Lewis (recorder)

Attendees: Utility Supervisor Chris Bartels

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

Mayor Marley called the meeting to order at 6:02 p.m.

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

2) **INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS**

- a)** Proclamation declaring March 20, 2013 as "Arizona Gives Day," sponsored by West Yavapai Guidance Clinic Foundation.

Mayor Marley read the proclamation and presented to representatives from the West Yavapai Guidance Clinic Foundation, Yavapai County Community Foundation, Prescott Alternative Transportation, and Mayer Elder Club, who spoke about the event.

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 speaker remarks.

Herbert Schuermann and Lillian Morales, residents, spoke in opposition to the recent sewer rate increases. Council reported that Town officials had held several meetings over many months addressing this matter and it was important for citizens speak out before Council took action.

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.

Mayor Marley reported on the Town's response to a January 22 comment by Steve Chontos regarding a provision in the 2001 Pre-Annexation Development Agreement with Windy Valley Plaza: Staff reviewed the matter and found that the Town did not create an escrow fund nor monitor the sales tax, but staff had already proposed significant infrastructure improvements in the area that exceeded the \$200,000 provided for in the agreement.

Councilmember Hatch stated that she believed the agreement provided for a water extension, not general infrastructure. Mayor Marley suggested that he continue this discussion with the town manager at a later time.

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.

Mayor Marley read the Mayor's Report, which pertained to the 2013 primary election and Council's responsibilities.

- a) Presentation regarding Proposition 424 "Alternative Expenditure Limitation - Home Rule Option." (Joe Duffy, Finance Director)

Mr. Duffy reviewed the Town's Home Rule presentation that was given at a previous meeting and was on the Town's website, as well as Channel 13. Should Home Rule not pass, Council would have the task of determining what services to cut, and the Town could not use the reserved funds to pay off debt or any for other purpose. However, if Home Rule passed two years thereafter and Council so determined, they could designate using funds to pay off debt in the subsequent year's budget.

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 item 6d.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Linda Hatch to approve Consent Agenda items 6a, b, c and e.

Vote: 7 - 0 PASSED - Unanimously

- a) Consideration and possible action to approve the January 31, 2013 Joint Study Session minutes. (Jami Lewis, Town Clerk)
- b) Consideration and possible action to approve the February 5, 2013 Special Meeting minutes. (Jami Lewis, Town Clerk)
- c) Consideration and possible action to appoint Robert McCaullay to the Planning and Zoning Commission for a three-year term starting February 1, 2013. (Council Appointments Committee)
- d) Consideration and possible action to approve Amendment Number 2 to the Police Officer's Association Memorandum of Understanding with the Town of Chino Valley, effective January 1, 2013. (Cecilia Watts, General Services Director)

General Services Director Cecilia Watts reported that on December 11, 2012, the Police Officer's Association requested that Council approve a change to its Memorandum of Understanding (MOU) with the Town to provide for overtime starting after 80 hours in a two week work period to allow for more flexibility in scheduling. However, the MOU amendment that Council approved did not accurately reflect the parties' understanding, as it referenced a 40-hour work week, rather than an 80-hour, two-week work period. The second amendment will correct that error.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Darryl Croft to approve Amendment Number 2 to the Police Officer's Association Memorandum of Understanding with the Town of Chino Valley, effective January 1, 2013.

Vote: 7 - 0 PASSED - Unanimously

- e) Consideration and possible action to approve Change Order Number 1 to the Professional Services Agreement with Economists.com dated June 12, 2012, in the amount of \$1,750, with \$875 to come from the Water Fund rate study line, and \$875 to come from the Sewer Fund rate study line. (Ron Grittman, Public Works Director)

7) **ACTION ITEMS**

- a) Consideration and possible action to adopt Resolution No. 13-1006 declaring as a public record that certain document filed with the Town Clerk entitled "2013 Changes to Article IV - Privilege Taxes, of the Tax Code of the Town of Chino Valley;" adopt Ordinance No. 13-765 adopting the same by reference; and amend the Chino Valley Tax Code by increasing the Town of Chino Valley's Transaction Privilege Tax (Sales Tax) rate for certain taxable items from three percent (3%) to four percent (4%), to be effective June 1, 2013. (Joe Duffy, Finance Director)

Mr. Duffy and Consultant Pat Walker reported that:

- A year ago, when Council was beginning the FY 2012/2013 budget process, a structural deficit was identified that would result in the Town's general fund being out of money by 2015.
- In August 2012, Council began a strategic financial planning process to address the immediate and long-term, deficit, with the goal of achieving financial stability and sustainability for the Town.
- They engaged new and existing committees to address finance matters, programs and services, economic development opportunities, revenue options, and a citizen survey.
- Two options for revenue enhancement were identified: property tax and sales tax increase. Per the November 2012 citizen survey, discussed on December 6, 2012, the citizens preferred the sales tax option.
- A one percent sales tax increase would generate an additional \$1,146,000 per fiscal year, which will cover the current \$1 million per year deficit through FY 2015/2016.
- On December 11, 2012, Council noticed its intent to increase the current sales tax rate by 1%, effective June 1, 2013, and instructed staff to post the necessary notice on the Town's website and other appropriate venues.

Council noted that this item had been discussed for a long time and they did not enter into this lightly. There were not many viable options and they would do what they could to make the Town stable and continue stretching every dollar.

Lillian Morales, resident, asked about variables used in staff's calculations. Ms. Walker stated that they kept revenue estimates low at 1% and expenditures at 2%. If these figures changed, Council would re-evaluate the matter.

Herbert Schuermann, resident, spoke in support of the tax increase and suggested that it be used to help homeowners in Chino Meadows.

Tom Payne, business owner, spoke about Council continuing to work on economic development and water and sewer extensions, and encouraging shopping local.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Mike Best Vmt msb cmb to adopt Resolution No. 13-006 declaring as a public record that certain doc filed with Town Clerk entitled "2013 Changes to Article IV – Privilege Taxes, of the Tax Code of the Town of Chino Valley;" adopt Ordinance No. 13-765 adopting the same by reference; and amend the cv Tax Code by increasing the Town of Chino Valley's Transaction Privilege Tax (Sales Tax) rate for certain taxable items from three percent (3%) to four percent (4%) to be effective June 1, 2013.

Vote: 7 - 0 PASSED - Unanimously

- b)** Consideration and possible action to extend the existing month-to-month lease for the Food Bank an additional four months. (Robert Smith, Town Manager)

Mr. Smith reported that the Food Bank had been working on a new operational location but had not yet completed construction. The Town building official estimated that the structure would take about 60 more days to complete, and staff estimated that a four-month extension of the lease will allow the organization time to finish the new building and relocate.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Dean Echols to approve a four month extension to the existing, month-to-month lease for the Food Bank.

Vote: 7 - 0 PASSED - Unanimously

- c) Consideration and possible action to approve Proposal and Contract with Circle C Construction, in the amount of \$12,220.30, plus an additional \$500 for design drawings, to enclose an approximately 98 square foot portion at the southeast corner of the South Campus Town Hall facility. Funds to come from Contingency. (Jami Lewis, Town Clerk; Ron Grittman, Town Engineer)

Ms. Lewis and Mr. Grittman reported that:

- On February 12, 2013, staff informed Council about a need to create a storage area for inactive and permanent records in the South Campus facility to accommodate an overflow of records currently being stored at the North Campus, which was to be remodeled for use by the Library.
- Staff obtained several bids for the project and Circle C was the lowest bidder. Although the proposal was provided in December 2012 with a possible five-day withdrawal, Circle C had indicated that they were holding this price.
- Council was also being asked to approve an additional \$500 for the cost of design drawings at the request of the Building Division.
- No formal contract was needed for this work, as it created no liability for the Town and staff will require proof of insurance before they started the project.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Linda Hatch to approve Circle C Construction Proposal and Contract and Exhibit "A" thereto, in the amount of \$12,220.30, plus an additional \$500 for design drawings, with the added stipulation that Circle C must demonstrate proof of adequate comprehensive general liability insurance coverage naming the Town as an additional insured and must demonstrate proof of adequate workers compensation insurance coverage in accordance with applicable laws, prior to commencement of work.

Vote: 7 - 0 PASSED - Unanimously

- d) Consideration and possible action to authorize the Mayor and Council to sign a joint letter with other municipal leaders to Senator John McCain with regard to the F-35 training program. (Mayor Marley)

Mayor Marley reported that Coleman Dahm & Associates, a public affairs company that worked with suppliers and vendors for the F-35 Joint Strike Fighter, was recruiting municipal leaders to sign a joint letter to Senator John McCain, thanking him for his efforts in securing the F-35 training program for Arizona. As the economic impact on the state from the F-35 was tremendous, many municipal leaders were showing their support of this program.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Mike Best to authorize the Mayor and Council to sign a joint letter to Senator John McCain with regard to the F-35 training program.

Vote: 7 - 0 PASSED - Unanimously

- e) Consideration and possible action to authorize the Mayor to sign a Resolution of Support for HB 2338 with regard to Regional Water Augmentation Authorities. (Mayor Marley)

Acronym used in this item:

NAMWUA (Northern Arizona Municipal Water Users Association)

Mayor Marley reported that:

- This month, NAMWUA Board Members were considering a letter of support with regard to HB 2338 (Regional Water Augmentation Authorities).
- Subsequently, Flagstaff's Hydrologist and Utilities Director suggested that each municipality represented in NAMWUA also send a letter of support, focusing their message on their local community's needs.
- Mayor Marley was asking Council to discuss and consider a Resolution of Support similar to that adopted by Prescott Valley's Council.

Councilmembers who spoke on this item stated that although they generally did not support new layers of government, they did support this item, as it allowed for other methods of funding large projects and the Town's participation in determining the region's water future.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Darryl Croft to authorize the Mayor to sign a resolution of support similar to that of Prescott Valley.

Vote: 7 - 0 PASSED - Unanimously

- f) Consideration and possible action to authorize the Mayor to sign a letter on behalf of the Council to the State Legislature with regard to the recommendations made in the final report by the Governor's TPT Simplification Task Force. (Vice-Mayor Tenney)

Vice-Mayor Tenney reported that:

- On January 22, 2013, Council approved sending a letter to the Town's legislators regarding its opposition to three particular recommendations in the Governor's TPT Simplification Task Force final report.
- If the recommendations were passed by the legislature, the Town would no longer be able to continue contracting with a local sales tax auditor and would lose all its construction revenue.
- He recommended that the Mayor send the letter again to the legislators to stress the huge impact these changes will have on the Town.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Dean Echols to authorize the mayor to sign a letter on behalf of the Council to the State Legislature to express the Town's concerns of the final report by the Governor's TPT Simplification Task Force.

Vote: 7 - 0 PASSED - Unanimously

- g) Consideration and possible action regarding Council sponsorship of a booth in the amount of \$200, and participation in the annual Chino Valley Area Chamber of Commerce Health and Business Expo on April 20, 2013. Funds to come from Mayor and Council public relations line. (Jami Lewis, Town Clerk)

Ms. Lewis reported that staff had received an invitation from the Chamber for booth-sponsorship at the annual Business Expo on March 20, 2013. Council sponsored a booth at this event in the past and needed to determine whether or not to participate.

Councilmember Croft told Council that the Chamber was considering a change in the payment process for Chamber events and activities, such as the Expo or Platinum Sponsorship (item 7h).

Tom Payne with the Chamber told Council that the Chamber desired to work out a plan with the Town to simplify the two entities' participation in each other's events rather than there being several exchanges of payments during the year.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Mike Best to table items 7g and 7h.

Vote: 7 - 0 PASSED - Unanimously

- h)** Consideration and possible action with regard to the Town obtaining a Platinum Sponsorship with the Chino Valley Area Chamber of Commerce in the amount of \$2,500. Funds to come from Mayor and Council public relations line. (Mayor Marley)

On February 14, 2012, Council voted to approve a \$2,500 expenditure for a Platinum Sponsorship with the Chamber as a way of supporting local businesses. Council voted to table this item under item 7g.

8) 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).

- a)** Council may vote to hold an executive session pursuant to Arizona Revised Statutes § 38-431.01(A)(3), discussion or consultation for legal advice with the attorney or attorneys of the public body, and/or § 38-431.01(A)(4), discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding a pre-annexation development agreement that is the subject of pending litigation, *Cortez Enterprises v. Town of Chino Valley*, CV 2006-1407, Yavapai County Superior Court, including but not limited to the Oct 10, 2012 mediation. (Mayor Marley)

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Linda Hatch to go into executive session for items 8a and 8b at 7:23 p.m.

Vote: 7 - 0 PASSED - Unanimously

- b)** Council may vote to hold an executive session pursuant to A.R.S. §§ 38-431.03(A)(1) to discuss the employment, assignment, appointment, promotion, demotion, dismissal, and/or salaries of the office of town attorney. (Mayor Marley)

Mayor Marley reconvened the meeting into open session at 8:30 p.m.

- c) Consideration and possible action regarding town attorney appointment.

Council took no action on item 8c.

9) ADJOURNMENT

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Darryl Croft to adjourn the meeting at 8:31 p.m.

Vote: 7 - 0 PASSED - Unanimously

ATTEST:

Chris Marley, Mayor

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 26th day of February, 2013. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 26th day of March, 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: 03/26/2013
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: Chino Valley Senior Center

AGENDA ITEM TITLE:

Consideration and possible action to accept resignation of Billie Messaros, Dolores Morgan and Don Wojcik from the Senior Center Advisory Board, effective February 15, March 8, and March 21, 2013, respectively.

RECOMMENDED ACTION:

Accept resignation of Billie Messaros, Dolores Morgan and Don Wojcik from the Senior Center Advisory Board.

SITUATION AND ANALYSIS:

Billie Messaros, Delores Morgan and Don Wojcik have notified staff of their resignation from the Senior Center Advisory Board.

Other Pertinent Documents Available Upon Request:

Resignation letters.

Fiscal Impact

Fiscal Impact?: No

If Yes, Budget Code:

Available:

Funding Source:

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 6. c.

Meeting Date: 03/26/2013
Contact Person: Cecilia Watts, General Services Director
 Phone: 928-636-2646 x-1202
Department: General Services
Item Type: Consent
Estimated length of staff presentation: None
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to amend Policy Number 605, "Overtime: Non-Exempt Employees," from the Town of Chino Valley Personnel Policy dated September 12, 2002 to include Amendment 2 of the Memorandum of Understanding between the Town of Chino Valley and the Chino Valley Police Officer's Association, dated February 26, 2013.

RECOMMENDED ACTION:

Approve amendment to Policy Number 605, "Overtime: Non-Exempt Employees," in the Chino Valley Personnel Policy dated September 12, 2002 to include Amendment 2 of the Memorandum of Understanding between the Town of Chino Valley and the Chino Valley Police Officer's Association, dated February 26, 2013.

SITUATION AND ANALYSIS:

On February 26, 2013 Council approved Amendment 2 of the Memorandum of Understanding between the Police Officer's Association and the Town of Chino Valley. Town staff would like to formally change the Personnel Policy to reflect the agreed-upon changes and to avoid any possible problems in the implementation of the Amendment.

Fiscal Impact

Fiscal Impact?: No

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Policy 605, OT Pay

Overtime MOU amendment #2

Policy No. 605

September 12, 2002
Page 1 of 1

OVERTIME: NON-EXEMPT EMPLOYEES

I. PURPOSE:

To provide guidelines to administer overtime pay to comply with applicable federal and state wage and hour regulations.

II. SCOPE:

This policy applies to all non-exempt Town employees.

III. POLICY:

This overtime policy conforms to overtime provisions of the Federal Fair Labor Standards Act and applicable state laws. Exemption from these provisions will be claimed for an employee only when it can clearly be established that the employee's duties and responsibilities meet the requirements for such exemption. At the option of the employee, overtime may be compensated by payment at one and one-half (1 1/2) times the regular rate of pay, or by compensatory time off at one and one-half (1 1/2) times the overtime hours worked. Compensatory time accrual is not to exceed 40 hours. Overtime pay policy for employees includes the following principal elements:

- A. Non-exempt, non-Public Safety employees will be compensated time and one-half their regular rate of pay for hours worked in excess of forty hours in one week. Non-exempt Public Safety employees will be compensated time and one-half their regular rate of pay for hours worked in excess of 80 hours in a consecutive 14-day pay period (per Amendment 2, Memorandum of Understanding between the Town of Chino Valley and the Chino Valley Police Officer's Association, dated 2/26/2013).
- B. The department head must authorize overtime worked by non-exempt employees.
- C. With seven (7) days notice and approval of supervisor, paid time off for vacation, sick time, and compensatory time will be used to calculate overtime pay. Holiday, jury duty, and bereavement paid time off will also be used to calculate overtime pay.
- D. In the event of a non-exempt employee being called out on other than their regular work hours there will be a minimum of two (2) hours overtime paid.

**AMENDMENT NUMBER 2 TO
MEMORANDUM OF UNDERSTANDING
BETWEEN THE TOWN OF CHINO VALLEY, ARIZONA
AND
CHINO VALLEY POLICE OFFICER ASSOCIATION**

This Second Amendment is made and entered into this 26th day of February, 2013 with an Effective Date of January 1, 2013 by and between the Town of Chino Valley, a municipal corporation of the State of Arizona ("Town") and Chino Valley Police Officer Association, a chartered non-profit labor organization ("POA"). The Town and Consultant are collectively referred to as the "Parties".

RECITALS

- A. The Parties have heretofore entered into a Memorandum of Understanding dated effective July 8, 2010 (the "POA MOU").
- B. On December 11, 2012, the Parties entered into Amendment Number 1. The Parties acknowledge that Amendment Number 1 does not accurately memorialize Parties' agreement concerning compensation for overtime hours worked, and now desire to enter into Amendment Number 2 for the purpose of accurately memorializing their agreement.
- C. In accordance with Section 33.07 of the Town Code, Section 6-2 of the POA MOU and action taken by the Council on July 8, 2010, the Parties desire to amend the POA MOU.

NOW, THEREFORE, in consideration of the agreements and promises hereinafter set forth and those set forth in the POU MOU, the Parties agree as follows:

AGREEMENT

- 1. Article 4, Section 4-1, "HOURS OF WORK/WORKING CONDITIONS; Work Schedules," shall be amended to add the following provision:
- E. Understanding the difficulty in scheduling manpower on a 24 hour, seven day per week basis, the Association agrees to work with the Town Manager or his designee, including the Chino Valley Police Chief, so that work schedules outside of the normal 40 hour work week can be considered. Pursuant to ARS § 23-392(A) and (B), the POA and the Town agree as follows:

If the Association Member is a Chino Valley Police Department sworn law enforcement officer and said Member's job classification prescribes federally-mandated overtime compensation, then time worked in excess of eighty (80) hours in a consecutive 14-day period will be paid at one of the following rates: (i) one and one-half the regular rate at which the Association Member is employed, or (ii) one and one-half compensatory time off for each hour worked. The decision

regarding whether to receive overtime pay or overtime compensatory time will be at the Association Member's discretion, as per policy and practices in effect as of the Effective Date of this POA MOU.

2. Except as amended in Section 1 above, all other terms and conditions of the POA MOU shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties have executed this First Amendment to POA MOU to be effective as of the Effective Date.

THE TOWN OF CHINO VALLEY

CVPOA Representative:

By: _____
Chris Marley, Mayor

Signature: _____

Printed Name: _____

ATTEST:

Jami Lewis, Town Clerk

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 7. a.

Meeting Date: 03/26/2013
Contact Person: Robert Smith, Town Manager
 Phone: 928-636-2646 x-1201
Department: Town Manager
Item Type: Action-Presentation
Estimated length of staff presentation: 15 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to adopt Resolution No. 13-1009, declaring the "Chino Valley Unified Development Ordinance Section 4.25: Wireless Communications Facilities" as a public record and adopt Ordinance No. 13-767 repealing the current Section 4.25, and adopting the new "Chino Valley Unified Development Ordinance Section 4.25: Wireless Communications Facilities" by reference.

RECOMMENDED ACTION:

Adopt Resolution No. 13-1009, declaring the "Unified Development Ordinance Of The Town, Section 4.25, Wireless Communications Facilities" as a public record and adopt Ordinance No. 13-767 repealing the current Section 4.25, and adopting the new "Unified Development Ordinance Of The Town, Section 4.25, Wireless Communications Facilities" by reference.

SITUATION AND ANALYSIS:

Section 4.25, Wireless Telecommunications Facilities, of the Unified Development Ordinance (a/k/a UDO), as it stands, creates several unintended consequences that should be addressed in order for the Town of Chino Valley to enjoy robust wireless communications services. In cooperation with the Planning and Zoning Commission and through several public review sessions at their meetings, a proposed draft revising this code section has been created. The revision will enhance the Town's ability to manage the manner and placement of wireless communications facilities, and will encourage the appropriate provision of robust wireless services to the community. If passed by the Council, the new Section 4.25 will become effective 30 days from its passage, pursuant to Section 36.04 of the Town Code.

Fiscal Impact

Fiscal Impact?: NO

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Memorandum to Council

Resolution 13-1009 exhibit, Code amendment

Ordinance 13-767

Resolution 13-1009



Town Manager's Office

Date: Tuesday, March 19, 2013
To: Council, P&Z
Re: Section 4.25 Wireless Communications Ordinance – revision

Pursuant to a recent application for a Conditional Use Permit (CUP) for a wireless facility in Town, staff became aware of several negative, unintended consequences resulting from the standing Code (UDO Section 4.25). The resulting actions taken by staff and the P&Z are outlined below, along with a few thoughts about the proposed revision, to provide some background for Council as it moves towards consideration of this item, which will appear on the Council Agenda soon.

The applicant for the CUP (AT&T) expressed an interest to move forward with a proposal that exceeded the height limits for wireless facilities in Town (65'). That applicant requested the opportunity to suggest a text amendment to the Town's Code (Section 4.25) which would allow their project to move forward, by increasing the height limit in the code. The applicant's text amendment was brought to the P&Z for consideration, prior to consideration of the applicant's wireless facility CUP proposal. The P&Z determined that the proposed text amendment, as it was presented by the applicant, would not be viable on its own – in other words, to consider an extension or alternative to the height limit, P&Z believed that other requirements and restrictions should exist, to mitigate impacts across the Town. The outcome of that hearing was that P&Z instructed the applicant that it desired additional changes to the Code, should an increase in height limits be considered.

At that time, staff intervened, and suggested that perhaps staff could craft a set of code revisions that would better answer the P&Z's concerns, since the applicant (AT&T) really had no business interest in crafting additional requirements or restrictions in the code that would affect their project proposal. The applicant agreed to allow their CUP application to be placed on hold while this issue was explored and the P&Z considered a code revision. Staff initially provided some informational materials to the P&Z, which helped the Commission re-consider how the wireless facility use might be better regulated to gain additional benefits for the Town. Subsequently, staff and a P&Z member worked on draft revision language for the P&Z to review.

Through several educational presentations, and draft language reviews, the P&Z has now forwarded to Council a draft of an amendment to section 4.25 for consideration. The draft code amendments accomplish several things:

1. The revised draft will provide some flexibility to applicants to creatively design and deploy fewer and better facilities.

2. The revised draft recognizes the different impacts that different wireless facility designs represent, and regulates the placement of sites based on their impacts.
3. The revised draft regulates the placement of wireless facilities to mitigate impacts and ensure residential areas are impacted least.
4. The revised draft will encourage maximum wireless coverage while minimizing visual impacts across the entire Town.
5. The revised draft will provide incentives for applicants to design facilities within code suggested guidelines by providing an administrative approval process for proposals that are 100% compliant with the code's design requirements.
6. The revised draft will send all non-code compliant proposals through a CUP process that requires neighborhood comment, P&Z recommendation, and Council approval.

Conceptually, the code revision provides a better way to consider and evaluate the impacts that wireless facility proposals will create – and in so doing, offers a framework for consideration when the physical location of the proposed facility is evaluated. By generalizing a proposed facility application into one of three groups (Concealed, Disguised, Visible) – impacts for the proposal can be evaluated, and physical placement can be regulated. Likewise, specific design requirements can be required for each group, to ensure impacts are minimized.

This approach is far more defensible legally, and generates far better designs and built environments, than a prescriptive regulation that only dictates dimensional maximums for site placement and physical elements of the construction (which is how Section 4.25 is currently written). After considerable study and consideration, the P&Z believed this approach to be superior to the standing code and recommended unanimously that it be brought to Council for consideration.

Additional materials will be presented to Council via the agenda, and a presentation from staff should allow for any questions Council may have about the proposed revision.

4.25 WIRELESS COMMUNICATIONS FACILITIES

A. PURPOSE The purpose of this section is to establish general guidelines for the siting of wireless communications facilities, towers and antennas. The goals of this section are to:

1. Ensure access to reliable wireless communications services throughout all areas of the Town of Chino Valley.
2. Protect residential areas and land uses from potential adverse impacts of wireless facilities, towers and antennas.
3. Encourage the location of wireless facilities, towers and antennas in non-residential areas.
4. Minimize the total number of towers throughout the community.
5. Strongly encourage the joint use of new and existing wireless facility and tower sites as a primary option rather than construction of additional single-use towers.
6. Encourage users of wireless facilities, towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal.
7. Encourage users of wireless facilities, towers and antennas to configure them in a way that minimizes the adverse visual impact of the wireless facilities, towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques.
8. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.
9. Ensure public health, safety, welfare and convenience as enumerated in Section 1.9.2(A) of this code.
10. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, the Town shall give due consideration to the General Plan, other provisions of this Ordinance, existing land uses, and environmentally sensitive areas in approving sites for the location of wireless facilities, towers and antennas.

B. DEFINITIONS. As used in this section, the following terms shall have the meanings set forth below:

ALTERNATIVE TOWER STRUCTURE means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas, towers or wireless facilities.

ANTENNA means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

CO-LOCATION means the use by two or more wireless communications providers of the same support structure or the same site, as defined in subsection “I” below.

CONCEALED WIRELESS FACILITY means a wireless facility that cannot be directly seen because it is enclosed within a structure or screen that completely precludes it from direct view.

DISGUISED WIRELESS FACILITY means a wireless facility that can be directly observed but uses an **ALTERNATIVE TOWER STRUCTURE** or alternative site design or materials in such a way as to make the identification of the use not readily apparent to the casual observer.

EXISTING STRUCTURE means light poles, power poles, chimneys, billboards, and other structures that are situated within the Town at the time of adoption of this Ordinance.

FAA means the Federal Aviation Administration.

FCC means the Federal Communications Commission.

HEIGHT means, when referring to a tower or other structure, the vertical distance measured from the natural grade level to the highest point of the structure directly above the natural grade when such structure is not located in a platted subdivision. If the structure is located in a platted subdivision, the height shall be the vertical distance measured from the finished grade as shown on the subdivision grading plans or finished grade as shown on the individual lot's grading plans (whichever is lower), to the highest point of the structure directly above the finished grade. In the event that terrain problems prevent an accurate determination of height, the Development Director shall rule as to height and appeal from that decision shall be to the Board of Adjustment.

PREEXISTING WIRELESS FACILITIES, TOWERS AND ANTENNAS means any wireless facility, tower or antenna for which a building permit has been properly issued prior to the effective date of this Ordinance, including permitted wireless facilities, towers or antennas that have not yet been constructed so long as such approval is current and not expired.

SITE means the physical location upon which wireless communications facilities are located. Unless otherwise stated in this Section, “site” shall be limited to the area

occupied by a single tower and its accompanying ground or roof-mounted equipment.

TOWER means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term also includes the structure and any support thereto.

VISIBLE WIRELESS FACILITY means wireless facilities that are immediately identifiable to the casual observer, with no incorporation of ALTERNATIVE TOWER STRUCTURES or alternative designs or materials to obscure the use from a casual observer.

WIRELESS COMMUNICATION means any technology for transmitting communication through the air.

WIRELESS COMMUNICATIONS FACILITIES means any combination of one or more antennae, towers and/or structures or equipment used for the transmission of wireless communication.

C. APPLICABILITY

1. New facilities, towers or antennas. All WIRELESS FACILITIES in the Town shall be subject to these regulations.
2. Existing facilities, towers or antennas
 - a. Preexisting towers or antennas. Legally established preexisting wireless facilities, towers and antennas shall comply with the requirements of this Section.
3. Exceptions.
 - a. Amateur radio station operators and/or receive only operations. This Section shall not govern any tower, or the installation of any antenna, that is under the maximum building height of the zoning district in which such structure is located and which is solely used by a federally-licensed amateur radio station operator or is used exclusively for receive only operations, including devices necessary for individual subscriptions to commercial wireless services.
 - b. AM array. For purposes of implementing this Ordinance, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

- c. Wireless Facilities used by a governmental agency for public safety purposes are permitted in all zoning districts subject to 4.25.E.2 of this code section.

D. GENERAL REQUIREMENTS

1. Principal or accessory. Wireless facilities, antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of a wireless facility, antenna or tower on such lot.
2. Lot size. For purposes of determining whether the installation of a wireless facility, tower or antenna complies with district development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas, towers or wireless facilities may be located on leased parcels within such lot.
3. Inventory of existing sites. Each applicant for a wireless facility, antenna and/or tower shall provide to the Development Director an inventory of its existing wireless facilities, towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the Town or within one mile of the border thereof, including specific information about the location, height, and design of each tower. Each applicant shall also provide a one-year build out plan for all other proposed wireless communications facilities within the Town. The Development Director may share such information with other applicants applying for administrative approvals or conditional use permits under this Section or with other organizations seeking to locate antennas within the jurisdiction of the Town, provided, however that the Development Director is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
4. Aesthetics. Wireless Facilities, Towers and antennas shall meet the following requirements:
 - a. Towers shall either maintain a galvanized steel finish or be painted a neutral color so as to reduce visual obtrusiveness.
 - b. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
 - c. If an antenna is installed on a structure other than a tower, the antenna, attachments and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna, attachments and related equipment as visually unobtrusive as possible.
5. Lighting. Towers shall not be artificially lighted.

6. **State and Federal Requirements.** All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate wireless facilities, towers and antennas. If such standards and regulations are changed, the owners of the wireless facilities, towers and antennas governed by this chapter shall bring such wireless facilities, towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring wireless facilities, towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the revocation of the standing permit (if applicable) and removal of the wireless facility, tower or antenna at the owner's expense.
7. **Building Codes; Safety Standards.** To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association (EIA) and by the Telecommunications Industries Association (TIA), or subsequent, as amended from time to time. As determined by the Development Services Director, the Town may require a permit holder to perform inspections of its structure and, as required, formally report to the Town the status of compliance with applicable standards. If, upon inspection, the Town concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within thirty (30) days shall constitute grounds for the revocation of the standing permit (if applicable) and removal of the wireless facility, tower or antenna at the owner's expense.
8. **Measurement.** For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the Town irrespective of municipal and county jurisdictional boundaries.
9. **Not essential services.** Wireless facilities, towers and antennas shall be regulated and permitted pursuant to this Section and shall not be regulated or permitted as essential services, public utilities or private utilities.
10. **Franchises.** Owners and/or operators of wireless facilities, towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the Town have been obtained and shall file a copy of all required franchises with the Development Director.
11. **Public notice.** For purposes of this Section, any Conditional Use Permit request shall be pursuant to Section 1.9.3 of this Ordinance except that the notice required shall include posting of the property, and mailing to all property owners within one thousand feet (1,000') of the proposed wireless communications facility, and

publication in a newspaper of general circulation regardless of any expression to the contrary in Section 1.9.2.

12. Signs. No signs shall be allowed on a wireless facility, tower or antenna, or on any portion of the premises leased for wireless telecommunication use, with the exception of site identification and emergency contact signage as indicated within this UDO.
13. Buildings and support equipment. Buildings and support equipment associated with antennas, towers or wireless facilities shall comply with the requirements of this chapter 4.25.
14. Co-location and multiple antenna/tower plan. The Town encourages wireless facility, tower and antenna users to submit a single application for approval of multiple wireless facilities, towers and/or antenna sites and to submit applications that utilize co-location with an existing wireless telecommunications provider. Applications for approval of multiple sites or for co-location with an existing provider shall be given priority in the review process.
15. Security fencing. Wireless facilities, towers and antennas (and where applicable to rooftop installations) shall be enclosed by security fencing not less than six feet (6') in height and no more than eight feet (8') in height. Fencing shall be constructed of chain link, block or masonry (as directed by staff and/or approved by Council), and tower structures shall be equipped with appropriate anti-climbing devices. For rooftop installations, applicants may substitute a security and access management plan which demonstrates how access and security will be managed on site to preclude general access to the facility; The Town Council may waive such requirements related to security fencing as it deems appropriate.
16. Landscaping. The following requirements shall govern the landscaping surrounding wireless facilities and towers; provided, however, that the Town Council may waive such requirements if the goals of this Section would be better served thereby.
 - a. Towers and wireless facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from residentially zoned property. The standard buffer shall consist of a landscaped strip at least four feet (4') wide outside the perimeter of the compound. The Applicant must ensure that any such plant materials shall be sustained for the life of the proposed facility.
 - b. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
 - c. Existing mature plant growth and natural landforms on the site shall be preserved to the maximum extent possible.

E. ADMINISTRATIVE USE PERMITS

1. General. The uses listed in this section are deemed to be permitted uses and shall require an administrative use permit or a conditional use permit.
2. Permitted uses, all zones -- The following uses are specifically permitted in any Zone via administrative use permit. All such uses shall be fully compliant with Town design requirements for antennas, towers and wireless facilities as enumerated in code:

Antennas, towers or wireless facilities located on property owned, leased, or otherwise controlled or managed by the Town; provided, however, a license or lease authorizing such wireless facility, antenna or tower has been approved by the Council. No such license or lease shall be issued for a wireless facility, tower or antennas located within three hundred feet (300') of any residentially zoned property until an informational hearing has been held at a regular or special Town Council meeting and notice of such hearing has been advertised according to subsection 4.25.D.11 at least seven (7) days but not earlier than fourteen (14) days prior to such hearing. All other wireless facilities, towers or antennas require administrative use or conditional use permits as enumerated and regulated within this UDO

3. Permits, Information Required and Design Elements.

- a. Intent: The intent of the following development standards is to improve the design and placement of new Wireless Facilities, towers and antennas, as well as the modification of such facilities, towers and antennas in order to reduce the impact on the visual and aesthetic character of the community. The standards are designed to: Encourage the use of concealment technology; minimize the construction of new towers through the promotion of co-location on existing Wireless Facilities, buildings or other structures; ensure continuous maintenance of Wireless Facilities and enforce the timely removal of any unused or outdated facilities; and regulate the use of temporary Wireless Facilities. A Wireless Facility may be Concealed, Disguised or Visible.
- b. Administrative or conditional use permits; additions or changes; information required. Subject to section 3(c) below, a site plan must be approved or amended by the Development Services Department to reflect any additional antennae, microwave dishes, or attaching apparatus or a change in support structure or expanded area for support equipment. Changes to equipment that is fully enclosed within an equipment shelter that was included on a previous site plan approval do not require a site plan amendment. No site plan for a new or amended Wireless Facility, tower or antenna shall be approved

unless the support equipment is located entirely within an equipment enclosure or equipment shelter that is architecturally compatible with the surrounding area.

- c. Applicants for both administrative and conditional use permits for a wireless facility, antenna(s) or tower shall submit the following information:
 - i. A scaled Site Plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), General Plan classification of the site and all adjoining properties, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, and other information deemed by the Development Services Director to be necessary to assess compliance with this section of the UDO.
 - ii. The setback distance between the proposed tower and the nearest residentially zoned properties.
 - iii. The separation distance from other towers described in the inventory of existing sites submitted pursuant to subsection 4.25.D.3 shall be shown on an updated Site Plan or map. The applicant shall also identify the type of construction and height of the existing tower(s) and the owner/operator of the existing tower(s), if known.
 - iv. Method of fencing and finished color and, if applicable, the method of camouflage or concealment.
 - v. A description of compliance with applicable UDO subsections and all applicable federal, state or local laws.
 - vi. A notarized statement by the applicant indicating that the construction of any tower will accommodate co-location of additional antennas for future users.
 - vii. Two photosimulations from the 2 nearest intersections of public rights of way or public lands.
 - viii. An alternate site analysis report, detailing all potential sites investigated by the applicant, and reasons why said alternate sites will not meet the applicant's Radio Frequency (RF) and service objectives.

ix. A statement of compliance with Federal Communications Commission (FCC) RF exposure standards.

d. Factors considered in granting conditional use permits for towers (not in any particular order or priority). In addition to any standards for consideration of applications pursuant to Section 4.25 of this Ordinance, the Town Council shall consider the following factors in determining whether to issue a conditional use permit, although the Town Council may waive or reduce the burden on the applicant of one or more of these criteria if the Town Council concludes that the goals of this Ordinance are better served thereby:

- i. The consistency of the request with the context of the surrounding area;
- ii. The design of a Disguised Wireless Facility must be compatible with the architectural character and natural features of the site or development;
- iii. The placement of the Wireless Facility on the lot or parcel and its potential effect on expanding existing or developing future land uses;
- iv. The cumulative effect that existing Wireless Facilities in the vicinity of the site may have on the request;
- v. Height of the proposed tower.
- vi. Proximity of the tower to residential structures and residentially zoned district boundaries.
- vii. Nature of uses on adjacent and nearby properties.
- viii. Surrounding topography.
- ix. Surrounding tree coverage and vegetation.
- x. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
- xi. Proposed ingress and egress.
- xii. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in this Ordinance.

Availability of suitable existing towers, other structures, or alternative technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Town Council that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Town Council related to the availability of suitable existing towers, other structures or alternative technology.

4. Concealed Wireless Communication Facilities. Concealed Wireless Facilities used by a governmental agency for public safety purposes are permitted in all zoning districts subject to 4.25.E.2 of this UDO section. Other Concealed Wireless Facilities are permitted in all zoning districts, subject to the following standards:

a. When there is more than one underlying zoning district, the more restrictive regulations shall apply. Concealed Wireless Facilities are permitted on residentially zoned properties as follows:

(1) Public/quasi-public spaces—Concealed Wireless Facilities are permitted on residentially zoned property that are designated or used for public or quasi-public spaces including, but not limited to, schools, churches, golf courses, parks or government facilities, subject to obtaining an administratively approved use permit pursuant to the design guidelines herein and other provisions contained in this Ordinance. Failure to comply with applicable design guidelines and other required provisions in this Ordinance will mandate that the proposed Wireless Facility be processed as a Conditional Use Permit.

(2) Open space residential tracts—Concealed Wireless Facility are permitted in tracts within residential subdivisions that are zoned or platted for open space or retention areas, subject to obtaining an administratively approved use permit pursuant to the design guidelines herein and other provisions contained in this Ordinance. Failure to comply with applicable design guidelines and other required provisions in this Ordinance will mandate that the proposed Wireless Facility be processed as a Conditional Use Permit.

b. Design guidelines. A site plan must be approved by the Development Services Department demonstrating that the proposed Wireless Facility meets the definition of "Concealed". Site plans for Concealed Wireless Facilities must demonstrate the following in order to be administratively approved:

- (1) The antenna is fully enclosed, screened or obscured so that it is not visible at all or, if visible, it is not recognizable as a Wireless Facility to a casual observer; and
- (2) The antenna does not extend more than twelve inches (12") from the building or structure to which it is attached; and
- (3) The underlying zoning district must allow the structure being utilized to support the antenna and the support structure; and
- (4) The Concealed Wireless Facility and its support structure shall comply with the setback requirements of the underlying zoning district or, if located in a sign, by the standards contained in this Ordinance; and
- (5) The support equipment is located entirely within an equipment enclosure that is architecturally compatible with the surrounding area, completely screened from view, and built in compliance with the standards outlined in this Zoning Ordinance; and
- (6) A Wireless Facility concealed as a flagpole shall be required to fly a flag in compliance with the accepted protocol for the type of flag flown. The flag and pole shall be visible from the building entrances used by the public. The diameter of the pole structure must not exceed twenty-four inches (24"); and
- (7) The installation of a Concealed Wireless Facility should be done in a manner that minimizes the removal of mature vegetation or the disturbance of natural vegetation.

5. Disguised Wireless Communication Facilities. Disguised Wireless Facilities used by a governmental agency for public safety purposes are permitted in all zoning districts subject to 4.25.E.2 of this section. Other Disguised Wireless Facilities are permitted in all zoning districts, subject to the following standards:

- a. When there is more than one underlying zoning district, the more restrictive regulations shall apply. In addition, Disguised Wireless Facilities must comply with the following design requirements in order to be administratively approved; otherwise, a Conditional Use Permit is required:

- (1) Maximum height—Sixty-five feet (65') in height from natural grade to the highest point of the pole or support structure for all Disguised Wireless.

(2) Required setbacks—The following minimum setbacks are required for a Disguised Wireless Facility:

(a) From another property zoned for residential purposes:

(i) Disguised Wireless Facility—Except as described below, a minimum of one hundred fifty feet (150') setback is required from another property zoned for residential purposes. For purposes of this standard, land uses that are permitted in residential zoning districts, including those that are designated for public spaces such as, but not limited to, schools, churches, golf courses, parks or government facilities shall be considered "residential purposes".

The setback may be reduced to fifty feet (50') from a property that is zoned for residential purposes subject to obtaining a Conditional Use Permit pursuant to this Ordinance.

(ii) Wireless Facilities co-locating on public utilities—Except as described below, a minimum of one hundred fifty feet (150') setback is required from another property zoned for residential purposes. The setback from a property that is zoned for residential purposes may be reduced to a lesser distance or eliminated subject to obtaining a Conditional Use Permit pursuant to this Ordinance.

(b) From an adjoining property that is zoned for commercial or industrial purposes: No setback required except for perimeter landscape setback requirements.

(c) Streets: A minimum setback of twenty-five feet (25') from all public and private rights-of-way or access-ways, unless being located on a previously existing public utility pole or if a greater setback is required by the underlying zoning.

(d) Support structures or signs: The setbacks for any structure that is supporting a Disguised Wireless Facility must comply with the setback requirements of the underlying zoning district or this Ordinance if located on a sign.

(3) Restrictions on development in residential zoning districts—Disguised Wireless Facilities are permitted on residentially zoned

properties subject to compliance with the above noted requirements and as follows:

- (a) Public/quasi-public spaces—Disguised Wireless Facilities are permitted on residentially zoned property that are designated for public or quasi-public spaces such as, but not limited to, schools, churches, golf courses, parks or government facilities subject to obtaining a Conditional Use Permit pursuant to this Ordinance.
- (b) Open space residential tracts—Disguised Wireless Facilities are permitted in tracts within residential subdivisions that are zoned or platted for open space or retention areas, subject to obtaining a Conditional Use Permit pursuant to the provisions contained in this Ordinance.

b. Design guidelines. A site plan must be approved by the Development Services Department demonstrating that the proposed Wireless Facility meets the definition of "Disguised". The following minimum specifications shall apply to these types of Disguised Wireless Facility:

- (1) Monopine or Broadleaf tree: A Monopine or Broadleaf tree must meet the following design guidelines:
 - (a) The pole structure must be built of steel or fiberglass and clad with faux bark. The faux bark shall start at the base of the pole and continue to the height of the first branch attachment. The balance of the pole structure and the attachments must be painted or colored and textured to blend with the faux branches.
 - (b) The diameter of the pole structure must not exceed thirty-six inches (36") at the base and shall taper to no greater than twenty-eight inches (28") at the top of the pole structure.
 - (c) All cables must be concealed within the pole structure.
 - (d) The faux branches must:
 - (i) Be constructed to a density of 2.5 branches for each one vertical foot of pole, and
 - (ii) Start attachment at no greater than fifteen feet (15') above finished grade and continue to the top of the pole, and

- (iii) Be a minimum of eight feet (8') long around the circumference of the lower level and shall taper appropriately as the branches progress upwards.
 - (e) The entire length of all antenna and their attaching apparatus shall be disguised by the branches and the antenna array shall not extend horizontally more than thirty inches (30") beyond the structure to which it is attached.
 - (f) Microwave dishes shall be limited to one (1) square foot in size and must be painted the same shade of green as the branches. The attaching apparatus must also be painted the same shade of green as the branches.
 - (g) No more than four (4) microwave dishes are permitted on each Monopine or Broadleaf tree.
 - (h) No climbing pegs are permitted on the pole structure.
 - (i) The installation of a Monopine or Broadleaf tree should be done in a manner that minimizes the removal of mature vegetation.
- (2) Ball field light poles: Wireless Facilities may be added to legally existing or proposed Ball field light poles in compliance with the following design guidelines:
- (a) The maximum allowable width of an antenna array is four feet (4').
 - (b) The antenna array shall not extend horizontally more than thirty inches (30") beyond the structure to which it is attached.
 - (c) The maximum allowable length of each antenna is ten feet (10').
 - (d) The diameter of the pole structure must not exceed thirty-six inches (36").
 - (e) The addition of a Wireless Facility to a Ball field light must not increase the height of the light structure by more than ten feet (10').
 - (f) All cables must be concealed within the pole structure.
 - (g) Microwave dishes shall be limited to two (2) square feet in size.

(h) No more than two (2) microwave dishes are permitted on each Ball field light pole.

(i) All microwave dishes, antennas, and attaching apparatus must be painted to match the Ball field light pole.

(j) The installation of Ball field light poles should be done in a manner that minimizes the removal of mature vegetation.

(3) Water towers/tanks: Wireless Facilities incorporated into Water towers or Water tanks must meet the following design guidelines:

(a) The maximum allowable width of an antenna array is four feet (4').

(b) The antenna shall not extend more than eighteen inches (18") from the structure to which it is attached.

(c) The maximum allowable length of each antenna array is ten feet (10').

(d) The addition of a Wireless Facility must not increase the height of the Water tower/tank structure.

(e) All cables must be concealed within the support structure or fully enclosed within a cable shroud.

(f) Microwave dishes shall be limited to two (2) square feet in size.

(g) No more than two (2) microwave dishes are permitted on each Water tower or Water tank.

(h) All microwave dishes, antennas, cable shrouds and attaching apparatus must be painted to match the Water tower or Water tank.

(i) The installation of a Water tower or Water tank should be done in a manner that minimizes the removal of mature vegetation.

(4) Existing public utility poles: The Town encourages Wireless Facilities to be added to existing public utility poles, subject to the following design guidelines:

(a) Twelve kilovolt (12 kv) utility poles:

- (i) The antenna shall not extend more than twelve inches (12") from the structure to which it is attached.
 - (ii) The maximum allowable length of all antenna added to a 12 kv utility pole is ten feet (10').
 - (iii) The addition of a Wireless Facility to an existing public utility pole must not increase the height of the public utility pole by more than ten feet (10').
 - (iv) All cables must be concealed within the public utility pole or a cable shroud.
 - (v) Microwave dishes shall be limited to two (2) square feet in size.
 - (vi) No more than two (2) microwave dishes are permitted on each public utility pole.
 - (vii) All microwave dishes, antennas, cable shrouds and attaching apparatus must be painted to match the public utility pole.
- (b) Sixty-nine kilovolts (69 kv) or larger utility poles or lattice-type tower structures:
- (i) The maximum allowable width of an antenna array is four feet (4').
 - (ii) The antenna array shall not extend more than thirty inches (30") from the structure to which it is attached.
 - (iii) The maximum allowable length of each antenna is ten feet (10').
 - (iv) The addition of a Wireless Facility to an existing public utility pole must not increase the height of the public utility pole by more than ten feet (10').
 - (v) All cables must be concealed within the public utility pole or a cable shroud.
 - (vi) Microwave dishes shall be limited to two (2) square feet in size.

(vii) No more than two (2) microwave dishes are permitted on each public utility pole.

(viii) All microwave dishes, antennas, cable shrouds and attaching apparatus must be painted to match the public utility pole.

6. Visible Wireless Communication Facilities. Visible Wireless Facilities used by a governmental agency for public safety purposes are permitted in all zoning districts subject to 4.25.E.2 of this UDO section. All other Visible Wireless Facilities are permitted only in the Commercial and Industrial Zoning Districts and must comply with the following standards in order to be approved administratively:

a. When there is more than one underlying zoning district, the more restrictive regulations shall apply. In addition, Visible Wireless Facilities must comply with the following:

(1) Maximum height for Administrative Approvals —One Hundred feet (100') from natural grade to the highest point of pole or fifteen feet (15') higher than the height of the top of the building to which it is mounted (see also side mounted antenna height limitations below). Proposals in excess of the maximum height allowances above require a Conditional Use Permit.

(2) Required setbacks—The following setbacks are required:

(a) From another property zoned for residential purposes: A minimum setback of three hundred feet (300') is required. For purposes of this standard, land uses that are permitted in those residential zoning districts, including those that are designated for public spaces such as, but not limited to, schools, churches, golf courses, parks or government facilities shall be considered "residential purposes".

(b) From an adjoining property that is zoned for commercial or industrial purposes: No setback required except for any required perimeter landscape setback standards.

(c) Streets: A minimum setback of seventy-five feet (75') from all public and private rights-of-way or access-ways, unless a greater setback is required by the underlying zoning.

(d) Hillside: No Visible Wireless Facility shall be installed on a property in or within five hundred feet (500') of a sensitive view shed, ridgeline or hillside.

b. Design guidelines. A site plan must be approved by the Development Services Department demonstrating that the proposed Visible Wireless Facility meets the following minimum specifications:

- (1) The maximum allowable width of an antenna array is four feet (4').
- (2) The antenna array shall not extend horizontally more than thirty inches (30") beyond the structure to which it is attached.
- (3) The maximum allowable length of each antenna array is ten feet (10').
- (4) The diameter of the pole structure must not exceed forty inches (40").
- (5) All antenna cables must be concealed within the pole structure or a cable shroud.
- (6) Microwave dishes shall be limited to two (2) square feet in size and must be painted the same color as the Visible Wireless Facility.
- (7) No more than two (2) microwave dishes are permitted on each Visible Wireless Facility.
- (8) All microwave dishes, antennas, cable shrouds and attaching apparatus must be painted to match the Visible Wireless Facility.
- (9) Antennae mounted on the side of a building shall be permitted subject to the following provisions:
 - (a) The antenna must not extend above the existing profile of the building or project more than twelve inches (12") from the building face.
 - (b) The antenna shall be integrated into the building design in a manner that is compatible with the architectural style and coloring of the structure, considers the context and placement of the antenna on the structure, and minimizes its visual impact.

(c) Requests to exceed the established building profile shall be subject to securing a use permit in accordance with the provisions of this UDO when it is demonstrated that the architectural element to which the antennae are attached is integrated with and in proportion to the building design.

(10) The installation of a Visible Wireless Facility should be done in a manner that minimizes the removal of mature vegetation or the disturbance of natural vegetation. To ensure compliance, the following shall be done:

(a) If required by the Development Services Department, a plant inventory of the Wireless Facility and equipment enclosure or shelter site (if no enclosure used) and a re-vegetation/salvage plan shall be submitted for review and approval at the time of site plan review; and

(b) Any trenching or site disturbance shall be re-vegetated to match the existing or natural vegetation, and

(c) No protected plant species shall be disturbed during construction unless re-vegetated as part of an approved salvage plan.

7. Equipment enclosures, support equipment and structures. Wireless Facilities include different types and sizes of support equipment and accessory structures needed to accommodate each antenna. No site plan for a Wireless Facility shall be approved unless the following standards can be met:

a. Not permitted—An equipment enclosure and all support equipment must not be located within the required perimeter landscape setback(s) of a development.

b. Equipment enclosure—The following standards apply to equipment enclosures:

(1) Shall be screened primarily by a six (6) or eight (8) foot chain link fence, decorative solid block or masonry perimeter wall, as required by staff. No more than 5% of each wall facade may be constructed of alternative materials, including see through materials, as approved by the Development Services Department when deemed to be appropriate for security purposes.

- (2) All entry gates visible from public streets or access-ways shall be constructed of sight-obscuring material approved by the Planning and Development Services Department.
- c. Equipment shelter—The following standards apply to equipment shelters:
 - (1) Maximum height permitted is eight feet (8') in residential zones, fourteen feet (14') in industrial and commercial zones, to be measured from finished grade or roof-top elevation of a supporting structure. Below grade shelters are permitted.
 - (3) An equipment shelter shall meet minimum setbacks on the lot or parcel.
- d. Ground-mounted cabinets—Ground-mounted cabinets shall comply with the following:
 - (1) Maximum area shall not exceed three hundred (300) square feet for a single wireless Communications provider.
 - (2) Maximum height permitted is eight feet (8'), to be measured from finished grade elevation.
 - (3) Ground-mounted cabinets that are visible from a public street or access-way must be located within an equipment enclosure, equipment shelter or enclosed building.
 - (4) Ground-mounted cabinets are not permitted to be constructed within the front yard setback of a residential zoning district.
- e. Other screening allowances—If the support equipment is screened from view from a public street or access-way, alley, or adjacent property by a permanent perimeter or interior wall, fence or structure that is permanent, no separate wall is needed around the equipment enclosure.
- f. Illumination—Equipment enclosures or shelters shall not be externally illuminated.
- g. Noise level—The average noise level of the support equipment, measured at any property line that is zoned for residential purposes, must comply with existing code requirements and nuisance abatement codes.

F. CONDITIONAL USE PERMITS

1. General. There is hereby created for this section only a Conditional use permit for Wireless Towers, Facilities and Antennas which may be granted by the Town Council as follows:
 - a. If the Wireless Facility, tower or antenna is not an administratively permitted use under this Ordinance, a conditional use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.
 - b. Applications for conditional use permits under this Section shall be subject to the procedures and requirements of this Ordinance, except as modified in this Section.
 - c. In granting a conditional use permit, the Town Council may impose conditions to the extent such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties. Such Conditions of Approval (COAs) shall be incorporated into the Building Permit Process and made a part of the final building inspection process and records. The Town will not conduct any Final Inspection nor will it issue a Certificate of Occupancy unless all COAs required in the zoning process are satisfied.
 - d. Any information of an engineering nature that the applicant submits, whether civil, mechanical or electrical, shall be certified by an Arizona licensed professional engineer.
 - e. An applicant for a conditional use permit shall submit the information and certifications described in sections 4.25.D, E, H, I and L.. and a non-refundable fee established pursuant to a Resolution of the Town Council.
 - f. A Conditional use permit issued under this Section shall be conditioned upon verification by the Town Engineer or his/her designee that such facility and/or tower structure (and any appurtenances thereto) is structurally sound. Such verification shall be received by the applicant prior to submission and shall be reviewed annually.

G. MINIMUM SETBACKS

1. Setbacks. The setback requirements shall apply to all wireless facilities, towers and antennas as required in the UDO; provided, however, that the Town Council may reduce the standard setback requirements if the goals of this Section would be better served thereby. Requests for relief from setback requirements beyond those set forth in the UDO will result in the application being processed as a Conditional Use.

H. BUILDINGS OR OTHER EQUIPMENT STORAGE

1. Town Council may reduce the standard building and equipment structure requirements if the goals of this Section would be better served thereby. Requests for

relief from such requirements beyond those set forth in the UDO will result in the application being processed as a Conditional Use

I. CO-LOCATION

1. Required. Any new tower constructed in connection with an application under this Section shall be constructed so that it is suitable for co-location.
2. Good faith. Applicants, additional users and permittees shall exercise reasonable good faith efforts to cooperate in co-locating wireless telecommunications facilities on the same support structures or site. For the purposes of this section only, a "site" may accommodate more than one tower and its accompanying equipment; provided, however, that no "site" shall exceed ten (10) acres.
3. Exceptions. The Town Council may, upon a determination that the Town's citizens would be better served, waive any portion of the requirements of this subsection.
4. Violation; penalty. Failure to comply with co-location requirements may result in denial of a permit request or revocation of an existing permit.

J. REMOVAL OF ABANDONED WIRELESS FACILITIES, ANTENNAS AND TOWERS

Any wireless facility, antenna or tower that ceases to be used or fails to operate for a period of ninety consecutive (90) days shall be considered abandoned, and the owner of such wireless facility, antenna or tower shall remove the same within ninety (90) days after such abandonment. If such tower or antenna is not removed in a timely fashion, the Town may give written notice to the owner that it will contract for removal within thirty (30) days following said notice. Thereafter, the Town may cause removal at the sole cost of the owner.

K. PRE-EXISTING and NONCONFORMING USES

1. No expansion of nonconforming use. Wireless facilities and towers that are constructed and antennas that are installed, in accordance with the provisions of this chapter shall not be deemed to constitute the physical expansion of a nonconforming use or structure.
2. Preexisting wireless facilities, antennas and towers. Preexisting wireless facilities, antennas and towers shall be allowed to continue their usage as they presently exist and shall be allowed to accommodate additional collocations to the tower site that are proposed in compliance with standing code and design requirements. Routine maintenance and the replacement of failed equipment with 'like for like' equipment shall be permitted on such preexisting (and possibly non-conforming) wireless facilities, antennas and towers. "Like for Like" replacement shall include replacement of equipment with newer equipment that is in substantial dimensional conformity with the approved original equipment. Replacement equipment shall conform to site design requirements and any color or surface treatments required to ensure compatibility with the existing, standing wireless facility, antennas or tower. "Like for

Like” maintenance shall not allow the introduction of additional equipment that is visible to the casual observer or was not approved in the standing permit for the wireless facility, antennas or tower. Maintenance and replacement of equipment that does not comply with the above “Like for Like” requirements will require permits and inspections. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this chapter.

3. Rebuilding damaged or destroyed nonconforming wireless facilities, towers or antennas. Notwithstanding other provisions of this Section, lawful nonconforming wireless facilities, towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain a conditional use permit and without having to meet the requirements specified in subsections 4.25.G.1 and 2. The type, height, and location of the tower on-site shall be of the same type and intensity as the original facility approval; Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within ninety (90) days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in subsection 4.25.J.

L. NOTICE

1. Permit/Entitlement holders operating wireless facilities within the Town shall be required to provide updated notice and contact information to the Town if/when ownership of the facility changes. Such notice and information shall be provided to the Locality within 60 days of change of ownership.
2. Wireless facilities within the Town shall display informational signage on the gate of the wireless facility. Sign shall be 4' x 4' in size and shall indicate the site name/number and emergency contact information (phone number) of the facility owner or party responsible for the operation and maintenance of the facility. Such signage and information shall be present in order for final inspection and certificate of occupancy to be approved.

ORDINANCE NO. 13-767

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, REPEALING THE "UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN, SECTION 4.25, WIRELESS TELECOMMUNICATIONS FACILITIES" AND ADOPTING BY REFERENCE THE NEW "UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN, SECTION 4.25, WIRELESS COMMUNICATIONS FACILITIES"

WHEREAS, the Town's current wireless telecommunications section of the Unified Development Ordinance (UDO) proscribes the authority of staff to issue administrative approval of wireless communication facilities that fully comply in all respects with the design requirements set forth in the UDO; and

WHEREAS, the Town's current wireless telecommunications section of the UDO does not articulate the three (3) primary categories of such facilities – (1) Concealed, (2) Disguised, and (3) Visible – and the manner in which the Town will process applications for such proposed facilities; and

WHEREAS, the Town desires to amend and clarify the foregoing, as well as other matters governing the issuance and approval of permits for the location of wireless communication facilities;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA:

Section 1: That certain document known as "Unified Development Ordinance Of The Town, Section 4.25, Wireless Communications Facilities," three (3) copies of which are on file in the office of the Town Clerk of the Town of Chino Valley, Arizona, which document was made a public record by Resolution No. 13-1009 of the Town of Chino Valley, Arizona, is hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance.

Section 2: "Unified Development Ordinance Of The Town, Section 4.25, Wireless Telecommunications Facilities," is hereby deleted in its entirety and is superseded by the new "Unified Development Ordinance Of The Town, Section 4.25, Wireless Communications Facilities."

Section 3: All other sections of the UDO, other ordinances, and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed on the effective date of this Ordinance.

Section 4:

A. Any person violating any provision of this chapter for which no specific penalty is prescribed shall be guilty of a Class 1 misdemeanor.

Section 5: The amendment of the Unified Development Ordinance of the Town, Section 4.25, does not affect the rights and duties that have matured and/or the penalties that were incurred hereunder and/or any proceedings that were begun before the effective date of this Ordinance.

Section 6: If any section, subsection, sentence, clause, phrase, or portion of this Ordinance 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.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 26th day of March, 2013.

Chris Marley, Mayor

ATTEST:

APPROVED AS TO FORM:

Jami C. Lewis, Town Clerk

Musgrove Drutz & Kack, PC
Town Attorney

RESOLUTION NO. 13-1009

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, DECLARING AS A PUBLIC RECORD WITHIN THE MEANING OF A.R.S. §9-801 THAT CERTAIN DOCUMENT FILED WITH THE TOWN CLERK AND ENTITLED "UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN, SECTION 4.25, WIRELESS COMMUNICATIONS FACILITIES"

BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA:

Section 1: That certain document entitled "Unified Development Ordinance Of The Town, Section 4.25, Wireless Communications Facilities," is hereby declared to be a public record within the meaning of A.R.S. §9-801, three (3) copies of which are on file in the offices of the Town Clerk and of the Building Division, and which are available for inspection by the public during normal business hours.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 26th day of March, 2013.

Chris Marley, Mayor

ATTEST:

APPROVED AS TO FORM:

Jami C. Lewis, Town Clerk

Musgrove Drutz & Kack, PC
Town Attorney



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 7. b.

Meeting Date: 03/26/2013
Contact Person: Mary Brasher, Administrative Clerk
 Phone: 928-636-2646 x-1216
Department: Development Services
Item Type: Action-Presentation
Estimated length of staff presentation: 10 minutes
Physical location of item: 2655 N. State Route 89

AGENDA ITEM TITLE:

Consideration and possible action to adopt Ordinance No. 13-766 approving a Conditional Use Permit for a wireless communication tower, 99 feet in height, proposed for construction on the east side of State Route 89 at 2655 N. State Route 89, approximately 600 feet north of Road 3½ North, identified as Assessor's Parcel Number 306-14-021C. Applicant: Clear Blue Services/AT&T; Property Owner: Mannix Holdings LLC.

RECOMMENDED ACTION:

Adopt Ordinance Number 13-766 approving the Conditional Use Permit for a wireless communication tower, ninety-nine feet (99') in height, for Assessor's Parcel Number 306-14-021C, with the stipulation that the effective operation-date of this Ordinance Number 13-766 is conditioned upon the effective operation of Ordinance Number 13-767, regarding amendments to the Town Unified Development Ordinance, Section 4.25, pursuant to Town Code Section 36.04 and any other applicable law or ordinance.

SITUATION AND ANALYSIS:

The requested wireless communications tower is to be located on a leased site (30'x40') at the southeast corner of a 1-acre parcel containing three commercial buildings, zoned CH (Commercial Heavy); adjacent on all sides, and across State Route 89, are commercial zoned properties. The applicant requests the 99 foot height in order to best serve the area, avoiding a proliferation of multiple lower towers. The mono-pole tower, designed by a registered structural engineer for a "fall zone" radius of 20 feet, is to be constructed 28 feet from the property line. Along with equipment shelters, the tower is to be contained within an eight-foot high concrete block wall with stucco finish and accessed by a paved driveway.

This Ordinance Number 13-766 is to be considered following Council's consideration of

Ordinance Number 13-767, which proposes amendments to the Town Unified Development Ordinance ("UDO"), Section 4.25, "Wireless Telecommunications Facilities". Currently, with limited exceptions as to permitted uses, a conditional use permit is required for wireless towers and antennas (UDO, Sec. 4.25(F)). Further, the maximum height of any tower is sixty-five feet (65'). One of the proposed amendments to the UDO, Sec. 4.25 is to eliminate the maximum height requirement of 65' (note: under the proposed amendments to UDO, Sec. 4.25, towers in excess of one hundred ninety-nine feet (199') would not be possible). Because the applicant requests a 99' tower, said application must be considered through the prism of the proposed amendments to UDO, Sec. 4.25. Should the Council pass Ordinance Number 13-767 as drafted, said Ordinance Number 13-767 would not become operational for 30 days following its passage, pursuant to Town Code, Sec. 36.04, "Effective Date of Ordinances," and Arizona Revised Statutes, Section 19-142(B), "Referendum petitions against municipal actions; emergency measures; zoning actions." Therefore, this Ordinance Number 13-766 may not become effective until after Ordinance Number 13-767 becomes effective. To address this issue, a stipulation has been incorporated into Ordinance Number 13-766.

Fiscal Impact

Fiscal Impact?: None

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Ordinance 13-766

Revised Site Plan

Location/Zoning Map

Future Land Use

P&Z Packet

ORDINANCE NO. 13-766**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, TO PROVIDE FOR THE CONDITIONAL USE PERMIT FOR A WIRELESS COMMUNICATIONS TOWER, 99 FEET IN HEIGHT, TO BE LOCATED ON ASSESSOR'S PARCEL NUMBER 306-14-021C IN THE COMMERCIAL HEAVY (CH) ZONING DISTRICT**

WHEREAS, Clear Blue Services, representing AT&T, has filed an application with the Town of Chino Valley ("Town") requesting a Conditional Use Permit for a Wireless Communications Tower, 99 feet in height, to be constructed on a 30'x40' leased parcel in the southeast corner of a one-acre property at 2655 N SR 89, owned by Mannix Holdings LLC, and identified as APN 306-14-021C; and

WHEREAS, the requested Conditional Use Permit was noticed in conformance with the applicable State Statutes and Local Ordinances; and

WHEREAS, on October 29, 2012, a "neighborhood meeting" was held in conformance with the requirement set forth in the Town's Unified Development Ordinance ("UDO"); and

WHEREAS, the Planning and Zoning Commission ("Commission") conducted a Public Hearing on February 19, 2013, during which testimony was presented by Town staff, the applicant and others; and

WHEREAS, subsequent to the Public Hearing and discussion the Commission elected by a 5-0 vote (Commissioner Florence Sloan absent) to forward the application to the Town Council with a recommendation for approval with certain Findings and Stipulations; and

WHEREAS, at their regular meeting of March 26, 2013, the Town Council confirmed the recommendation of the Commission by electing to adopt this Ordinance and thereby approve the requested Conditional Use Permit with the Findings and Stipulations cited in Section 1 of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA:

Section 1. That the Conditional Use Permit for a Wireless Communications Tower, 99 feet in height, is hereby approved to be constructed upon the southeast corner of real property legally described as 2655 North SR 89 and identified on the date of the adoption of this Ordinance as Assessor's Parcel Number 306-14-021C, located

on the east side of SR 89, approximately 600 feet north of Road 3 ½ North, with the following Findings and Stipulations:

FINDINGS: As required by Section 1.9.3 of the Town of Chino Valley Unified Development Ordinance:

1. That the CUP will not be materially detrimental to persons residing or working in the vicinity adjacent to the property, to the neighborhood, or to the public welfare; and
2. That the proposed use is reasonably compatible with uses permitted in the surrounding area.

ZONING STIPULATIONS:

1. Applicant agrees that the approval of this Conditional Use Permit confers no entitlements or rights to the owner or applicant other than those that are vested as a Conditional Use in the CH Zoning District.
2. That the Property Owner/Applicant agrees to comply with the codified procedures set forth in the Town of Chino Valley's UDO.
3. That the CUP is granted for an indefinite period of time, however upon initiation by the Planning Commission the Permit may be reviewed at any time and after conducting a Public Hearing the Commission may recommend that the Town Council amend, modify or revoke the CUP.
4. That if the tower is not operated for a continuous period of ninety (90) days it shall be considered abandoned, and the owner of the tower shall remove the tower within ninety (90) days of receipt of notice from the Town notifying the owner of such abandonment. Failure to remove an abandoned tower within said ninety (90) day period shall be grounds to remove the tower at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower for the prescribed period (Section 4.25 J).

ENGINEERING STIPULATIONS:

1. That the Applicant shall submit a paving and drainage plan and receive approval from the Town prior to the submittal of a building permit.
2. That since the property is adjacent to SR 89, Engineering has no additional stipulations.

GENERAL STIPULATIONS:

1. That the effective operation of this Ordinance Number 13-766 is expressly conditioned upon the effective operation of Ordinance Number 13-767 regarding amendments to the Town Unified Development Ordinance, Section 4.25, pursuant to Town Code Section 36.04 and any other applicable law or ordinance.
2. That the effective operation-date of this Ordinance Number 13-766 shall be no earlier than one (1) day following the effective operation-date of Ordinance Number 13-767.

Section 2. That this Ordinance repeals any prior enactment by the Town of Chino Valley that is inconsistent herewith.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the UDO 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.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 26th day of March, 2013.

Chris Marley, Mayor

ATTEST:

APPROVED AS TO FORM:

Jami C. Lewis, Town Clerk

Musgrove Drutz & Kack, PC
Town Attorney

PROJECT SCOPE

AT&T PROPOSES TO CONSTRUCT A NEW TELECOMMUNICATION FACILITY. FACILITY WILL CONSIST OF A CMU WALL WITH STUCCO FINISHED MASONRY WALL EQUIPMENT COMPOUND W/ A CHAIN LINK ACCESS GATE. NEW COMPOUND WILL CONSIST OF CONCRETE SLAB ON GRADE FOR A NEW AT&T EQUIPMENT SHELTER AND A NEW WAVE GUIDE BRIDGE FOR (N) FIBER OPTIC CABLE TO NEW MONOPOLE. COMPOUND WILL CONTAIN A NEW 99FT TALL MONOPOLE SUPPORT TOWER W/ 3 SECTOR FRAMES W/ (3) ANTENNAS PER SECTOR FOR A TOTAL OF (9) ANTENNAS. EACH ANTENNA WILL HAVE (1) RRH FOR A TOTAL OF (9) MOUNTED BEHIND ANTENNAS. SECTOR FRAME SUPPORT WILL ALSO CONTAIN (2) DC-6 RAYCAPS.

PROJECT INFORMATION

SITE ADDRESS: HITNEY SOLAR
2655 N. STATE ROUTE 89
CHINO VALLEY, AZ 86323

APN: 306-14-021C
DECIMAL LATITUDE: 34.78349° N
DECIMAL LONGITUDE: -112.45066° W
LATITUDE: 34° 47' 00.96" N
LONGITUDE: -112° 27' 03.96" W

JURISDICTION: TOWN OF CHINO VALLEY (YAVAPAI COUNTY)
EXISTING USE: COMMERCIAL
PROPOSED USE: COMMERCIAL / UNMANNED TELECOMMUNICATIONS FACILITY
OCCUPANCY: U
ZONING: CH

DRAWING INDEX

REV

25736-625-FC6-YA65-AA-01	TITLE SHEET	4
25736-625-FC6-YA65-AA-04A	SITE SURVEY	4
25736-625-FC6-YA65-AA-04B	OVERALL SITE PLAN	4
25736-625-FC6-YA65-AA-05	DETAILED PLAN	4
25736-625-FC6-YA65-AA-05A	LANDSCAPE PLAN	4
25736-625-FC6-YA65-AA-06	ELEVATIONS	4
25736-625-FC6-YA65-AA-07	ANTENNA LAYOUT & DETAILS	4

DESIGN PACKAGE BASED ON RF DATA SHEET DATED 03-12-13 (V1-B-1)

NOTES

1. THE FOLLOWING NOTES, SYMBOLS AND DETAILS FROM BECHTEL DOCUMENT NUMBER 24782-000-A3-EF-00001 APPLIES TO THE IMPLEMENTATION OF THIS SITE DESIGN PACKAGE. REFERENCE STANDARD NOTES SHEET.

GENERAL NOTES	DETAIL 623	- REV 1
CONSTRUCTION NOTES	DETAIL 101	- REV 2
GROUNDING NOTES	DETAIL 621	- REV 3
ELECTRICAL INSTALLATION NOTES	DETAIL 622	- REV 2
RF NOTES	DETAIL 116	- REV 6
CONCRETE AND REINFORCING STEEL NOTES:	DETAIL 102	- REV 4
SITE WORK GENERAL NOTES	DETAIL 619	- REV 2

A/E DOCUMENT REVIEW STATUS

STATUS CODE

1	ACCEPTED - WITH MINOR OR NO COMMENTS, CONSTRUCTION MAY PROCEED
2	NOT ACCEPTED - PLEASE RESOLVE COMMENTS AND RESUBMIT

ACCEPTANCE DOES NOT CONSTITUTE APPROVAL OF DESIGN DETAILS, CALCULATIONS, ANALYSIS, TEST METHODS OR MATERIALS DEVELOPED OR SELECTED BY SUBCONTRACTOR AND DOES NOT RELIEVE SUBCONTRACTOR FROM FULL COMPLIANCE WITH CONTRACTUAL OBLIGATION.

REVIEWED:	ENG.	CONST.			
BY:			DATE:		

REDLINE DRAWING REVIEW

NAME (PRINT)	SIGNATURE	DATE
GENERAL CONTRACTOR - CONFIRM ACCURACY OF THESE REDLINE DRAWINGS		
NAME (PRINT)	SIGNATURE	DATE
FIELD COORDINATOR - VERIFY INSTALLATION PER REDLINE DRAWINGS		
NAME (PRINT)	SIGNATURE	DATE
ENGINEERING - Market Engineer Shall Review Redline Drawings To Ensure Changes Do Not Alter The Original Design Intent And/Or Are Code Compliant		



Clear Blue
Services
11011 S. 48TH ST. STE 210
PHOENIX, AZ 85044 (602)439-0550



BECHTEL COMMUNICATIONS, INC.
2075 W PINNACLE PEAK RD, SUITE 110
PHOENIX, AZ 85027
PHONE: (623) 282-3062

**YA65-AA
HITNEY SOLAR**

2655 N. STATE ROUTE 89
CHINO VALLEY, AZ 86323



AT&T MOBILITY
20830 N. TATUM BLVD. SUITE 400
PHOENIX, AZ 85050



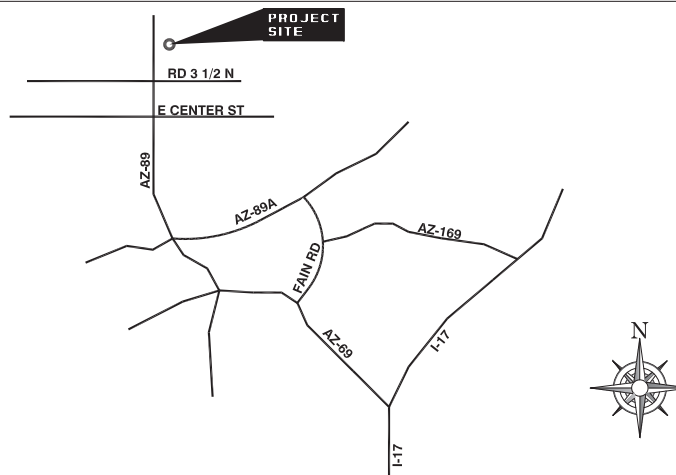
SITE NUMBER: YA65-AA

CANDIDATE NAME: HITNEY SOLAR

VICINITY MAP

DIRECTIONS:

FROM THE AT&T OFFICE AT 20830 NORTH TATUM BOULEVARD HEAD SOUTH TOWARD E ROSE GARDEN LN. TAKE THE RAMP ONTO AZ-101 LOOP W, TAKE EXIT 23B-23C TO MERGE ONTO I-17 N TOWARD FLAGSTAFF, TAKE EXIT 262 TOWARD AZ-69 N/PRESOTT/CORDES LAKES RD/ARCOSANTI, MERGE ONTO AZ-69 N, TURN RIGHT ONTO FAIN RD, SLIGHT LEFT ON AZ-89A S, TAKE EXIT 317 FOR AZ-89 TOWARD PRESCOTT/CHINO VALLEY, KEEP RIGHT AT FORK, FOLLOW SIGNS FOR ASH FORK AND MERGE ONTO AZ-89 N, AT TRAFFIC CIRCLE CONTINUE STRAIGHT TO STAY ON AZ-89 N. DESTINATION WILL BE ON RIGHT - 4.7 MILES.



SITE QUALIFICATION PARTICIPANTS

	NAME	COMPANY	NUMBER
A/E	ANDY LIVINGSTON	CLEAR BLUE SERVICES	602-426-9500
SAC	CHARLES CHISHOLM	CLEAR BLUE SERVICES	602-426-9500
SAC	BETH DAVISON	BECHTEL	623-282-3025
RF	OZGUR CELIK	AT&T	602-625-3782
LANDLORD	SHERRI MANNIX	MANNIX HOLDINGS LLC	928-899-4471

APPLICABLE BUILDING CODES AND STANDARDS

SUBCONTRACTOR'S WORK SHALL COMPLY WITH ALL APPLICABLE NATIONAL, STATE, AND LOCAL CODES AS ADOPTED BY THE LOCAL AUTHORITY HAVING JURISDICTION (AHJ) FOR THE LOCATION. THE EDITION OF THE AHJ ADOPTED CODES AND STANDARDS IN EFFECT ON THE DATE OF CONTRACT AWARD SHALL GOVERN THE DESIGN.

BUILDING CODE:
INTERNATIONAL BUILDING CODE 2006

ELECTRICAL CODE:
[NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) 70 - 2005, NATIONAL ELECTRICAL CODE, LIGHTNING PROTECTION CODE:
[NFPA 780 - 2000, LIGHTNING PROTECTION CODE]

SUBCONTRACTOR'S WORK SHALL COMPLY WITH THE LATEST EDITION OF THE FOLLOWING STANDARDS.
AMERICAN CONCRETE INSTITUTE (ACI) 318, BUILDING CODE REQUIREMENTS FOR STRUCTURAL CONCRETE
AMERICAN INSTITUTE OF STEEL CONSTRUCTION (AISC), MANUAL OF STEEL, THIRTEENTH EDITION
TELECOMMUNICATIONS INDUSTRY ASSOCIATION (TIA) 222-G, STRUCTURAL STANDARDS FOR STEEL ANTENNA TOWER AND ANTENNA SUPPORTING STRUCTURES:
TIA 607, COMMERCIAL BUILDING GROUNDING AND BONDING REQUIREMENTS FOR TELECOMMUNICATIONS

INSTITUTE FOR ELECTRICAL AND ELECTRONICS ENGINEERS (IEEE) 81, GUIDE FOR MEASURING EARTH RESISTIVITY, GROUND IMPEDANCE, AND EARTH SURFACE POTENTIALS OF A GROUND SYSTEM
IEEE 1100 (1999) RECOMMENDED PRACTICE FOR POWERING AND GROUNDING OF ELECTRONIC EQUIPMENT

IEEE C62.41, RECOMMENDED PRACTICES ON SURGE VOLTAGES IN LOW VOLTAGE AC POWER CIRCUITS (FOR LOCATION CATEGORY "C3" AND "HIGH SYSTEM EXPOSURE")

TELCORDIA GR-1275, GENERAL INSTALLATION REQUIREMENTS

TELCORDIA GR-1503, COAXIAL CABLE CONNECTIONS

ANSI T1.311, FOR TELECOM - DC POWER SYSTEMS - TELECOM, ENVIRONMENTAL PROTECTION

FOR ANY CONFLICTS BETWEEN SECTIONS OF LISTED CODES AND STANDARDS REGARDING MATERIAL, METHODS OF CONSTRUCTION, OR OTHER REQUIREMENTS, THE MOST RESTRICTIVE REQUIREMENT SHALL GOVERN. WHERE THERE IS CONFLICT BETWEEN A GENERAL REQUIREMENT AND A SPECIFIC REQUIREMENT, THE SPECIFIC REQUIREMENT SHALL GOVERN.

DETAIL 103-M

AT&T MOBILITY

TITLE SHEET

FA CODE	DRAWING NUMBER	REV
10567334	25736-625-FC6-YA65-AA-01	4



THIS DOCUMENT CONTAINS AN ELECTRONIC SIGNATURE PURSUANT TO A.R.S. TITLE 41 STEVEN A. DEJONGE
MODIFY THIS DOCUMENT IN ANY WAY.

PRELIMINARY UNLESS SIGNED
FOR ZONING PURPOSES ONLY
NOT FOR CONSTRUCTION

22 x 34" SIZE

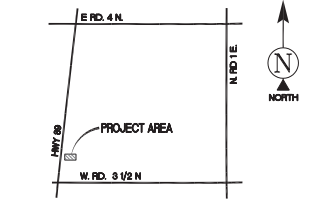
PSC= : :

ACCESS EASEMENT LEGAL DESCRIPTION
ALL THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 16 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA BEING A 12.00' WIDE ACCESS AND UTILITY EASEMENT LYING 6.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:
COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 10,
THENCE SOUTH 00 DEGREES 03 MINUTES 46 SECONDS WEST, A DISTANCE OF 2,643.11 FEET TO THE EAST QUARTER CORNER OF SAID SECTION;
THENCE NORTH 89 DEGREES 44 MINUTES 42 SECONDS WEST, A DISTANCE OF 1,422.29 FEET;
THENCE NORTH 03 DEGREES 00 MINUTES 27 SECONDS EAST, A DISTANCE OF 629.29 FEET TO THE POINT OF BEGINNING;
THENCE EAST, A DISTANCE OF 169.92 FEET;
THENCE SOUTH 59 DEGREES 43 MINUTES 44 SECONDS EAST, A DISTANCE OF 49.60 FEET;
THENCE EAST, A DISTANCE OF 53.55 FEET TO THE POINT OF TERMINUS.

JOINT UTILITY EASEMENT LEGAL DESCRIPTION
ALL THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 16 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA BEING A 4.00' WIDE UTILITY EASEMENT LYING 2.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:
COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 10,
THENCE SOUTH 00 DEGREES 03 MINUTES 46 SECONDS WEST, A DISTANCE OF 2,643.11 FEET TO THE EAST QUARTER CORNER OF SAID SECTION;
THENCE NORTH 89 DEGREES 44 MINUTES 42 SECONDS WEST, A DISTANCE OF 1,422.29 FEET;
THENCE NORTH 03 DEGREES 00 MINUTES 27 SECONDS EAST, A DISTANCE OF 589.44 FEET;
THENCE CONTINUE NORTHERLY ALONG SAID LINE, A DISTANCE OF 4.00 FEET TO THE POINT OF BEGINNING;
THENCE SOUTH 89 DEGREES 44 MINUTES 09 SECONDS EAST, A DISTANCE OF 268.18 FEET TO THE POINT OF TERMINUS.

LEASE AREA LEGAL DESCRIPTION
ALL THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 16 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 10,
THENCE SOUTH 00 DEGREES 03 MINUTES 46 SECONDS WEST, A DISTANCE OF 2,643.11 FEET TO THE EAST QUARTER CORNER OF SAID SECTION;
THENCE NORTH 89 DEGREES 44 MINUTES 42 SECONDS WEST, A DISTANCE OF 1,422.29 FEET;
THENCE NORTH 03 DEGREES 00 MINUTES 27 SECONDS EAST, A DISTANCE OF 589.44 FEET;
THENCE SOUTH 89 DEGREES 44 MINUTES 09 SECONDS EAST, A DISTANCE OF 268.40 FEET;
THENCE NORTH 00 DEGREES 15 MINUTES 51 SECONDS EAST, A DISTANCE OF 1.55 FEET TO THE POINT OF BEGINNING;
THENCE NORTH, A DISTANCE OF 40.00 FEET;
THENCE EAST, A DISTANCE OF 30.00 FEET;
THENCE SOUTH, A DISTANCE OF 40.00 FEET;
THENCE WEST, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.
CONTAINING 1,200.00 SQUARE FEET OR 0.0275 ACRES, MORE OR LESS.

LESSOR'S LEGAL DESCRIPTION
ALL THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 16 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA DESCRIBED AS FOLLOWS:
BEGINNING AT A 1/2 INCH REBAR MARKING THE INTERSECTION OF THE SOUTH LINE OF THE NORTHEAST QUARTER OF SECTION 10, AND THE EASTERLY RIGHT-OF-WAY LINE OF HIGHWAY 89, THENCE NORTH 02 DEGREES 35 MINUTES 45 SECONDS EAST, 589.44 FEET ALONG THE HIGHWAY RIGHT-OF-WAY TO A 1/2 INCH REBAR AND THE TRUE POINT OF BEGINNING;
THENCE NORTH 02°35'45" EAST 145.20 FEET TO A 1/2 INCH REBAR;
THENCE NORTH 89°51'09" EAST 300.00 FEET TO A 1/2" REBAR;
THENCE SOUTH 02°35'45" WEST 145.20 FEET TO A 1/2 INCH REBAR;
THENCE SOUTH 89°51'09" WEST 300.00 FEET TO THE TRUE POINT OF BEGINNING



DRIVING DIRECTIONS
I-17 N TOWARD FLAGSTAFF 61.8 MI
TAKE EXIT 262 TOWARD AZ-69 N/PRESCOTT/CORDES LAKES RD/ARCOSANTI 0.3 MI
MERGE ONTO AZ-69 N 21.2 MI
TURN RIGHT ONTO FAIN RD 7.2 MI
SLIGHT LEFT ONTO ARIZONA 89A S 6.4 MI
TAKE EXIT 317 FOR ARIZONA 89 TOWARD PRESCOTT/CHINO VALLEY 0.3 MI
KEEP RIGHT AT THE FORK, FOLLOW SIGNS FOR ASH FORK AND MERGE ONTO AZ-89 N 6.0 MI
AT THE TRAFFIC CIRCLE, CONTINUE STRAIGHT TO STAY ON AZ-89 N 4.7 MI TO SITE.

BENCHMARK
ELEVATION ESTABLISHED FROM GPS DERIVED ORTHOMETRIC HEIGHTS, APPLYING GEOID 99 SEPARATIONS, CONSTRAINING TO NGS CONTROL STATION COSA, ELEVATION 1383.8' NAVD88.

BASIS OF BEARINGS
BEARINGS SHOWN HEREON ARE BASED UPON U.S. STATE PLANE NAD83 COORDINATE SYSTEM ARIZONA CENTRAL ZONE, DETERMINED BY GPS OBSERVATIONS.

SURVEY DATE
AUGUST 14, 2012

SURVEYOR'S NOTES
REFERENCE IS MADE TO THE TITLE REPORT ORDER #2107243, ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY, DATED JULY 20, 2012.
ALL EASEMENTS CONTAINED WITHIN SAID TITLE REPORT AFFECTING THE IMMEDIATE AREA SURROUNDING THE LEASE HAVE BEEN PLOTTED (EXCEPT FOR ROOFTOPS). SURVEYOR HAS NOT PERFORMED A SEARCH OF PUBLIC RECORDS TO DETERMINE ANY DEFECT IN TITLE ISSUED. THE BOUNDARY SHOWN HEREON IS PLOTTED FROM RECORD INFORMATION AND DOES NOT CONSTITUTE A BOUNDARY SURVEY OF THE PROPERTY.

UTILITY NOTES
SURVEYOR DOES NOT GUARANTEE THAT ALL UTILITIES ARE SHOWN OR THEIR LOCATIONS. IT IS THE RESPONSIBILITY OF THE CONTRACTOR AND DEVELOPER TO CONTACT BLUE STAKE AND ANY OTHER INVOLVED AGENCIES TO LOCATE ALL UTILITIES PRIOR TO CONSTRUCTION. REMOVAL, RELOCATION AND/OR REPLACEMENT IS THE RESPONSIBILITY OF THE CONTRACTOR.

AT&T MOBILITY		
SITE SURVEY		
FA CODE	DRAWING NUMBER	REV
10567334	25736-625-FC6-YA65-AA	-04A
		4



2925 E Riggs Rd Suite 8-191
Chandler, AZ 85249
(480) 656-7912 office
(480) 219-5195 fax

**YA65-AA
HITNEY SOLAR**

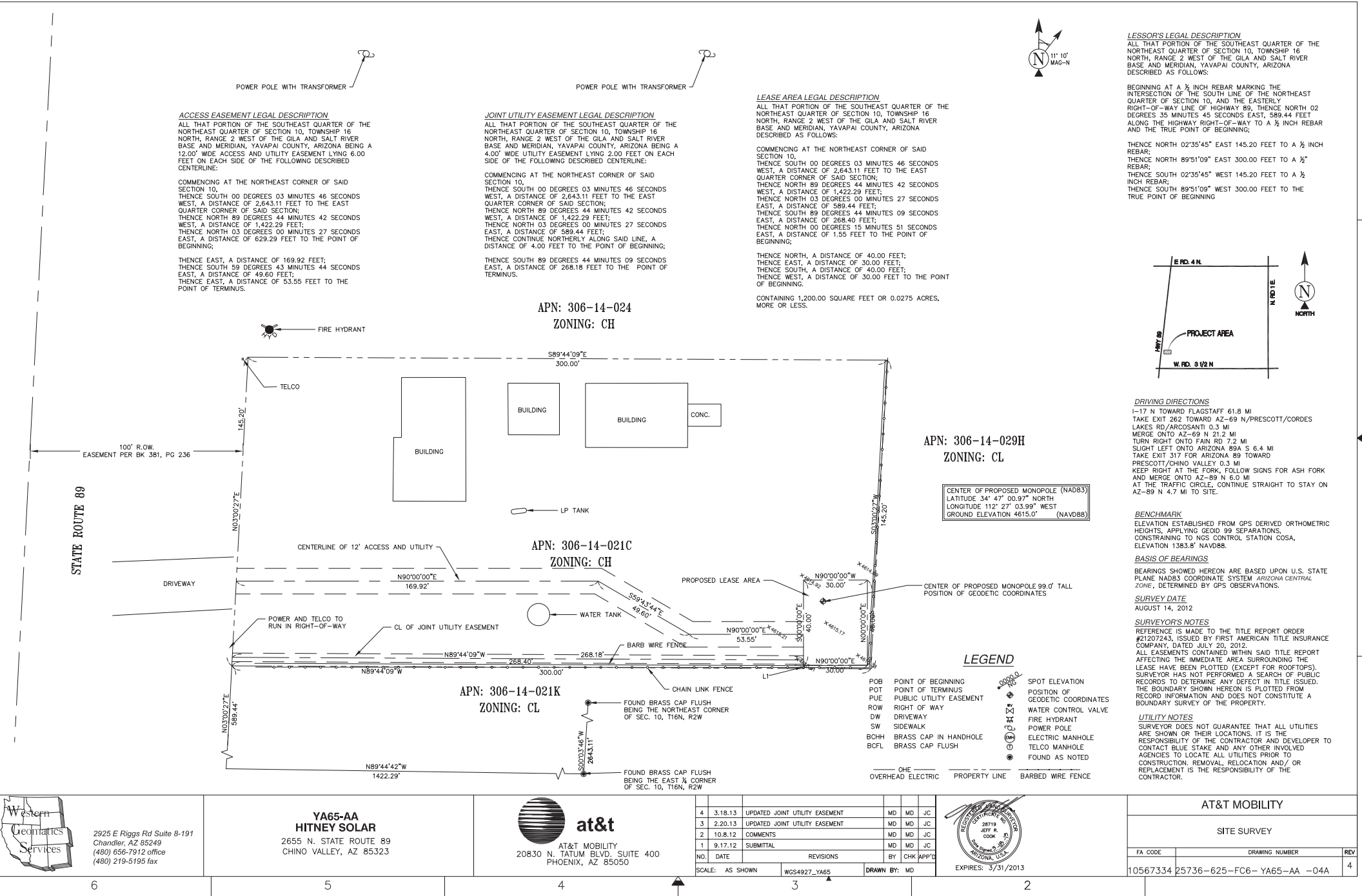
2655 N. STATE ROUTE 89
CHINO VALLEY, AZ 85323



at&t

AT&T MOBILITY
20830 N. TATUM BLVD, SUITE 400
PHOENIX, AZ 85050

4	3.18.13	UPDATED JOINT UTILITY EASEMENT	MD	MD	JC
3	2.20.13	UPDATED JOINT UTILITY EASEMENT	MD	MD	JC
2	10.8.12	COMMENTS	MD	MD	JC
1	9.17.12	SUBMITTAL	MD	MD	JC
NO. DATE		REVISIONS	BY CHK APP'D		
SCALE: AS SHOWN		WGS4927_YA65	DRAWN BY: MD		



PSC= :

LANDSCAPE LEGEND

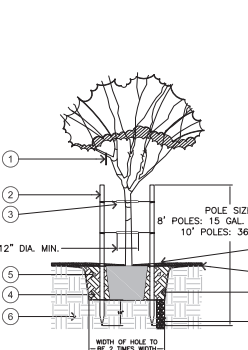
SYM	BOTANICAL / COMMON NAME	SIZE	QTY.
	Chilopsis linearis Desert Willow	24" Box	2
	MULTI TRUK (No more than 2)		*ADWR
	Muhlenbergia rigens Deer Grass	5 Gallon	10
			*ADWR

LANDSCAPE NOTES

1. REMOVE ALL ROCK AND CONSTRUCTION DEBRIS AND FLAG MAJOR PLANT LOCATIONS.
2. PLANT MATERIAL SHALL BE PURCHASED FROM A REPUTABLE NURSERY IN A HEALTHY, DISEASE FREE CONDITION. TREES SHALL MEET THE ARIZONA NURSERY ASSOCIATION STANDARDS IN HEIGHT AND CALIPER, WITH MATURE WELL DEVELOPED ROOT SYSTEMS. TREES WILL REQUIRE STAKING.
3. ARCHITECT OR OWNER RESERVES THE RIGHT TO REFUSE ANY PLANT MATERIAL DEEMED TO BE UNHEALTHY OR UNDERSIZED.
4. ALL PLANT SUBSTITUTIONS TO BE APPROVED BY LANDSCAPE ARCHITECT. CONTRACTOR SHALL PROVIDED PROOF OF PURCHASE FOR ALL TRADEMARK PLANT MATERIAL.
5. SLIGHT VARIATIONS IN PLANT LAYOUT MAY OCCUR DUE TO ACTUAL SITE CONDITIONS. CONTRACTOR SHALL MAKE ADJUSTMENTS TO MATCH DESIGN INTENT. MAJOR CONFLICTS SHALL BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT.
6. LOCATE PLANTS AWAY FROM OBSTRUCTIONS SUCH AS TRANSFORMERS, FIRE HYDRANTS AND UNDERGROUND UTILITIES.
7. UNLESS OTHERWISE SPECIFIED, PLACE PLANT UPRIGHT IN CENTER OF PIT AND FACE TO GIVE BEST APPEARANCE.

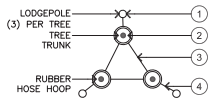
GENERAL NOTES

1. THESE PLANS ILLUSTRATE DESIGN INTENT AND SHOW PROXIMITY OF ELEMENTS. CONTRACTOR IS RESPONSIBLE FOR VERIFY SITE CONDITIONS PRIOR TO WORK. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF OWNER OR ARCHITECT.
2. CONTRACTOR SHALL NOT IMPEDE OR ALTER SET DRAINAGE PATTERNS, WALKS AND DECKS SHALL DRAIN POSITIVELY AWAY FROM STRUCTURES AT .5% TO 2% MAX.
3. CONTRACTOR IS RESPONSIBLE FOR REVIEWING THE CONTENT OF LANDSCAPE PLANS AND SITE TO PROVIDE AN ACCURATE BID.
4. QUANTITIES PROVIDED IN LEGENDS ARE FOR CONVENIENCE ONLY. BID SHALL BE BASED ON MATERIAL SHOWN ON PLANS.
5. CONTRACTOR SHALL ABIDE TO ALL CURRENT FEDERAL, STATE AND LOCAL CODES AND IS RESPONSIBLE FOR ACQUIRING ALL NECESSARY PERMITS.
6. CONTRACTOR SHALL CONTACT BLUESTAKE AND BECOME FAMILIAR WITH ALL UNDERGROUND PUBLIC AND PRIVATE UTILITIES, AND PROTECT FROM POSSIBLE DAMAGE. CONTRACTOR IS SOLELY RESPONSIBLE FOR THE COST OF DAMAGED UTILITIES.
7. CONTRACTOR IS RESPONSIBLE FOR THE SAFETY OF OWNER, EMPLOYEES, AND SUBCONTRACTORS. THIS INCLUDES THE SAFETY OF THE SITE AND ADJACENT PROPERTIES THROUGHOUT THE DURATION OF CONSTRUCTION.
8. THE SITE SHALL BE MAINTAINED IN A NEAT AND ORDERLY CONDITION THROUGHOUT THE INSTALLATION. WASTE MATERIAL SHALL BE REMOVED AND DISPOSED OF DAILY.
9. TOOLS AND EQUIPMENT USED ON SITE ARE THE RESPONSIBILITY OF THE CONTRACTOR.
10. COORDINATE THE LANDSCAPE INSTALLATION WITH OTHER TRADES TO ELIMINATE DELAYS OR OVERCHARGES.



1 TREE PLANTING AND STAKING
SCALE: NTS

- 1 ALL TREE ID, TRADEMARK, SALVAGE TAGS TO REMAIN ON TREE.
- 2 2" DIA. LODGE POLE STAKES DRIVEN OUTSIDE ROOTBALL INTO SUBGRADE 18" MIN DEPTH.
- 3 2-STRAND TWISTED 10 GA. GAL. WIRE ENCASED IN 1" DIA. RUBBER HOSE (BLACK) TO FORM 12" DIA. HOOP MIN. ATTACHED TO EACH POLE. PROVIDE SECOND HOOP, IF REQUIRED.
- 4 BACKFILL W/ SPECIFIED SOIL. MIX PER SPECIFICATIONS - WATER & TAMP TO REMOVE AIR POCKETS.
- 5 PLANT TABS PER SPECIFICATIONS.
- 6 SUBSOIL.
- 7 2" TOP DRESSING, TRANSITION TO 1" OVER ROOTBALL.
- 8 FINISH GRADE SLOPE TOWARD TREE
- 9 COMPACTED NATIVE SOIL BACK FILL PER SPECIFICATIONS.
- 10 8" WIDE X 5' DEEP AUGER DUG WELL W/ 1-2" DIAMETER CRUSHED ROCK FOR DRAINAGE WHEN IN HARDPAN CONDITIONS.

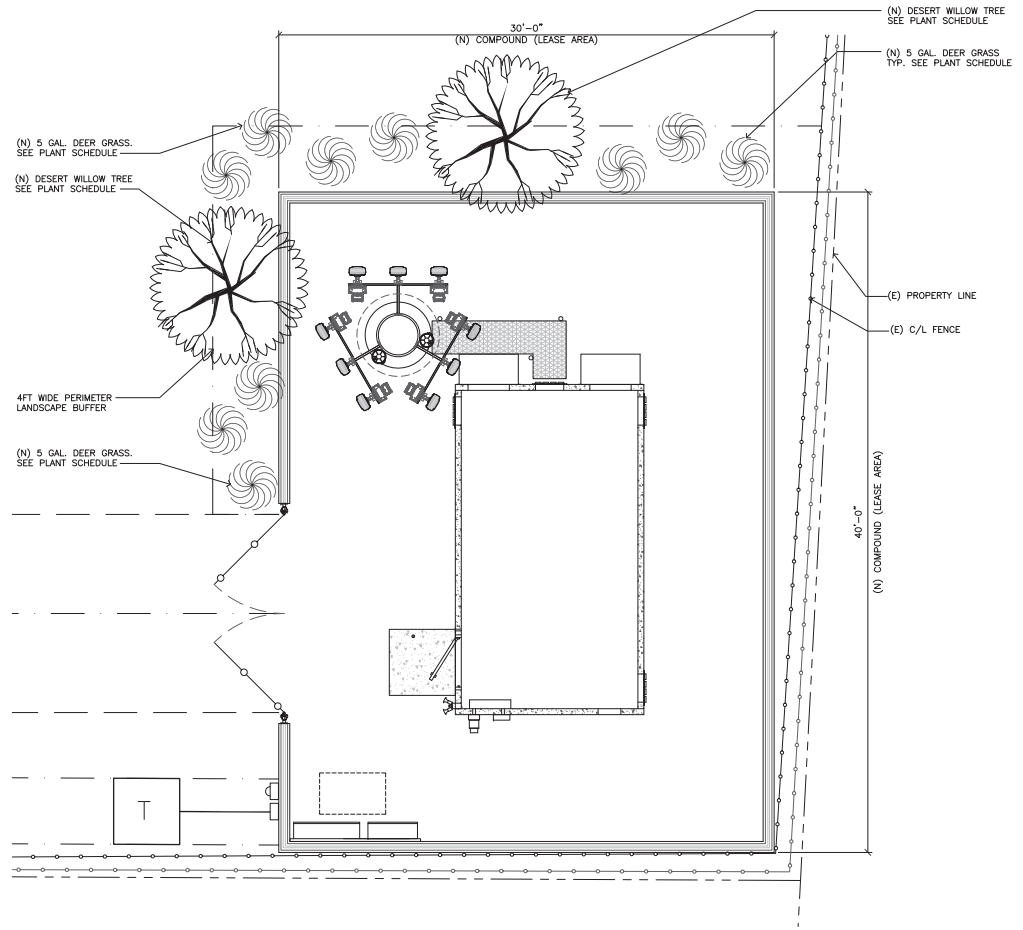


MULTI-TRUNK STAKING PROCEDURE

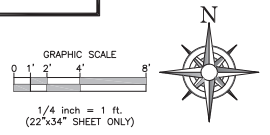
- 1 INSTALL LODGEPOLES.
- 2 ATTACH 12" MIN. DIA. HOOPS TO ALL TRUNKS.
- 3 SECURE HOOPS BETWEEN EACH OTHER USING INTERIOR 10 GA. WIRE
- 4 SECURE 10 GA. WIRE FROM RUBBER HOSES TO LODGEPOLES.

NOTES:

1. SET ROOTBALL FLUSH WITH GRADE
2. POSITION STAKES TO AVOID RUBBING ROOT BALL, BRANCHES & PIERCING (AS PER SPECS).
3. SCARIFY SIDES OF PLANTING HOLE TO PREVENT GLAZING



NOTE:
CITY OF CHINO VALLEY TO PROVIDE DESIGN STANDARD FOR IRRIGATION WATER METER & BACKFLOW PREVENTER.



LANDSCAPE PLAN & DETAILS



Clear Blue
Services

11011 S. 40TH ST. STE# 210
PHOENIX, AZ 85046 (602)435-0550



BECHTEL COMMUNICATIONS, INC.
2075 W PINNACLE PEAK RD, SUITE 110
PHOENIX, AZ 85027
PHONE: (623) 282-3062

YA65-AA
HITNEY SOLAR
2655 N. STATE ROUTE 89
CHINO VALLEY, AZ 86323



AT&T MOBILITY
20830 N. TATUM BLVD. SUITE 400
PHOENIX, AZ 85050

4	03/15/13	ADDED LANDSCAPE BUFFER & NEW RFTS	LM	SLD	AL
3	03/05/13	RAD CENTER UPDATE	JM	SLD	AL
2	10/05/12	CITY PLANNING COMMENTS	JM	SLD	AL
1	09/12/12	CITY PLANNING COMMENTS	SLD	SLD	AL
0	08/30/12	ZONING DRAWINGS	JH	SLD	AL
NO.	DATE	REVISIONS	BY	CHK	APP'D
SCALE: AS SHOWN		DESIGNED BY: CB	DRAWN BY: SLD		

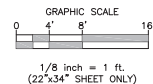


THIS DOCUMENT CONTAINS AN ELECTRONIC SIGNATURE PURSUANT TO A.R.S. TITLE 41 AND TITLE 41 IS A VIOLATION FOR ANY PERSON, UNLESS UNDER THE DIRECT SUPERVISION OF THE REGISTRAR, TO MODIFY THIS DOCUMENT IN ANY WAY.

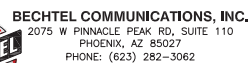
PRELIMINARY UNLESS SIGNED

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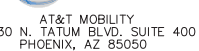
AT&T MOBILITY		
LANDSCAPE PLAN & DETAILS		
FA CODE	DRAWING NUMBER	REV
10567334	25736-625-FC6-YA65-AA-05A	4



SCALE: 1/8" = 1'-0"



YA65-AA
HITNEY SOLAR
2655 N. STATE ROUTE 89
CHINO VALLEY, AZ 86323



4	03/15/13	ADDED LANDSCAPE BUFFER & NEW RFDS	LM	SLD	AL
3	03/05/13	RAD CENTER UPDATE	JM	SLD	AL
2	10/05/12	CITY PLANNING COMMENTS	JM	SLD	AL
1	09/12/12	CITY PLANNING COMMENTS	SLD	SLD	AL
0	08/30/12	ZONING DRAWINGS	JH	SLD	AL
NO. DATE REVISIONS			BY	CHK	APP
SCALE: AS SHOWN		DESIGNED BY: CB	DRAWN BY: SLD		



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SIGNATURE PURSUANT TO A.R.S. TITLE 41
AND TITLE 44. IT IS A VIOLATION FOR
ANY PERSON, UNLESS UNDER THE DIRECT
SUPERVISION OF THE REGISTRANT, TO
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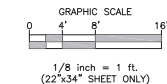
PRELIMINARY UNLESS SIGNED

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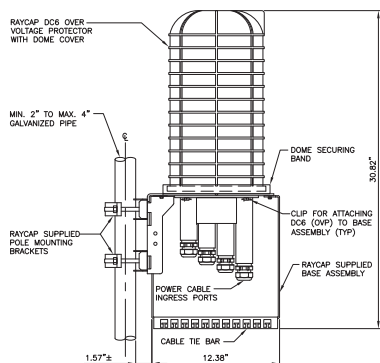
ELEVATIONS

FA CODE	DRAWING NUMBER	REV
10567334	25736-625-FC6-YA65-AA-06	4

SCALE: 1/8" = 1'-0"



SCALE: 1/8" = 1'-0"



NOTES:

1. RAYCAP VIA AT&T SUPPLIES THE DC6 OVER VOLTAGE PROTECTOR AND PIPE MOUNTING BRACKETS. SUBCONTRACTOR SHALL SUPPLY THE PIPE.

RAYCAP DC6-48-60-18-8F
DC POWER OVER VOLTAGE PROTECTOR (OVP)
POLE MOUNT BASE ASSEMBLY

DETAIL 1116
NTS

NEW ANTENNAS

- (1) = UMS ANTENNA
(2) = SPARE
(3) = LTE ANTENNA

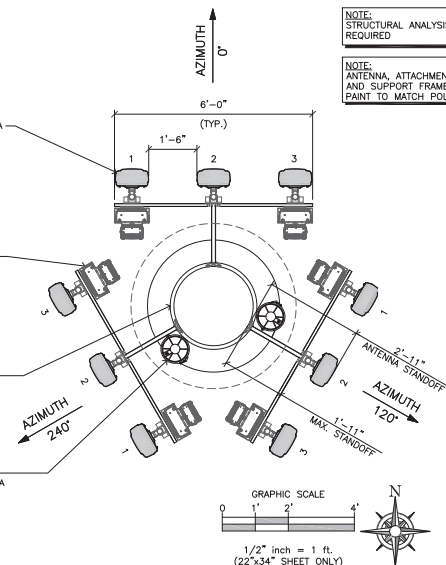
(N) 8' AT&T ANTENNA
KATHREIN 80010766K
(3 PER SECTOR)
(TYP. 3 SECTORS)

(N) RRH MOUNTED
BEHIND ANTENNA
(2 PER SECTOR)
(TYP. 3 SECTORS)

(N) MONOPOLE

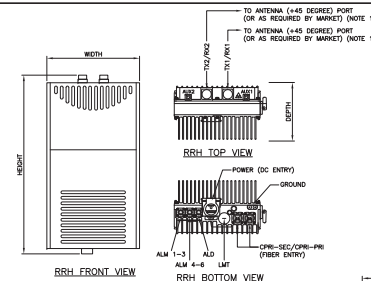
(N) RAYCAP DC-6
MOUNTED TO ANTENNA
STANDOFF
(TYP. OF 2)

(1102) (1116)
NTS



NOTE:
STRUCTURAL ANALYSIS
REQUIRED

NOTE:
ANTENNA, ATTACHMENTS
AND SUPPORT FRAME
PAINT TO MATCH POLE



RRH FRONT VIEW

RRH TOP VIEW

RRH BOTTOM VIEW

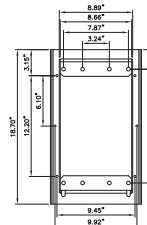
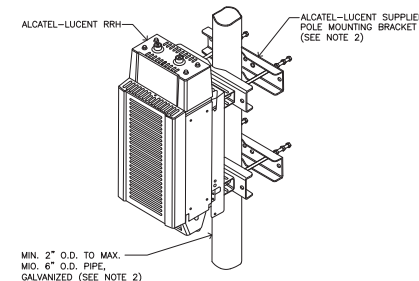
RRH	WIDTH	DEPTH	HEIGHT	WEIGHT
RRH 1900 MHz 2100W (WITH SOLAR SHIELD)	11.22"	7.09"	20.08"	42 LBS.
RRH 1900 MHz 2100W (WITHOUT SOLAR SHIELD)	10.50"	7.61"	19.68"	42 LBS.

NOTE: DIMENSIONS INCLUDE MOUNTING BRACKET AND CONNECTORS.

RRH CABINET	CLEARANCES (INCHES)	COMMENTS
FRONT	36"	INSTALLATION ACCESS
REAR	2.76"	ZERO MIN. CLEARANCE IS ALLOWED USING SUPPLIED MOUNTING BRACKETS
RIGHT	4"	AIR FLOW
LEFT	4"	AIR FLOW
TOP	12"	AIR FLOW
BOTTOM	20"	CONDUIT ROUTING

- NOTE:
1. USE 1/2" COAXIAL CABLE W/7/16 ON MALE CONNECTORS ON BOTH ENDS.
ALCATEL-LUCENT 2x60W 1900MHz
REMOTE RADIO HEAD (RRH)

DETAIL 1701
NTS

DRILL PATTERN FOR WALL MOUNT BRACKET
BRACKET WEIGHT = 9 LBS.

ISOMETRIC VIEW

NOTES:

1. ALCATEL-LUCENT (ALU) VIA AT&T SUPPLIES RRH, RRH POLE-MOUNTING BRACKET. SUBCONTRACTOR SHALL SUPPLY POLE/PIPE AND INSTALL ALL MOUNTING HARDWARE INCLUDING ALL RRH POLE-MOUNTING BRACKET. ALU INSTALLS RRH AND MAKES CABLE TERMINATIONS.
2. FOR POLE DIAMETERS FROM 6" TO 15", ALCATEL-LUCENT CAN SUPPLY A PAIR OF POLE MOUNTING METAL BANDS WITH BOLTING WELDMENT.

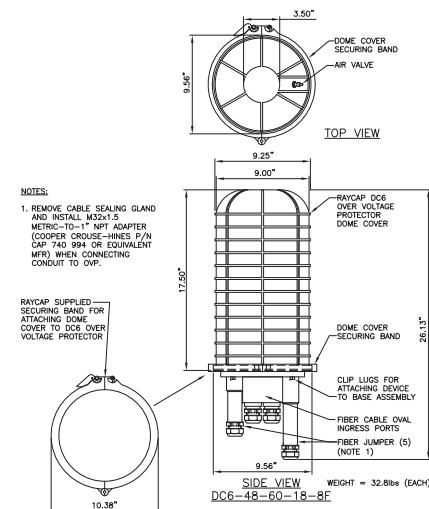
ALCATEL-LUCENT 9442
REMOTE RADIO HEAD (RRH) POLE MOUNT

DETAIL 1107
NTS

NEW ANTENNA PLAN VIEW

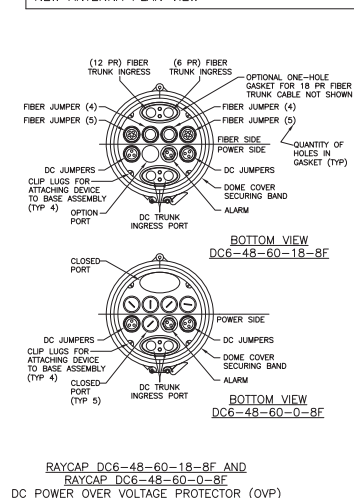
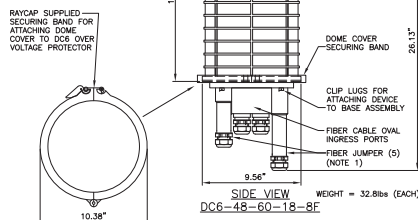
SCALE: 1/2" = 1'-0" 4

N.T.S. 2



NOTES:

1. REMOVE CABLE SEALING GLAND AND INSTALL M20x1.5 METRIC-TO-1" NPT ADAPTER (COOPER CROUSE-HINES P/N CAP 740 994 OR EQUIVALENT MFR) WHEN CONNECTING CONDUIT TO OVP.

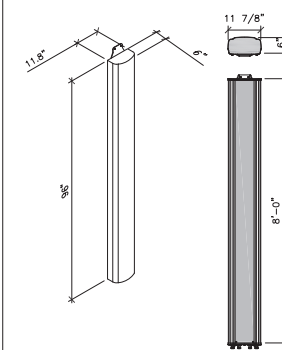


RAYCAP DC6-48-60-18-8F AND
RAYCAP DC6-48-60-0-8F
DC POWER OVER VOLTAGE PROTECTOR (OVP)

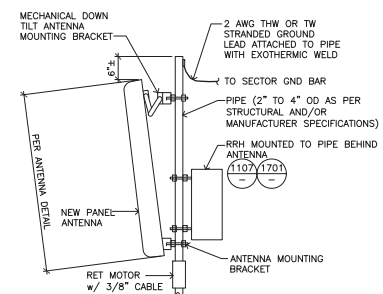
DETAIL 1102
NTS

NEW ANTENNA CONFIGURATION TABLE				
POSITION (# OR N/A)	1	2	3	
ANTENNA	(N) KATHREIN 80010766K	(N) KATHREIN 80010766K	(N) KATHREIN 80010766K	
FEEDER LENGTH	±120FT FIBER 3/8 RET. CABLE	—	±120FT FIBER	
AZIMUTH	0°	0°	0°	
RAD CENTER	94°-10°	94°-10°	94°-10°	
TECHNOLOGY	UMTS 1C	SPARE	LTE	
TMA	N/A	N/A	N/A	
RRH	2x60	N/A	9442	
ANTENNA	(N) KATHREIN 80010766K	(N) KATHREIN 80010766K	(N) KATHREIN 80010766K	
FEEDER LENGTH	±120FT FIBER 3/8 RET. CABLE	—	±120FT FIBER	
AZIMUTH	120°	120°	120°	
RAD CENTER	94°-10°	94°-10°	94°-10°	
TECHNOLOGY	UMTS 1C	SPARE	LTE	
TMA	N/A	N/A	N/A	
RRH	2x60	N/A	9442	
ANTENNA	(N) KATHREIN 80010766K	(N) KATHREIN 80010766K	(N) KATHREIN 80010766K	
FEEDER LENGTH	±120FT FIBER 3/8 RET. CABLE	—	±120FT FIBER	
AZIMUTH	240°	240°	240°	
RAD CENTER	94°-10°	94°-10°	94°-10°	
TECHNOLOGY	UMTS 1C	SPARE	LTE	
TMA	N/A	N/A	N/A	
RRH	2x60	N/A	9442	

NOTE:
MOUNTING EQUIPMENT SUPPLIED
W/ANTENNA. INSTALL PER
MANUFACTURER'S SPECIFICATIONS.



(N) ANTENNA
MANUFACTURER:
KATHREIN
MODEL #: 80010766K
WEIGHT: 58.4 LBS



NOTE:
STRUCTURAL ANALYSIS
REQUIRED

ANTENNA MOUNTING DETAIL

DETAIL 1520-M
NTS

(CUSTOMER SUPPLIED DETAIL)

RAYCAP DC6-48-60-18-8F DETAIL (CUSTOMER SUPPLIED DETAIL)

N.T.S. 6

ANTENNA CONFIGURATION TABLE

N.T.S. 5

ANTENNA DETAIL

N.T.S. 3

ANTENNA MOUNTING DETAIL

N.T.S. 1



Clear Blue
Services

11011 S. 40TH ST. STE 210
PHOENIX, AZ 85044 (602)4905050



BECHTEL COMMUNICATIONS, INC.
2075 W PINNACLE PEAK RD, SUITE 110
PHOENIX, AZ 85027
PHONE: (623) 282-3062

YA65-AA
HITNEY SOLAR

2655 N. STATE ROUTE 89
CHINO VALLEY, AZ 86323



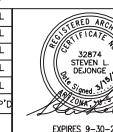
AT&T MOBILITY
20830 N. TATUM BLVD. SUITE 400
PHOENIX, AZ 85050

NO.	DATE	REVISIONS	BY	CHK	APP'D
4	03/15/13	ADDED LANDSCAPE BUFFER & NEW RFDS	LM	SLD	AL
3	03/05/13	RAD CENTER UPDATE	JM	SLD	AL
2	10/05/12	CITY PLANNING COMMENTS	JM	SLD	AL
1	09/12/12	CITY PLANNING COMMENTS	SLD	SLD	AL
0	08/30/12	ZONING DRAWINGS	JH	SLD	AL

SCALE: AS SHOWN

DESIGNED BY: CB

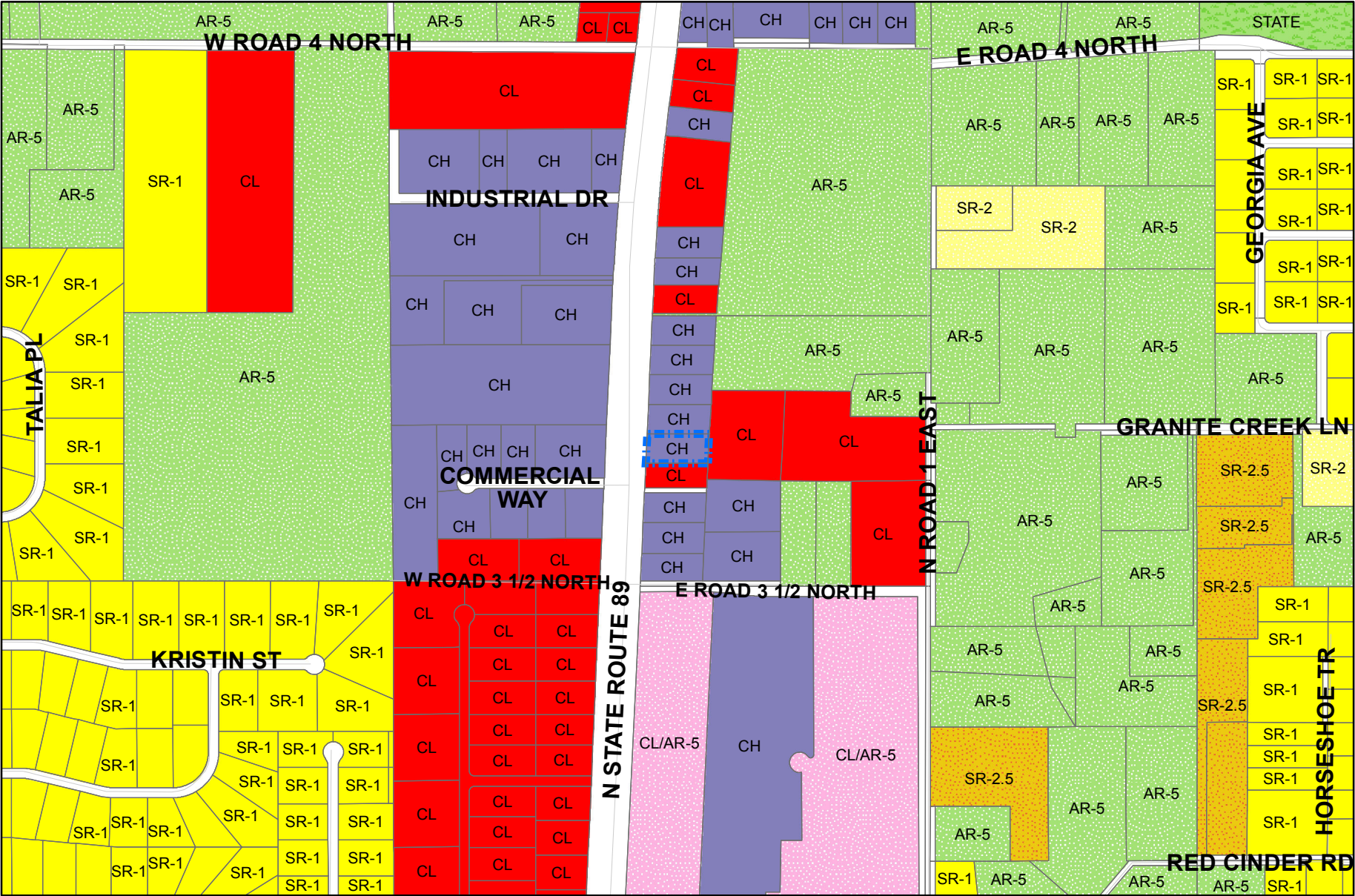
DRAWN BY: SLD



THIS DOCUMENT CONTAINS AN ELECTRONIC
SIGNATURE PURSUANT TO A.R.S. TITLE 41
ANY PERSON, UNLESS UNDER THE DIRECT
SUPERVISION OF THE REGISTRAR, TO
MODIFY THIS DOCUMENT IN ANY WAY.
PRELIMINARY UNLESS SIGNED
FOR ZONING PURPOSES ONLY
NOT FOR CONSTRUCTION

AT&T MOBILITY		
ANTENNA LAYOUT & DETAILS		
FA CODE	DRAWING NUMBER	REV
10567334	25736-625-FC6-YA65-AA-07	4

CUP 12-001



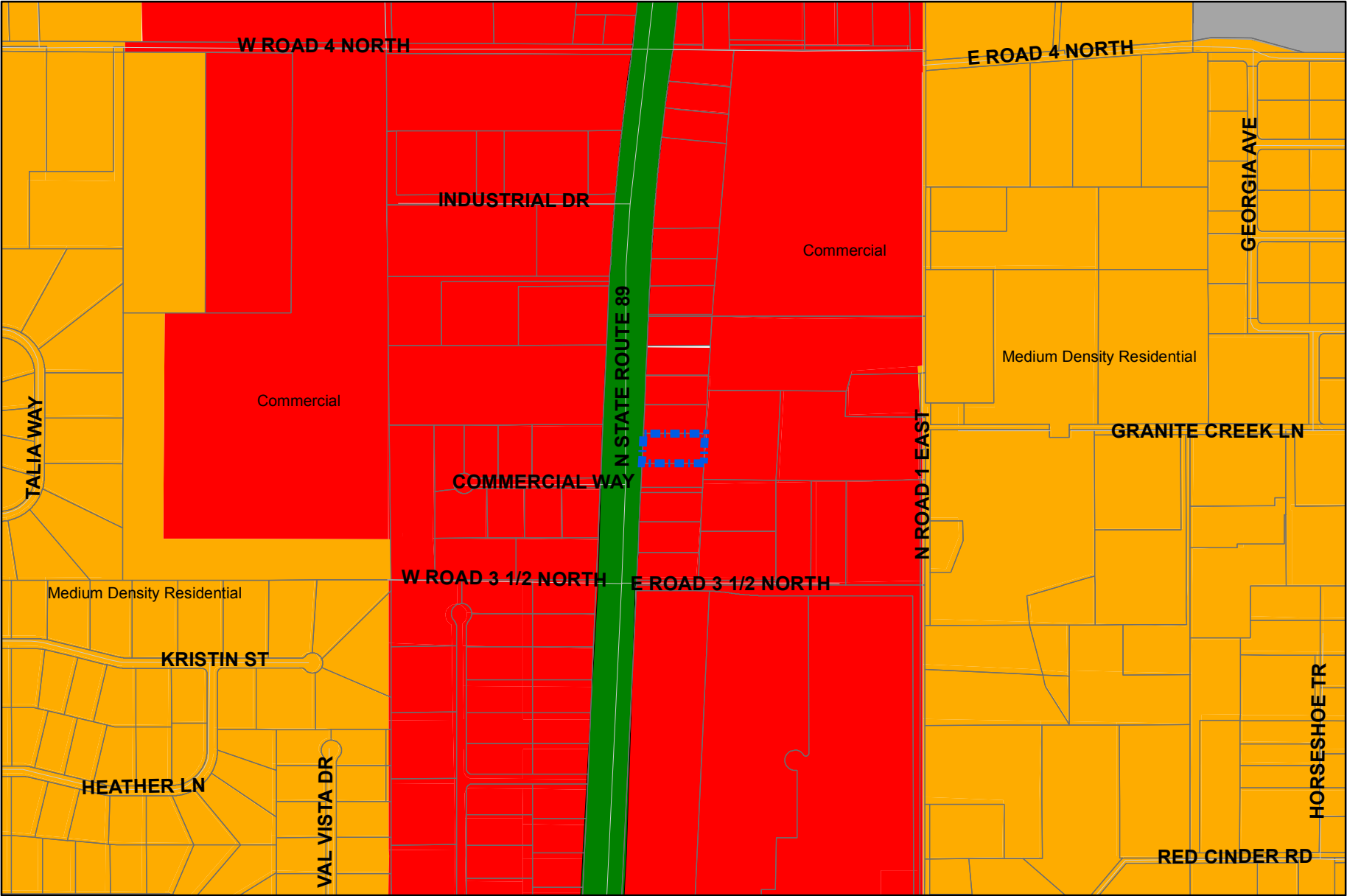
Town Boundary 082308	Zoning	CH/AR-5	SR-0.16	OS
Chino_Parcel091012	AR-5	I	MR-1/MHP-4	MR1/CL
306-14-021C	CL	PL	SR-2.5	MR1
Streets	CL/AR-5	SR-1	SR-36	MHP-4
	CL/SR-1	SR-2	SR-1.6	VCH
	CH			

1 inch = 700 feet

N

The Town of Chino Valley assumes no responsibility for errors, omissions, and/or inaccuracies in this mapping product.

CUP 12-001



 **Town of Chino Valley**
1020 West Palomino Road
Chino Valley, AZ 86325
(928) 936-2446 FAX (928) 936-2144

- | | | | | |
|--|---|---|--|---|
|  Town Boundary 082308 |  Schools |  Flood Plain |  Old Home Manor |  Public Land |
|  Streets |  Existing Schools |  Highway 89 |  Peavine Trail |  Special Development Areas |
|  Chino_Parcel091012 |  Future Schools |  Industrial Overlay |  Commercial |  State Land |
|  306-14-021C |  Industrial Overlay - Amended Area |  Industrial Overlay - Amended Area |  Low Density Residential Greater than 2 Acres | |
| |  Commercial Zoning - Amended Area | |  Medium Density Residential 2 acres or Less | |

1 inch = 700 feet



The Town of Chino Valley assumes no responsibility for errors, omissions, and/or inaccuracies in this mapping product.



NOTICE OF THE REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION

**February 19, 2013
6:00 P.M.**

Pursuant to ARS 38-431-02, notice is hereby given to the members of the Chino Valley Planning and Zoning Commission and the general public that the Chino Valley Planning and Zoning Commission will hold a regular meeting open to the public on Tuesday, February 19, 2013, at 6:00 p.m. in the Chino Valley South Campus building, located at 202 N. State Route 89, Chino Valley, Arizona 86323.

The Agenda for the meeting is as follows:

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE**
- 4. APPROVAL OF MINUTES**
 - 4A. January 15, 2013**
- 5. STAFF REPORT**
- 6. ELECTION OF OFFICERS in accordance with Section 1.4.3 of the UDO**

The Commission shall elect a Chairperson and Vice Chairperson from among its own members, who shall serve for one (1) year and until their successors are elected and qualified. The Chairperson shall preside at all meetings and exercise all the usual rights, duties and prerogatives of the head of any similar organization. The Chairperson shall have the power to take evidence. The Vice Chairperson shall perform the duties of the Chairperson in the latter's absence or disability. Vacancies created by any cause shall be filled for the unexpired term by a new election.

7. PUBLIC HEARING

7A. This hearing will be conducted for consideration, discussion and possible recommendation to the Town Council regarding the following: Text amendments of the Unified Development Ordinance, Section 4.25 Wireless Telecommunications Facilities



The proposed text amendments are intended to provide an updating of the code reflective of newer technology and standards to ensure access to reliable wireless telecommunication services throughout Chino Valley. The following sections are proposed for text amendments:

1. Section 4.25A. Purpose
2. Section 4.25D. General Requirements
3. Section 4.25E. Permitted Uses
4. Section 4.25F. Conditional Use Permits
5. Section 4.25G. Minimum Setbacks and Separation
6. Section 4.25H. Buildings or Other Equipment Storage
7. Section 4.25I. Co-Location
8. Section 4.25K. Nonconforming Uses
9. Adding Section 4.25L. Notice

7B. This hearing will be conducted for consideration, discussion and possible recommendation to the Town Council regarding the following: The application for a Conditional Use Permit (CUP) for a wireless communication tower, 99-foot in height. Clear Blue Services, which is representing AT&T, is requesting the CUP to construct a new wireless communication tower located at 2655 North State Route (SR) 89 (Assessor's Parcel Number 306-14-021C). The site is located on the east side of SR 89 approximately 600 feet north of the Road 3 1/2 North alignment and consists of approximately one acre.

8. PUBLIC COMMENTS

9. ADJOURN

A copy of the agenda and background material provided to the Commissioners is available for public inspection at the Marion Lassa/Chino Valley Library, 1020 W. Palomino Road, Chino Valley, Arizona.

Further details may be obtained by contacting Development Services Department at 1982 Voss, Chino Valley, Arizona (928) 636-4427. The Town endeavors to make all public meetings accessible to persons with disabilities. With 72 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call 636-2646 (voice), 636-1787 (TDD) or use the AZ Statewide Relay Service at 1-800-367-8939 (TDD) to request an accommodation to participate in this meeting.

ITEM 7B



TOWN OF CHINO VALLEY, ARIZONA

PLANNING COMMISSION PUBLIC HEARING

FEBRUARY 19, 2013

STAFF REPORT:

February 11, 2013

Dava Hoffman, Planning Consultant
 DEVELOPMENT SERVICES DEPARTMENT
 1982 N Voss Drive #203 Chino Valley, AZ 86323

(928) 636-2646 fax (928) 636-2144

CUP-12-001: NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Planning and Zoning Commission of the Town of Chino Valley, Arizona, at the Town's South Campus Building located at 202 N. State Route 89, at 6:00 p.m. on Tuesday, February 19, 2013. This hearing will be conducted for consideration, discussion and possible recommendation to the Town Council regarding the application for a Conditional Use Permit (CUP) for a wireless communication tower, 99-foot in height, proposed to be constructed at 2655 N SR 89, APN 306-14-021C.

APPLICANT: Clear Blue Services, representing AT&T

OWNER: Mannix Holdings LLC

ENGINEER: Bechtel Communications, Inc

LOCATION AND SITE DESCRIPTION: 2655 North State Route (SR) 89 (Assessor's Parcel Number 306-14-021C). The site is located on the east side of SR 89 approximately 600 feet north of the Road 3 1/2 North alignment and consists of a leased area 30'x40' on approximately 1-acre in the Commercial Heavy (CH) zoning district. The site is adjacent to commercial zoning on all sides and across SR 89. (See attached Staff Report, November 6, 2012, Location/Existing Zoning Map)

The 1-acre site contains three existing commercial buildings and driveway access from SR 89. A 12 ft wide paved access and utility easement is to be provided to the leased area at the southeast corner of the site for the tower compound.

GENERAL PLAN DESIGNATION: Commercial (See attached Staff Report, November 6, 2012, General Plan Future Land Use Map)

NOTIFICATION & NEIGHBORHOOD MEETING: In compliance with the Citizen Participation requirements of the UDO, approximately 27 letters noticing the requested CUP were mailed. In response, the Town received several phone calls and one letter of opposition. (See attached Staff Report, November 6, 2012, Citizen Letter)

A Neighborhood Meeting was conducted by Clear Blue Services at the Town Council Chambers on October 29, 2012, with five citizens attending. The primary concerns expressed were in regard to the proposed tower's height and closeness to the highway, appearance and potential impacts on property values and health. The applicant's representatives addressed the concerns. For complete details of Neighborhood Meeting, see attached Staff Report, November 6, 2012.

BACKGROUND & ANALYSIS: At the November 6, 2012, Public Hearing of the Chino Valley Planning Commission, the request for a CUP for a 99' tall wireless telecommunications tower, was heard in combination with a request for a text amendment of UDO Sec 4.25.F.1.a, to revise the maximum tower height permitted from 65' to 99'. Both requests were tabled until the January 15, 2013 meeting in order to provide further updating of Sec 4.25 of the UDO. Discussions on draft amendments were conducted at the December 4, 2012 and January 15, 2013 meetings of the Planning Commission. For compliance with Public Notice statutes, the CUP request was rescheduled for the Planning Commission Hearing of February 19, 2013.

In both the existing UDO and the revised draft UDO Sec 4.25 E and F, a conditional use permit is required for a tower or antenna that is not located on property of the Town, or located on property that is not in an Industrial Zoning District, or for towers exceeding a height of 65 feet.

Since the proposed tower is to be located in the CH (Commercial Heavy) zoning district and is to exceed 65 in height, this Conditional Use Permit application is required.

It is the intent of AT&T to avoid proliferation of wireless communication towers through the requested maximum height increase to 99', which will mitigate the need for multiple sites required to fill the gaps for coverage in the AT&T network. The proposed tower's design is to use the latest technology for environmental compatibility with its surroundings, and with ample space for collocation for other wireless carriers.

The tower is to be constructed in a mono-pole design with equipment shelters, all within a 30'x40' leased space, screened by an 8ft high concrete block wall with a stucco finish. The mono-pole structure will be designed for a "fall zone" radius limited to 20-feet; meaning that in the event of a pole failure, the failure will occur at an elevation that is 20-feet below the top of pole. Therefore, AT&T is proposing to locate the tower 28-feet from the property line, which will be inside the stated "fall zone". This design information is provided in a letter signed and sealed by a Registered Professional Structural Engineer. (See Attachments to Staff report Nov 6, 2012, "Revised drawing of compound showing tower location and block wall"; and "Engineer's letter regarding break away tower")

FINDINGS AND RECOMMENDATIONS:

The Staff Recommendations that follow are based on Findings as required by Section 1.9.3 of the UDO:

1. That the CUP will not be materially detrimental to persons residing or working in the vicinity adjacent to the property, to the neighborhood, or to the public welfare: and
2. That the proposed use is reasonably compatible with uses permitted in the surrounding area.

Staff Recommendations for the CUP are contingent upon the results of the Commission's Public Hearing on the proposed text amendments to Sec 4.25 of the UDO. If such hearing results in the recommendation by Commission to the Town Council for adoption of the text amendments, then Staff recommends that Commission forward a recommendation for approval to the Town Council for the requested CUP for the proposed 99ft high wireless tele-communications tower, subject to the following Zoning and Engineering Conditions of Approval:

Zoning Conditions:

1. 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 CH Zoning District.
2. That the Property Owner/Applicant agrees to comply with the codified procedures set forth in the Town of Chino Valley's UDO.
3. That the CUP is granted for an indefinite period of time, however upon initiation by the Planning Commission the Permit may be reviewed at any time and after conducting a Public Hearing the Commission may recommend that the Town Council amend, modify or revoke the CUP.
4. That if the tower is not operated for a continuous period of ninety (90) days shall be considered abandoned, and the owner of the tower shall remove the tower within ninety (90) days of receipt of notice from the town notifying the owner of such abandonment. Failure to remove an abandoned tower within said ninety (90) day period shall be grounds to remove the tower at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower for the prescribed period (Section 4.25 J).

Engineering Conditions:

1. The applicant shall receive approval for a paving and drainage plan prior to the submittal of a building permit.
2. The property is adjacent to SR 89; therefore engineering has no additional stipulations.

Attachments: Staff Report of November 6, 2012 along with original Attachments

**STAFF REPORT AND SUPPORTING
DOCUMENTATION FROM THE
NOVEMBER 6, 2012
PLANNING AND ZONING COMMISSION
MEETING.**

DEVELOPMENT SERVICES DEPARTMENT
1982 N VOSS DRIVE #203
CHINO VALLEY, AZ 86323

TOWN HALL (928) 636-2646
FAX (928) 636-2144

PLANNING COMMISSION,
STAFF REPORT

TOWN OF CHINO VALLEY, ARIZONA
NOVEMBER 6, 2012

LEGAL AD

CUP-12-001: NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Planning and Zoning Commission of the Town of Chino Valley, Arizona, at the Town's South Campus Building located at 202 N. State Route 89, at 6:00 p.m. on Tuesday, November 6, 2012. This hearing will be conducted for consideration, discussion and possible recommendation to the Town Council regarding a Conditional Use Permit (CUP) to allow a new 99-foot mono-pole with an equipment shelter on a leased area of 30' x 40' in the Commercial Heavy (CH) zoning district.

Clear Blue Services, which is representing AT&T, is planning to construct a new wireless communication tower located at 2655 North State Route (SR) 89 (Assessor's Parcel Number 306-14-021C). The site is located on the east side of SR 89 approximately 600 feet north of the Road 3 1/2 North alignment and consists of approximately 1-acre.

A. LOCATION: Please see Exhibit "A" Location Maps.

B. FACTS:

1. Owner:Mannix Holdings LLC.
2. Applicant:Clear Blue Services
3. Engineer:Bechtel Communications, Inc.
4. Architect:N/A
5. Site Dimension and Area:30' x 40' of leasable space
6. Existing Zoning:Commercial Heavy
7. Adjacent Zoning and Use:
 - North.....CH
 - South.....CL
 - East.....CL, vacant
 - West.....Across SR 89, CH
8. Water Source:Private Well
9. Waste Water:N/A
10. General Plan Conformance: General Designation is "Commercial".

C. NOTIFICATION LETTERS: The Citizen Participation protocol as required by the Town Code resulted in approximately 27 letters noticing the request being mailed out. To date the Town has received several phone calls from citizens requesting additional information about the proposal and one letter of opposition (Exhibit B).

D. NEIGHBORHOOD MEETING: On October 29, 2012, a neighborhood meeting was held with Chuck Chisholm and Adam Brixius, project managers for Clear Blue Services, to discuss the proposed CUP with residents surrounding the property. The meeting was held at Council Chambers and allowed adjacent landowners or other affected citizens, an opportunity to discuss



DEVELOPMENT SERVICES DEPARTMENT
1982 N VOSS DRIVE #203
CHINO VALLEY, AZ 86323

TOWN HALL (928) 636-2646
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or express their views concerning the request. Five citizens attended and the following is an outline of the major concerns that were expressed at the meeting:

Mr. Chisholm gave a description on how and why the site was selected and stated that AT&T is requesting a CUP for a 99-foot mono-pole. Currently, AT&T has significant gaps in coverage in the area and their network engineers defined the site location and height specifications that would best meet the needs in the area. This specific site was chosen to mitigate the number of sites needed to fill gaps in the AT&T network.

The site plan for the proposed mono-pole places the pole at 28-feet from the west property line. The reason the pole can be placed so close to the property line is because the tower will be designed to collapse within a 20-foot fall zone radius. In addition, this design will accommodate the co-location of other communication providers, further reducing the need for other providers to install additional towers.

The following is an outline of concerns expressed by the citizens:

- The tower is too tall and too close to the highway.
- If other communication providers co-locate on the tower it will become more of an eyesore that it already is.
- What will the tower do to adjacent property values?
- Are there any health concerns with wireless communication facilities?

Height and Location: Mr. Chisholm and Mr. Brixius addressed the concerns stating that the tower is located adjacent to a State Route which is usually a preferred location by residents. In addition, the site is in a CH zoning designation which again is usually preferred.

Co-Location: Most municipalities require co-location or at least require the applicant to prove that co-location is not an option. The town places an emphasis on co-location and if this tower is approved, other telecommunication companies will have to justify why they cannot locate on this pole.

Property Values: That is something that is hard to determine. Generally speaking, modern telecommunication infrastructure is a benefit to the citizens and businesses and is essential for all growing communities.

Health Concerns: This is regulated by the Federal Communications Commission (FCC) and they assure that wireless communication facilities are safe. In addition, the FCC seeks to improve wireless 9-1-1 services.

E. ANALYSIS: The applicant is requesting the consideration of a CUP for a Wireless Communications Facility to allow for the construction of a new 99-foot mono-pole with equipment shelters on a leased area of 30' x 40' on approximately 1 acre parcel in a CH zoning



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district. The request is considered an accessory use to the existing businesses on the site (Exhibit C - 11 x 17 Site Plans Labeled YA65-AA).

Currently, the maximum height for a communication tower allowed in the Town of Chino Valley is 65-feet. However, on the previous item on the November 6, 2012 agenda, AT&T is requesting a Text Amendment to Section 4.25.F.1.a., of the Unified Development Ordinance (UDO) to increase the maximum height allowed from 65 feet to 99 feet (34 foot increase). If the Commission chooses to recommend favorably, than they may also make a favorable recommendation regarding the CUP.

The applicant has provided an inventory of their existing sites and has proven through, "RF frequency propagation maps" that a wireless communication facility at the proposed location will significantly enhance their network coverage. In addition, the proposed location is in non-residential areas and will promote co-location (Exhibit D- Booklet provided by AT&T labeled YA65).

Another consideration is the proposed setback of the tower. The applicant has provided a letter, stamped by a certified engineer, stating that the 99-foot mono-pole structure will be designed for a "fall zone" radius limited to 20-feet. That means that in the event of a pole failure, the failure will occur at an elevation that is 20-feet below the top of pole. Therefore, AT&T is proposing to locate the tower 28-feet from the property line, which will be inside the stated "fall zone".

UDO requires that towers must be set back a distance equal to at least one hundred and ten percent (110%) of the height of the tower from any adjoining lot lines. The UDO also allows the Town Council to reduce the standard setback if the goals of this section are served.

F. SUMMARY OF UDO REQUIREMENT: The applicant will be required to meet the following requirements of Section 4.25:

1. Aesthetics: The tower shall either maintain a galvanized steel finish, or, subject to any FAA standards, be painted a neutral color
2. Co-location opportunities
3. Statement of compliance with State and Federal Requirements
4. Building Code requirements
5. Security fencing: Shall be constructed of block or masonry
6. Landscaping: Provide a four (4) foot landscape strip outside the perimeter of the compound
7. Removal of tower if abandoned
8. Building setback requirements of the CH district

G. BOOKLET PROVIDED BY CLEAR BLUE SERVICES/ BECHTEL/AT&T (Exhibit D):

AT&T has put together a booklet for the Commission and Council review. The booklet contains the following incorrect information:

Waiver Request:

1. The applicant will provide a block wall (Exhibit E)



DEVELOPMENT SERVICES DEPARTMENT
1982 N VOSS DRIVE #203
CHINO VALLEY, AZ 86323

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FAX (928) 636-2144

2. The tower setback will be 28-feet and not 24 and is justifying the relief based on a breakaway design Exhibit E).
3. The site access will be paved.

In addition, the last page in the booklet is incorrect. The correct document is provided with Exhibit F.

Existing Conditions: Currently, there are three commercial buildings on the site that accommodate various commercial businesses.

Site Access: The site is accessed from SR-89 and the SR-89 right-of-way is paved up to the subject property line. The subject site has gravel drive isles and parking areas. AT&T will pave a 12-foot wide access drive from the SR-89 right-of-way to the communication tower compound.

Technical Review Committee: Materials included in Exhibit D

F. STAFF RECOMMENDATIONS for the CUP:

Option 1: With the Commission recommendation of approval for the Text Amendment to Section 4.25.F.1.a., of the UDO, and with the Findings and Stipulations indicated below, staff endorses the CUP requests maximum height of 99-feet and suggests that the Commission forward the items to the Town Council with a recommendation for approval.

Option 2: With the Commission recommendation of denial for the Text Amendment to Section 4.25.F.1.a., of the UDO, and with the Findings and Stipulations indicated below, staff endorses the CUP requests with a maximum height of 65-feet and suggests that the Commission forward the items to the Town Council with a recommendation for approval.

FINDINGS - Required by Section 1.9.3 of the UDO:

1. That the CUP will not be materially detrimental to persons residing or working in the vicinity adjacent to the property, to the neighborhood, or to the public welfare: and
2. That the proposed use is reasonably compatible with uses permitted in the surrounding area.

ZONING CONDITIONS:

1. 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 CH Zoning District.
2. That the Property Owner/Applicant agrees to comply with the codified procedures set forth in the Town of Chino Valley's UDO.
3. That the CUP is granted for an indefinite period of time, however upon initiation by the Planning Commission the Permit may be reviewed at any time and after conducting a Public Hearing the Commission may recommend that the Town Council amend, modify or revoke the CUP.



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CHINO VALLEY, AZ 86323

TOWN HALL (928) 636-2646
FAX (928) 636-2144

4. That if the tower is not operated for a continuous period of ninety (90) days shall be considered abandoned, and the owner of the tower shall remove the tower within ninety (90) days of receipt of notice from the town notifying the owner of such abandonment. Failure to remove an abandoned tower within said ninety (90) day period shall be grounds to remove the tower at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower for the prescribed period (Section 4.25 J).

ENGINEERING CONDITIONS:

1. The applicant shall receive approval for a paving and drainage plan prior to the submittal of a building permit.
2. The property is adjacent to SR 89, therefore engineering has no additional stipulations.

Attachments:

Exhibit A: Location Map

Exhibit B: Citizen Letter

Exhibit C: 11 x 17 Site Plans provided by AT&T labeled YA65-AA

Exhibit D: Booklet provided by AT&T labeled YA65

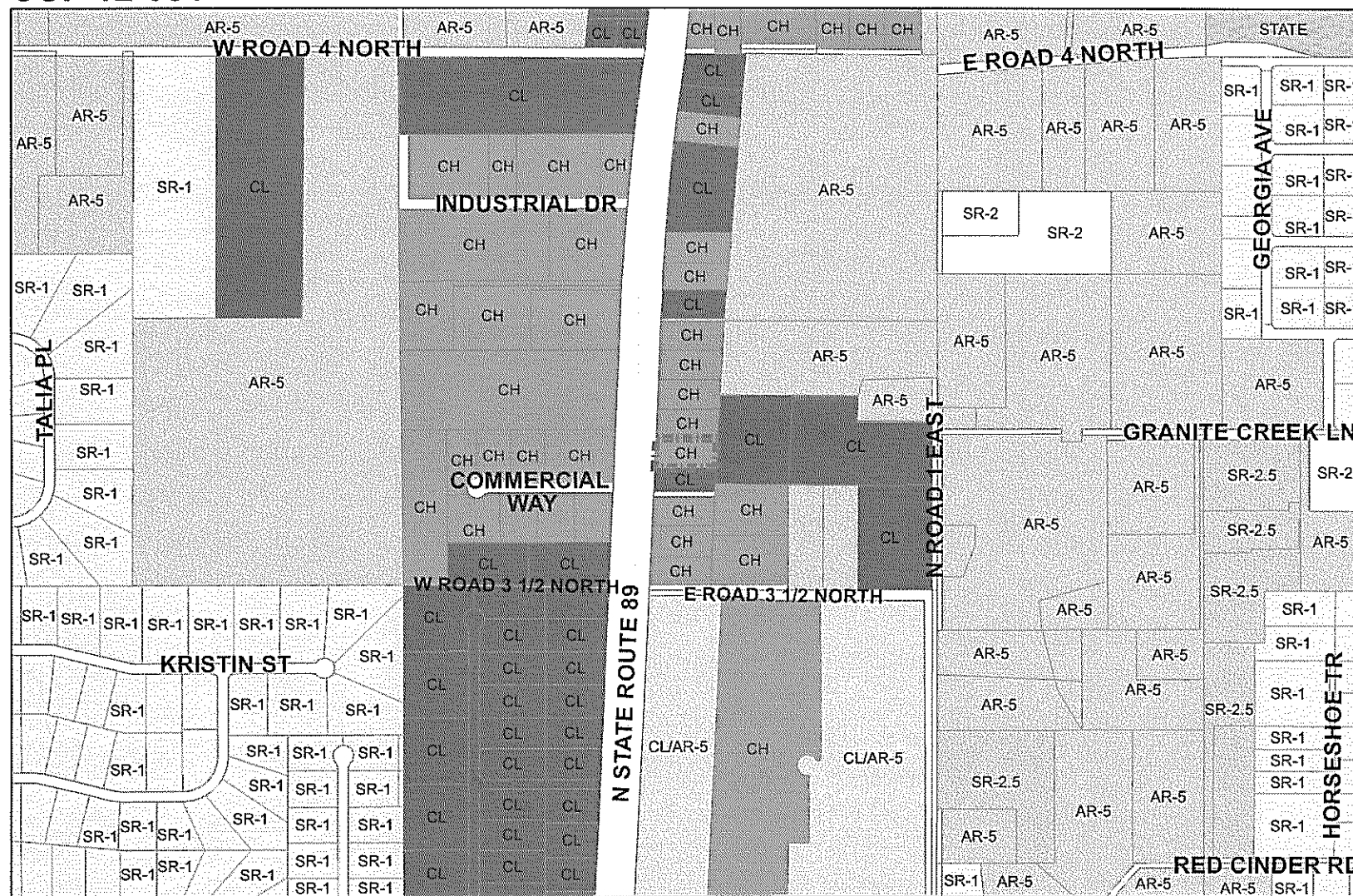
Exhibit E: Revised drawing of compound showing tower location and block wall

Exhibit F: Engineers letter regarding break away tower



CLEAR BLUE SERVICES APN 306-14-021C

CUP 12-001



Town Boundary Church Parochy 1854-1862 IC Street	Zoning AR-5 CL CLSR-5 CLSR-1 CH	CHSR-5 I PL SR-2.5 SR-1 SR-2 SR-1.5 SR-1.0	SR-0.15 SR-1.5MHP-4 State AR-4 AR-3 AR-1.5	OS MHC-2 MHI-1 MHI-4 FCH
---	---	---	---	--------------------------------------

1 inch = 700 feet

The Town of Chino Valley assumes no responsibility for errors, omissions, or for the use of any of the information in this mapping product.

PUBLIC MEETING LETTER

RECEIVED
OCT 30 2012

BY: _____

Clear Blue Services, LLC
11011 South 48th Street, Suite 210
Phoenix, AZ 85044

Mannix Holding, LLC
2655 N State Route 89
Chino Valley, AZ 86323

RE: Property Parcel Number: 306-14-021C
 Property Address: 2655 N. State Route 89
 Chino Valley, AZ

Type of Application: Conditional Use Permit and a Text Amendment to section 4.25.F.1a.

Dear Property Owner:

It is the intent of Clear Blue Services, who is the applicant for the above property, to obtain a conditional use permit for a wireless communication facility and a text amendment, to section 4.25.F.1a. to allow for the maximum tower height of 99', on parcel # 306-14-021C. This parcel is located at 2655 N. State Route 89, Chino Valley, AZ.

A public hearing will be held before the Planning and Zoning Commission on 11-6-12 at the Council Chambers - South Campus - 202 N. State Route 89 at 6:00 p.m. All interested parties are invited to attend.

Please return the lower portion of this letter with your comments to: Town of Chino Valley, Development Services Department, 1020 Palomino Road, Chino Valley, AZ, 86323 or you can express any concerns by contacting David Nicolella with the Town of Chino Valley Development Services Department at 928-636-4427 or email dnicolella@chinoaz.net.

Thank you for your consideration in this matter.

Detach Here

Please Check One:

Clear Blue Services
#306—14-021C

_____ I approve of this rezoning/conditional use permit.

☒ I oppose this rezoning/conditional use permit.

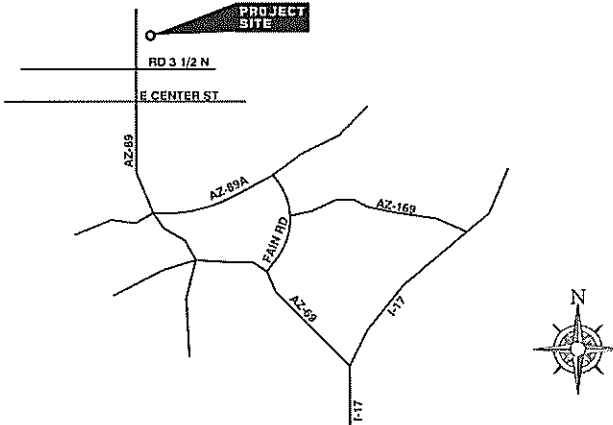
Comments: 1) This will immediately devalue all the surrounding properties.
2) This would be a permanent eye sore in down town Chino Valley.
3) This would become a lightening rod in the heart of three propane storage yards.
4) Any rational city will place such towers on the surrounding hill tops.

Name: Eric Owens
 Signature: [Signature]
 Address: 360 W. Industrial Drive Chino Valley Az 86323

PLEASE RESPOND BY: 11-6-12

PLEASE NOTE: Comment letters may be submitted to the Development Services Department 24 hours prior to the scheduled Public Hearing.

Exhibit C

PROJECT SCOPE						APPROVALS																				
AT&T PROPOSES TO CONSTRUCT A NEW TELECOMMUNICATION FACILITY. FACILITY WILL CONSIST OF A CHAIN LINK EQUIPMENT COMPOUND W/ A CHAIN LINK ACCESS GATE. NEW COMPOUND WILL CONSIST OF CONCRETE SLAB ON GRADE FOR A NEW AT&T EQUIPMENT SHELTER AND A NEW WAVE GUIDE BRIDGE FOR (N) FIBER OPTIC CABLE TO NEW MONOPOLE. COMPOUND WILL CONTAIN A NEW 99FT TALL MONOPOLE SUPPORT TOWER W/ 3 SECTOR FRAMES W/ (3) ANTENNAS PER SECTOR FOR A TOTAL OF (9) ANTENNAS. EACH ANTENNA WILL HAVE (1) RRH FOR A TOTAL OF (9) MOUNTED BEHIND ANTENNAS. SECTOR FRAME SUPPORT WILL ALSO CONTAIN (2) DC-6 RAYCAPS.						AT&T (RF): _____ DATE: _____ AT&T (CONST): _____ DATE: _____ AT&T (S.A.): _____ DATE: _____ LANDLORD: _____ DATE: _____ LANDLORD: _____ DATE: _____ SITE ACQ.: _____ DATE: _____																				
PROJECT INFORMATION			SITE NUMBER: YA65-AA CANDIDATE NAME: HITNEY SOLAR																							
SITE ADDRESS: HITNEY SOLAR 2655 N. STATE ROUTE 89 CHINO VALLEY, AZ 86323 APN: 306-14-021C DECIMAL LATITUDE: 34.78349° N DECIMAL LONGITUDE: -112.45066° W LATITUDE: 34° 47' 00.96" N LONGITUDE: -112° 27' 03.96" W JURISDICTION: TOWN OF CHINO VALLEY (YAVAPAI COUNTY) EXISTING USE: COMMERCIAL / UNMANNED TELECOMMUNICATIONS FACILITY PROPOSED USE: COMMERCIAL / UNMANNED TELECOMMUNICATIONS FACILITY OCCUPANCY: U ZONING: CH																										
DRAWING INDEX		REV	VICINITY MAP			APPLICABLE BUILDING CODES AND STANDARDS																				
25736-625-FC6-YA65-AA-01 TITLE SHEET 25736-625-FC6-YA65-AA-04A SITE SURVEY 25736-625-FC6-YA65-AA-04B OVERALL SITE PLAN 25736-625-FC6-YA65-AA-05 DETAILED PLAN 25736-625-FC6-YA65-AA-06 ELEVATIONS 25736-625-FC6-YA65-AA-07 ANTENNA LAYOUT & DETAILS		1 1 1 1 1 1	DIRECTIONS: FROM THE AT&T OFFICE AT 20830 NORTH TATUM BOULEVARD HEAD SOUTH TOWARD E ROSE GARDEN LN, TAKE THE RAMP ONTO AZ-101 LOOP W, TAKE EXIT 238-230 TO MERGE ONTO I-17 N TOWARD FLAGSTAFF, TAKE EXIT 262 TOWARD AZ-89 N/PRESOTT/CORDES LAKES RD/ARCOSANTI, MERGE ONTO AZ-89 N, TURN RIGHT ONTO FAIR RD, SLIGHT LEFT ON AZ-89A S, TAKE EXIT 317 FOR AZ-85 TOWARD PRESOTT/CHINO VALLEY, KEEP RIGHT AT FORK, FOLLOW SIGNS FOR ASH FORK AND MERGE ONTO AZ-89 N, AT TRAFFIC CIRCLE CONTINUE STRAIGHT TO STAY ON AZ-89 N. DESTINATION WILL BE ON RIGHT - 4.7 MILES.			SUBCONTRACTOR'S WORK SHALL COMPLY WITH ALL APPLICABLE NATIONAL, STATE, AND LOCAL CODES AS ADOPTED BY THE LOCAL AUTHORITY HAVING JURISDICTION (AHJ) FOR THE LOCATION. THE EDITION OF THE AHJ ADOPTED CODES AND STANDARDS IN EFFECT ON THE DATE OF CONTRACT AWARD SHALL GOVERN THE DESIGN. BUILDING CODE: INTERNATIONAL BUILDING CODE 2009 ELECTRICAL CODE: NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) 70 - 2005, NATIONAL ELECTRICAL CODE, LIGHTNING PROTECTION CODE: [NFPA 780 - 2000, LIGHTNING PROTECTION CODE] SUBCONTRACTOR'S WORK SHALL COMPLY WITH THE LATEST EDITION OF THE FOLLOWING STANDARDS: AMERICAN CONCRETE INSTITUTE (ACI) 318, BUILDING CODE REQUIREMENTS FOR STRUCTURAL CONCRETE AMERICAN INSTITUTE OF STEEL CONSTRUCTION (AISC), MANUAL OF STEEL, THIRTEENTH EDITION TELECOMMUNICATIONS INDUSTRY ASSOCIATION (TIA) 222-G, STRUCTURAL STANDARDS FOR STEEL ANTENNA TOWER AND ANTENNA SUPPORTING STRUCTURES: TIA 607, COMMERCIAL BUILDING GROUNDING AND BONDING REQUIREMENTS FOR TELECOMMUNICATIONS INSTITUTE FOR ELECTRICAL AND ELECTRONICS ENGINEERS (IEEE) 81, GUIDE FOR MEASURING EARTH RESISTIVITY, GROUND IMPEDANCE, AND EARTH SURFACE POTENTIALS OF A GROUND SYSTEM IEEE 1100 (1999) RECOMMENDED PRACTICE FOR POWERING AND GROUNDING OF ELECTRONIC EQUIPMENT IEEE C62.41, RECOMMENDED PRACTICES ON SURGE VOLTAGES IN LOW VOLTAGE AC POWER CIRCUITS (FOR LOCATION CATEGORY "C3" AND "HIGH SYSTEM EXPOSURE") TELCORDIA GR-1275, GENERAL INSTALLATION REQUIREMENTS TELCORDIA GR-1503, COAXIAL CABLE CONNECTIONS ANSI T1.311, FOR TELECOM - DC POWER SYSTEMS - TELECOM, ENVIRONMENTAL PROTECTION FOR ANY CONFLICTS BETWEEN SECTIONS OF LISTED CODES AND STANDARDS REGARDING MATERIAL, METHODS OF CONSTRUCTION, OR OTHER REQUIREMENTS, THE MOST RESTRICTIVE REQUIREMENT SHALL GOVERN. WHERE THERE IS CONFLICT BETWEEN A GENERAL REQUIREMENT AND A SPECIFIC REQUIREMENT, THE SPECIFIC REQUIREMENT SHALL GOVERN.																				
DESIGN PACKAGE BASED ON RF DATA SHEET DATED 08-08-12 (V0-B-0)																										
NOTES						DETAIL 103-M																				
1 THE FOLLOWING NOTES, SYMBOLS AND DETAILS FROM BECHTEL DOCUMENT NUMBER 24782-000-A3-EF-00001 APPLIES TO THE IMPLEMENTATION OF THIS SITE DESIGN PACKAGE. REFERENCE STANDARD NOTES SHEET. GENERAL NOTES _____ DETAIL 623 - REV 1 CONSTRUCTION NOTES _____ DETAIL 101 - REV 2 GROUNDING NOTES _____ DETAIL 621 - REV 3 ELECTRICAL INSTALLATION NOTES _____ DETAIL 622 - REV 2 RF NOTES _____ DETAIL 116 - REV 6 CONCRETE AND REINFORCING STEEL NOTES: _____ DETAIL 102 - REV 4 SITE WORK GENERAL NOTES _____ DETAIL 619 - REV 2																										
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6			5			4																				
3			2			1																				

- NOTES:
1. CONTRACTOR TO COORDINATE & PROVIDE PRIVATE LOCATING SERVICE PRIOR TO CONSTRUCTION.
 2. REFERENCE MANUFACTURERS TOWER DRAWINGS ON INSTALLATION.
 3. ALL COAXIAL CABLEING TO BE RUN INSIDE POLE.

NOTE:
NO U/G CONFLICTS PER PRIVATE LOCATE.

GENERAL NOTES: SIGNS

1. INSTALL EMERGENCY INFORMATION PLACARD NEAR ENTRANCE GATE OF EQUIPMENT AREA (OR MOST VISIBLE PLACE ON OUTSIDE COMPOUND WALL). PLACARD IS TO CONTAIN SITE NAME, SITE NUMBER, COMPANY NAME, ADDRESS INFORMATION, AND A "900" NUMBER TO DIAL IN CASE OF EMERGENCY. PLACARD IS TO CONSIST OF HIGH CONTRAST LETTERING (WHITE BACK GROUND W/ RED LETTERING) BEHIND VANDAL RESISTANT LEXAN COVER.
2. INSTALL ADDRESS PLACARD NEAR ENTRANCE GATE OF EQUIPMENT AREA (OR FACING STREET OF ASSOCIATED ADDRESS). PLACARD IS TO CONTAIN 12" TALL HIGH CONTRAST LETTERING (WHITE BACK GROUND AND RED LETTERING) BEHIND VANDAL RESISTANT LEXAN COVER.

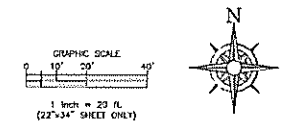
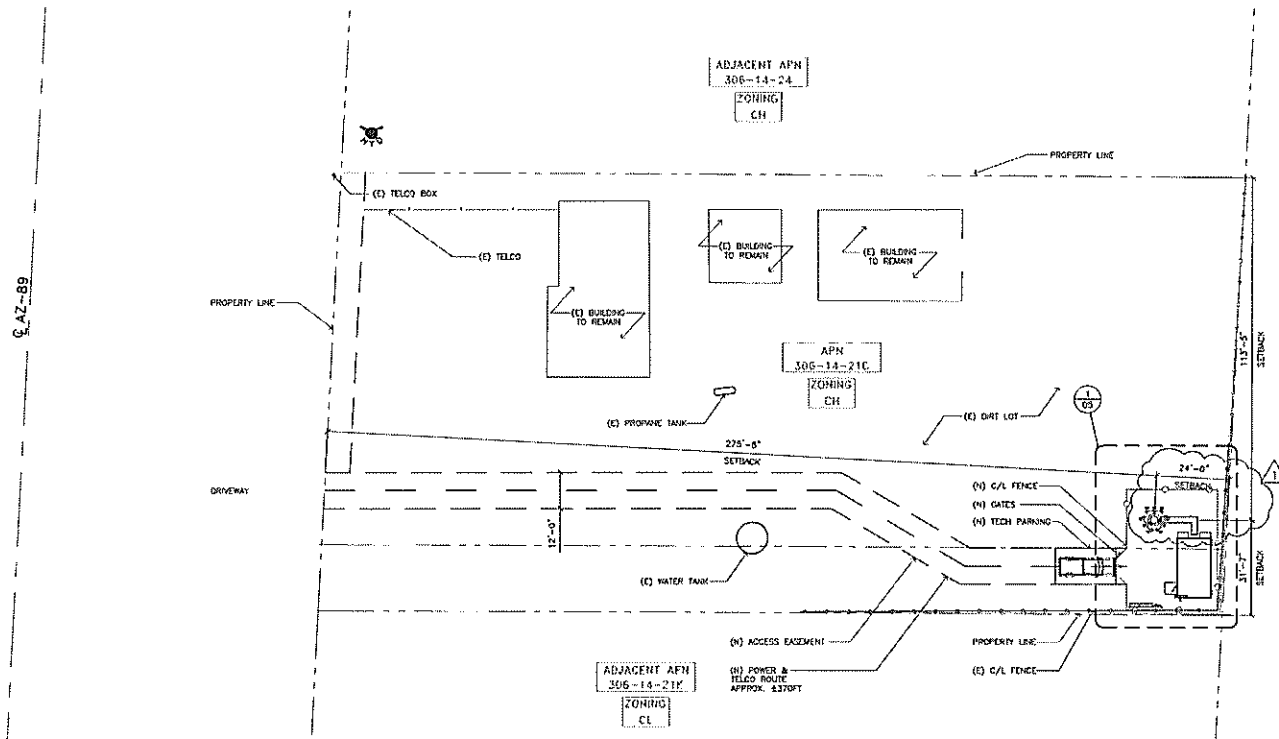
LIGHTING

1. MINIMAL LIGHTING WILL BE INSTALLED AT EQUIPMENT AREA FOR THE PURPOSE OF EQUIPMENT MAINTENANCE. LIGHT WILL BE ON A SWITCH OVER-RIDE. 300 WATT W/4 HR. TIMER.
2. ADDITIONAL LIGHTING WILL BE INSTALLED IF REQUIRED BY MUNICIPALITY FOR SECURITY PURPOSES.
3. ALL LIGHTING IS TO BE INSTALLED NO HIGHER THAN 8'-0" (UNLESS OTHERWISE REQUIRED BY INDIVIDUAL MUNICIPALITY).
4. ALL LIGHTING WILL BE THAT OF "FLAT CUT OFF LENSES"

COMPLIANCE

1. ADA COMPLIANCE. FACILITY IS NOT STAFFED AND NOT NORMALLY OCCUPIED.
2. SUB-CONTRACTOR IS RESPONSIBLE FOR ERECTING TEMPORARY BARRICADES AND/OR FENCING TO PROTECT THE SAFETY OF THE PUBLIC DURING CONSTRUCTION.
3. THE ANTENNAS SHALL NOT INTERFERE WITH ANY EXISTING COMMUNICATION SITES.
4. ALL ITEMS SHOWN ON THIS DRAWING ARE EXISTING UNLESS OTHERWISE NOTED.
5. DEVELOPMENT AND USE OF THIS SITE WILL CONFORM TO ALL APPLICABLE CODES AND ORDINANCES.

NOTE:
1. SITE PLAN DERIVED FROM SURVEY WGS #4927, DATED 8/21/12



OVERALL SITE PLAN

SCALE: 1" = 20'-0" 1



Clear Blue
SERVICES



BECHTEL COMMUNICATIONS, INC.
2075 W PINNACLE PEAK RD, SUITE 110
PHOENIX, AZ 85027
PHONE: (602) 282-3001

YA65-AA
HITNEY SOLAR
2655 N. STATE ROUTE 89
CHINO VALLEY, AZ 86323



at&t
AT&T MOBILITY
20890 N. TATUM BLVD. SUITE 400
PHOENIX, AZ 85050
PHONE: (480) 444-8229

NO.	DATE	REVISIONS	BY	CHK	APP'D
1	09/12/12	CITY PLANNING COMMENTS	SLO	SLO	AL
2	09/30/12	ZONING DRAWINGS	JH	SLO	AL
NO.	DATE	REVISIONS	BY	CHK	APP'D
SCALE:	AS SHOWN	DESIGNED BY:	CB	DRAWN BY:	SLO



THIS DOCUMENT CONTAINS AN ELECTRONIC SIGNATURE PURSUANT TO A.S.I.C. TITLE 41 AND 42, A.S.I.C. IS A VOUCHER FOR ANY PERSON OR FIRM UNDER THE DIRECT CONTROL OF THE SIGNER, OR WHOM THIS DOCUMENT IS NOT VALID.

AT&T MOBILITY

OVERALL SITE PLAN

FA CODE	DRAWING NUMBER	REV
10567334	25738-825-FC8-YA65-AA-04B	1

6

5

4

3

2

1

154

POWER & TELEPHONE GENERAL NOTES

- SUBCONTRACTOR SHALL COORDINATE WITH UTILITY COMPANY FOR FINAL AND EXACT WORK/MATERIALS REQUIREMENTS AND CONSTRUCT TO UTILITY COMPANY ENGINEERING PLANS AND SPECIFICATIONS ONLY.
- SUBCONTRACTOR SHALL FURNISH AND INSTALL ALL CONDUIT, PULL WIRES, CABLE PULLBOXES, CONCRETE ENCASUREMENT OF CONDUIT (IF REQUIRED), TRANSFORMER PAD, BARRIERS, POLE RISERS, TRENCHING, BACKFILL, AND INCLUDE ANY UTILITY COMPANY REQUIREMENTS IN SCOPE OF WORK.
- UTILITY CONTACTS

TELEPHONE COMPANY: POWER COMPANY:

COMPANY NAME: ---	COMPANY NAME: ---
ADDRESS: ---	ADDRESS: ---
CITY, STATE, ZIP: ---	CITY, STATE, ZIP: ---
PHONE NUMBER: ---	PHONE NUMBER: ---
CONTACT: ---	CONTACT: ---

NOTICE

- ELECTRICAL SUBCONTRACTOR SHALL CONTACT UTILITY COMPANIES 14 DAYS MINIMUM PRIOR TO ACTIVATION AND NOTIFY UTILITY COMPANY REPRESENTATIVE OF THE EXACT DATE OF ACTIVATION.
- VERIFY ALL EXISTING UNDERGROUND UTILITIES BEFORE TRENCHING. THESE DRAWINGS HAVE NOT BEEN CONFIRMED WITH THE UTILITY COMPANIES DUE TO TIME CONSTRAINTS AND ARE INTENDED AS A GENERAL GUIDE ONLY.
- ELECTRICAL SUBCONTRACTOR SHALL CONTACT TELE. CO. & POWER CO. VERIFY EXACT ROUTING/SIZES & CONDITIONS BEFORE TRENCHING.
- INSTALL ALL CONDUITS & EQUIPMENT AS SPECIFIED BY POWER CO. & TELEPHONE CO.
- FIELD VERIFY EXACT MEASUREMENT OF ALL NEW UTILITY FEEDERS PRIOR TO BID. DO NOT SCALE FROM THESE PLANS.
- CONTACT UTILITY COMPANIES FOR UNDERGROUND CONDUIT INSPECTIONS PRIOR TO BACKFILLING TRENCH.
- IT IS THE ELECTRICAL SUBCONTRACTORS RESPONSIBILITY TO COORDINATE WITH THE POWER AND TELEPHONE COMPANIES TO INSURE THAT SERVICE CONDUITS ARE TERMINATED AT THE CORRECT POWER POLE, PEDESTAL, ETC.

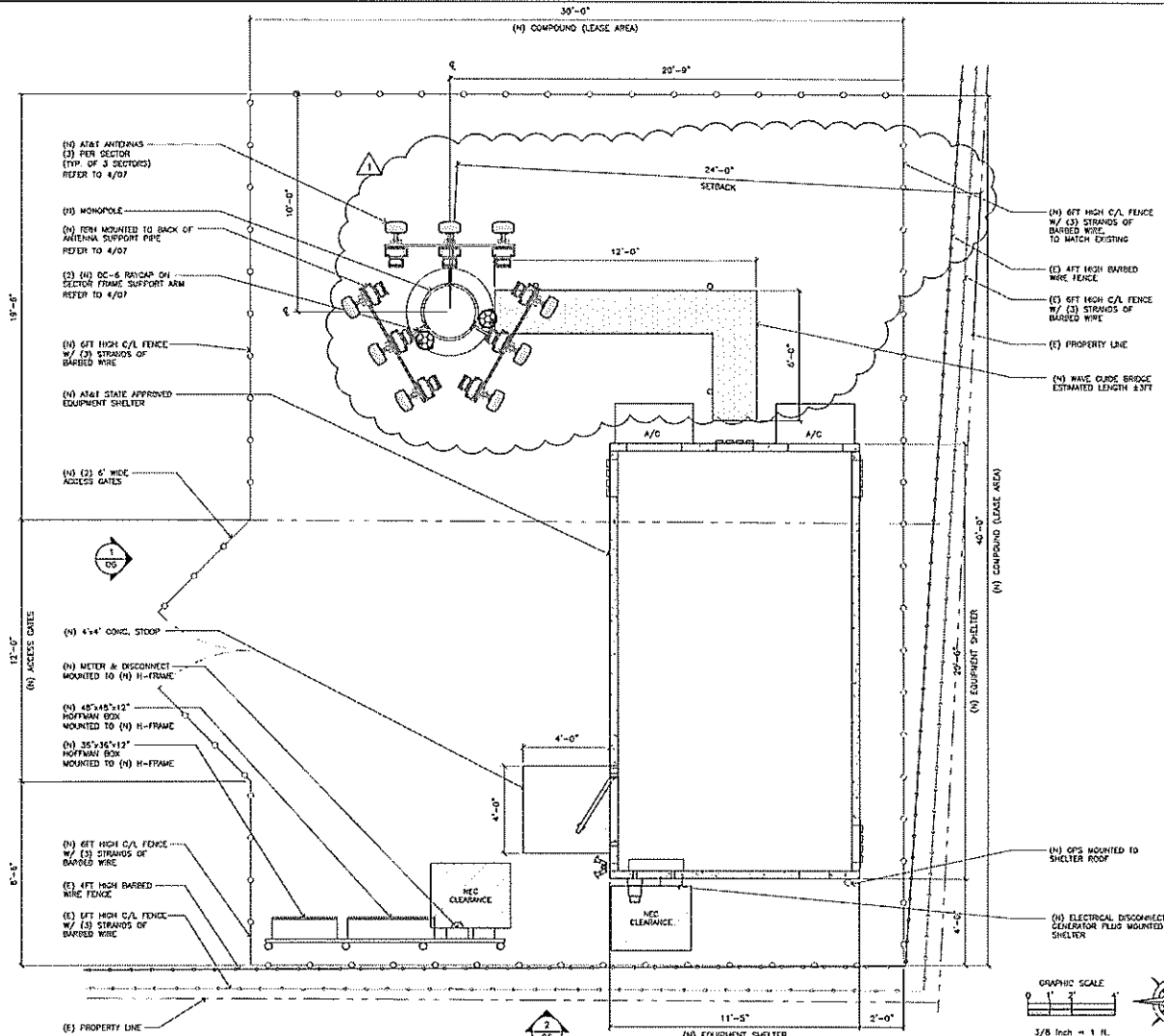
NOTE:

HAND DIG EXCAVATIONS NEAR EXISTING UTILITIES & WHERE INDICATED ON SITE PLAN

NOTES

- CONTRACTOR TO COORDINATE & PROVIDE PRIVATE LOCATING SERVICE PRIOR TO CONSTRUCTION.
- ALL CABLES TO RUN INSIDE POLE.

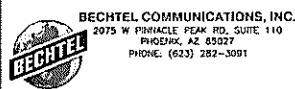
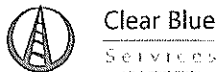
NOTES



NOT USED

2 DETAILED PLAN

SCALE: 3/8" = 1'-0"



**YA65-AA
HITNEY SOLAR**
2655 N. STATE ROUTE 89
CHINO VALLEY, AZ 86323



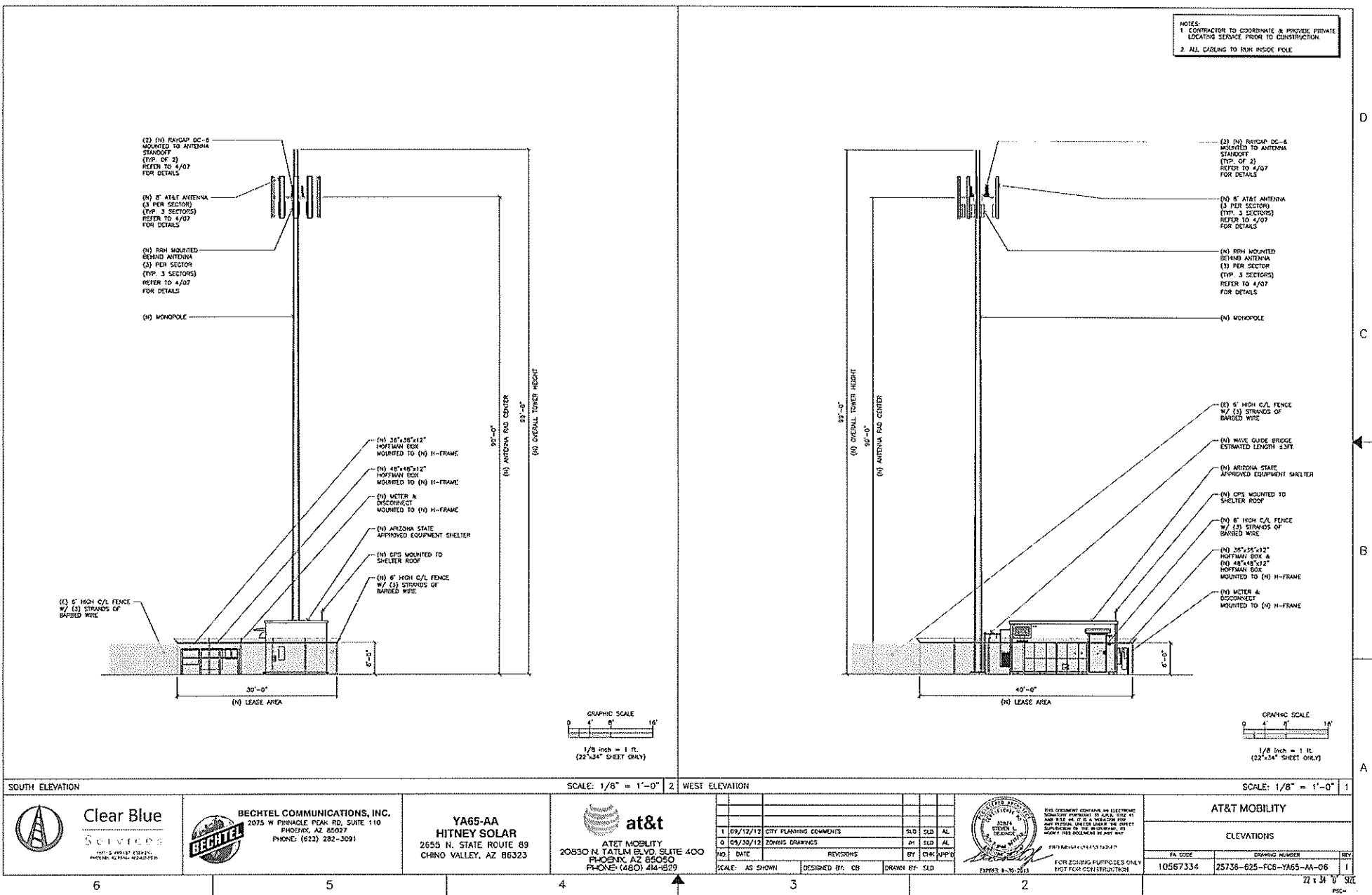
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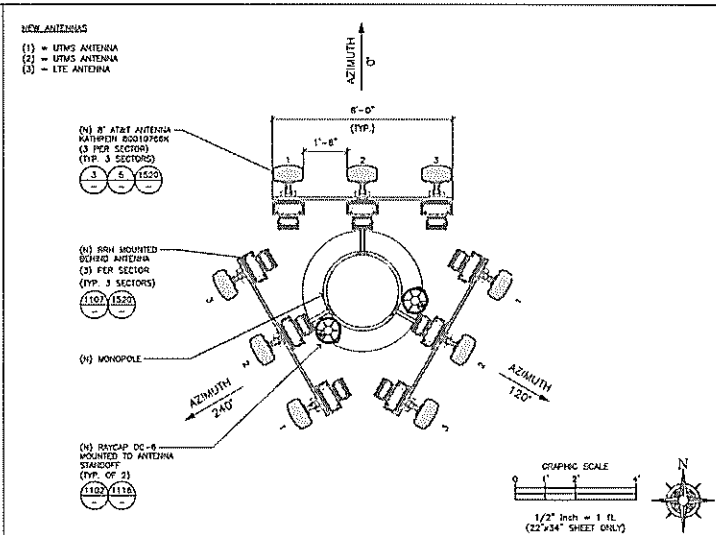
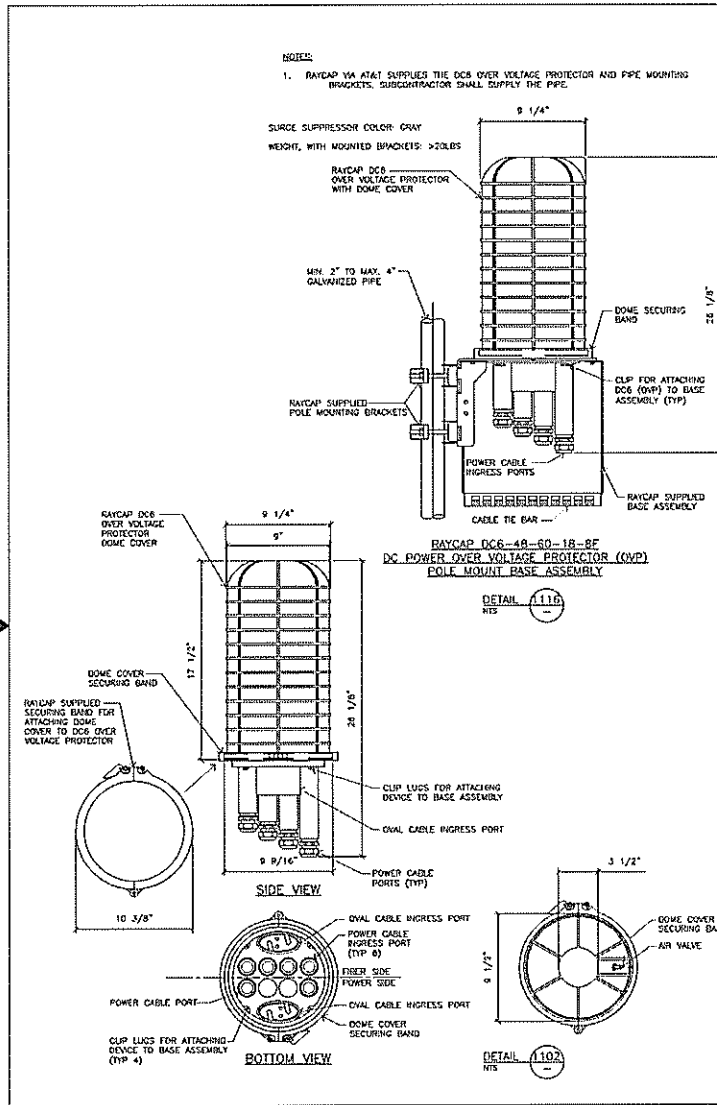


THIS DOCUMENT CONTAINS AN ELECTRONIC SIGNATURE. ANYONE USING THIS DOCUMENT FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT WAS ORIGINALLY INTENDED IS IN VIOLATION OF THE FEDERAL INFORMATION SECURITY ACT (FISMA). IT IS THE USER'S RESPONSIBILITY TO PROTECT THIS DOCUMENT FROM UNAUTHORIZED DISCLOSURE.

AT&T MOBILITY		
DETAILED PLAN		
FA CODE	DRAWING NUMBER	REV
10567334	25736-825-FC6-YA65-AA-05	1

22 1 31 0 30



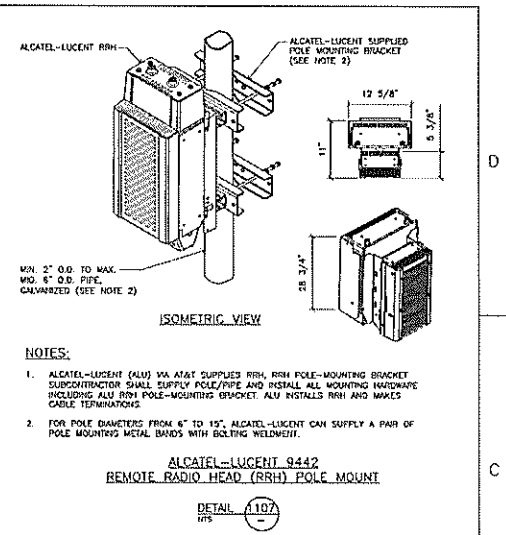


NEW ANTENNA CONFIGURATION TABLE

	1	2	3
ANTENNA	(N) KATHREIN 80010766K	(N) KATHREIN 80010766K	(N) KATHREIN 80010766K
FEEDER LENGTH	1150FT FIBER	1150FT FIBER	1150FT FIBER
AZIMUTH	0°	90°	0°
RAD. CENTER	90°	90°	90°
TECHNOLOGY	UMTS	UMTS	LTE
TMA	N/A	N/A	N/A
RRH	(N) ACTIVE	(N) ACTIVE	(N) ACTIVE
ANTENNA	(N) KATHREIN 80010766K	(N) KATHREIN 80010766K	(N) KATHREIN 80010766K
FEEDER LENGTH	1150FT FIBER	1150FT FIBER	1150FT FIBER
AZIMUTH	120°	120°	120°
RAD. CENTER	90°	90°	90°
TECHNOLOGY	UMTS	UMTS	LTE
TMA	N/A	N/A	N/A
RRH	(N) ACTIVE	(N) ACTIVE	(N) ACTIVE
ANTENNA	(N) KATHREIN 80010766K	(N) KATHREIN 80010766K	(N) KATHREIN 80010766K
FEEDER LENGTH	1150FT FIBER	1150FT FIBER	1150FT FIBER
AZIMUTH	240°	240°	240°
RAD. CENTER	90°	90°	90°
TECHNOLOGY	UMTS	UMTS	LTE
TMA	N/A	N/A	N/A
RRH	(N) ACTIVE	(N) ACTIVE	(N) ACTIVE

EDGE MOUNTING EQUIPMENT SUPPLIED BY ANTENNA INSTALL PER MANUFACTURER'S SPECIFICATIONS.

(N) ANTENNA MANUFACTURER: KATHREIN MODEL # 80010766K WEIGHT: 61.7 LBS



RAYCAP DC6-48-60-18-8F DETAIL	N.T.S. 6	ANTENNA CONFIGURATION TABLE	NONE 5	ANTENNA DETAIL	N.T.S. 3	ANTENNA MOUNTING DETAIL	N.T.S. 1																													
Clear Blue Services	BECHTEL COMMUNICATIONS, INC. 2075 W PINEAPPLE PEAK RD, SUITE 110 PHOENIX, AZ 85027 PHONE: (602) 282-3091	YA65-AA HITNEY SOLAR 2655 N. STATE ROUTE 89 CHINO VALLEY, AZ 86323	AT&T AT&T MOBILITY 20830 N. TATUM BLVD. SUITE 400 PHOENIX, AZ 85020 PHONE (480) 414-1829	<table border="1"> <tr> <td>1</td> <td>09/12/12</td> <td>CITY PLANNING COMMENTS</td> <td>SLO</td> <td>SLO</td> <td>AL</td> </tr> <tr> <td>2</td> <td>08/30/12</td> <td>ZONING DRAWINGS</td> <td>JH</td> <td>SLO</td> <td>AL</td> </tr> <tr> <td>NO.</td> <td>DATE</td> <td>REVISIONS</td> <td>BY</td> <td>CHK</td> <td>APP'D</td> </tr> <tr> <td colspan="6">SCALE: AS SHOWN DESIGNED BY: CB DRAWN BY: SLO</td> </tr> </table>	1	09/12/12	CITY PLANNING COMMENTS	SLO	SLO	AL	2	08/30/12	ZONING DRAWINGS	JH	SLO	AL	NO.	DATE	REVISIONS	BY	CHK	APP'D	SCALE: AS SHOWN DESIGNED BY: CB DRAWN BY: SLO						DAVID L. DEATON REGISTERED PROFESSIONAL ENGINEER STATE OF ARIZONA LICENSE NO. 10567334	AT&T MOBILITY PROPOSED ANTENNA DETAILS <table border="1"> <tr> <td>TA CODE</td> <td>DRAWING NUMBER</td> <td>REV</td> </tr> <tr> <td>10567334</td> <td>25736-625-FC6-YA65-AA-07</td> <td>1</td> </tr> </table>	TA CODE	DRAWING NUMBER	REV	10567334	25736-625-FC6-YA65-AA-07	1
1	09/12/12	CITY PLANNING COMMENTS	SLO	SLO	AL																															
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10567334	25736-625-FC6-YA65-AA-07	1																																		

Exhibit D

YA65

Town of Chino Valley, AZ

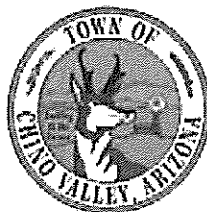
Use Permit / Parcel # 306-14-021C

Wireless Communication Facility

Clear Blue Services / Bechtel / AT&T

TOWN OF CHINO VALLEY

DEVELOPMENT SERVICES
1020 WEST PALOMINO ROAD
CHINO VALLEY, AZ 86323



BUILDING DIVISION
TELEPHONE (928) 636-4427
FAX (928) 636-6937

September 12, 2012

Dear Mr. Chisholm

This letter is written to summarize the discussion and comments from the Technical Review Meeting, held Tuesday, September 11, 2012 for your project, telecommunications facility in Chino Valley, Arizona. APN: 306-14-021C

The following Town Staff was present at the Technical Review Meeting:

David Nicoletta, Associate Planner
Mike Bovee, (Acting) Assistant Zoning Administrator
Dan Trout, Building Official
Ron Gritman, Town Engineer
Mary Brasher, Administrative Technician
Hilda Johnson, Administrative Technician

Also present: John Ginn, CV Fire Chief and Art Castricone, CV Fire Marshall

The following may not be all-inclusive, but attempts to summarize Staff comments in an effort to assist you in moving your project forward:

Development Services – Mike Bovee/David Nicoletta (928) 636-4427:

- The Unified Development Ordinance requires a Conditional Use Permit (CUP) for the installation of a telecommunications facility. CUP Application
- The Unified Development Ordinance will only allow a communications tower up to 65 ft. and requires a 110% setback. Council cannot approve a CUP that does not comply with the UDO requirements. Submitting Text Amendment
- For a communications tower over 65 feet the applicant would have to submit for a "Text Amendment" of the UDO to the Planning & Zoning Commission for a recommendation to the Town Council. Submitting Text Amendment
- Submit to the Development Services Department the information and engineering for a "collapsible Communication Tower." Requested a Fall Zone Letter for the tower.
- Requires submittal of a site plan in accordance with the requirements outlined in the CUP application which shall also include ingress and egress, security fencing and any structures. Check
- Furnish the Development Services Department with an inventory of all AT&T sites within the Town of Chino Valley Town Limits as well as within one mile of the Town Limits.
- The Unified Development Ordinance requires security fencing to be constructed of block or masonry. Requested an Exception
- Contact Chino Valley Irrigation District to ensure they do not have an interest in this project. Will be included in Citizen Participation



TOWN OF CHINO VALLEY

DEVELOPMENT SERVICES
1020 WEST PALOMINO ROAD
CHINO VALLEY, AZ 86323



BUILDING DIVISION
TELEPHONE (928) 636-4427
FAX (928) 636-6937

Engineering/Public Works – Ron Gritman (928) 636-7140:

- The drive surface areas and the parking lot must be surfaced with a dust free surface. Chip seal is the minimum surface material Requested an Exception

Fire Department – Art Castricone, Fire Marshall, John Ginn, Fire Chief (928) 636-2442:

- Required to provide adequate access for emergency vehicles. Check
- Add a Knox Box if lock cannot be cut to obtain access. Check

Building Department – Dan Trout (928) 636-4427:

- Required to use an Arizona registered design professional. Check
- Required to use a Commercially Licensed Contractor. Check
- All contractors to comply with Chino Valley Business license requirements. Check
- Building plans, foundation, and tower are required to be stamped engineered plans. Check
- The site and structure must comply with ADA requirements to allow access into the building. See International Building Codes Sections 1103.2.3 & 1103.2.5 & 1103.2.9

The comments from the Technical Review Committee are valid for one year from the date of this letter.

If the property owner/developer feels that the above-mentioned requirements of the Town's UDO are too restrictive, you have the right to appear before and present your case to the Planning Commission. The Planning Commission shall forward the case, with recommendation to Council. If the Council finds the site plan does not meet the requirements of the Town's UDO they can approve, deny, or make modifications to it (a paraphrase of UDO Section 1.7.4).

If you have any questions, please contact the appropriate Staff for information related to project requirements of that department, Monday – Thursday, from 7:30 A. M. to 5:00 P. M.

Respectfully,

Town of Chino Valley
Technical Review Committee



Table of Contents – YA65

Exhibit A

Deed of Trust

Exhibit B

Legal Description

Exhibit C

Letter of Intent

Alternative Site Analysis	Page
Graphic	1
Search Ring	2

Appendix	Page
AT&T Proposed and Existing WCF's	1
RF frequency propagation maps	2,3
Federal Communication Commission (E 9-1-1)	4,5
Federal Communication Commission license	6,7
Compliance with Federal Communication Commission statement	8
Temporary Fall Zone Letter	9

EXHIBIT A
EVIDENCE OF OWNERSHIP

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15
14
8

When recorded, mail to

Name: RONALD HILNEYAddress: P. O. BOX 3533City/State/Zip Code: Chino Valley, AZ86323

One Union-Traill, Recorder
OFFICIAL RECORDS OF YAVAPAI COUNTY
PHOENIX, ARIZONA 85001

B-4305 P-645
09/01/2005 11:34a
14 00 2507779



B-4305 P-645
Page: 1 of 3
09/01/2005

Place above this line for Recorder's use

DEED OF TRUST

Trustor(s): DANIEL C. MANNIX and SHERRI L. MANNIXAddress: 110 N. Granada, Chino Valley, Arizona 86323Beneficiary(ies): HITNEY BEVECAULE TRUSTAddress: P. O. Box 3533, Chino Valley, Arizona 86323Trustee(s): GENE C. HITNEY and SANDRA A. HITNEYAddress: 515 N. Fireasy Ln., Chino Valley, Arizona 86323Property situated in YAVAPAI County, State of Arizona

and known and legally described as follows:

See Exhibit "A" attached and made a part
hereof.

This DEED OF TRUST made and executed on the date test written between the Trustor(s), Trustee(s),
and Beneficiary(ies), above named.

WITNESSETH: That the Trustor(s) irrevocably grants and conveys to Trustee(s), with Power of Sale, the
above described Real Property, together with its issues, rents, issues or income thereof (all of which are
hereinafter called "property income"); subject, however, to the right, power and authority hereinafter
given to and conferred upon the Beneficiary(ies) to collect and apply such property income; and subject
to existing taxes, assessments, liens, encumbrances, covenants, conditions, restrictions, rights of way,
and easements of record, for the purpose of securing the performance of each of the separate
agreements herein contained by the Trustor(s) and the payment of the sum of THREE HUNDRED
FIFTY THOUSAND

DOLLARS (\$ 350,000.00), with interest thereon according to the terms of that certain
Promissory Note dated JANUARY 3, 2005, executed by Trustor(s)
in favor of Beneficiary(ies), or order.

TO PROTECT THE SECURITY OF THIS DEED OF TRUST, TRUSTOR(S) AGREE:

1. To keep said property in good condition and repair; not to remove or demolish any building thereon;
to complete or restore promptly and in good and workmanlike manner any building which may be
constructed, damaged or destroyed thereon, and to pay when due, all claims for labor performed and
materials furnished thereon; to comply with all laws affecting said property or requiring any alteration or
improvements to be made thereon; not to commit or permit waste thereon; not to commit, suffer or
permit any act upon said property in violation of laws; and do all other acts which from the character or
use of said property may be reasonably necessary, without regards to specific enumerations herein.

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(JUDICIAL RECORDS) (JUDICIAL RECORDS)

FORM 53e

Page 1

First American Title



7. To provide, maintain and deliver to Beneficiary(ies), fire insurance coverage satisfactory to, and with loss payable to Beneficiary(ies). The amount collected under any fire or other insurance policy may be applied by Beneficiary(ies) upon any indebtedness secured hereby and in such order as Beneficiary(ies) may determine, or at the option of Beneficiary(ies), the entire amount so collected or any part thereof may be released to Trustor(s). Such application or release shall not cure or waive any default or Notice of Trustor's Default hereunder or, invalidate any act done pursuant to such notice.

8. To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of the Beneficiary(ies) or Trustee(s), and to pay all costs and expenses of the Beneficiary(ies) and Trustee(s), including the cost of evidence of title and attorney's fees in a reasonable sum, in any such action or proceeding in which Beneficiary(ies) or Trustee(s) may appear or be named, and in any suit brought by Beneficiary(ies) to foreclose this Deed of Trust.

9. To pay, before becoming delinquent, all taxes and assessments affecting said property, when due, all encumbrances, charges and liens, with interest, on said property or any part thereof which appear to be prior to, or superior hereto, all costs, fees and expenses of this Trust, including, without limiting the generality of the foregoing, the fees of the Trustee(s) for issuance of any Deed of Partial Release and Partial Reconveyance or Deed of Release and Full Reconveyance, and all lawful charges, cost and expenses in the event of reinstatement following default in this Deed of Trust or the obligation secured hereby.

Should Trustor fail to make any payment or to do any act as herein provided, then Beneficiary(ies) or Trustee(s), but without obligation so to do and without notice to or demand upon Trustor(s) and without releasing Trustor(s) from any obligation hereof, may make or do the same in such manner and to such extent as either may deem necessary to protect the security hereof, Beneficiary(ies) or Trustee(s) being authorized to enter upon said property for such purposes, appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of Beneficiary(ies) or Trustee(s), pay, purchase, contest or compromise any encumbrance, charge or lien which in the judgment of either appears to be prior to or superior hereto, and in exercising any such powers, pay necessary expenses, employ counsel and pay reasonable attorney's fees.

10. To pay immediately and without demand all sums expended by Beneficiary(ies) or Trustee(s) pursuant to the provisions hereof, together with interest from date of expenditure at the same rate as is provided for in the Note(s) secured by this Deed of Trust, or at the highest legal rate, whichever be the greater rate. Any amounts so paid by Beneficiary(ies) or Trustee(s) shall become a part of the debt secured by this Deed of Trust and a lien on said premises or shall become immediately due and payable at the option of the Beneficiary(ies) or Trustee(s).

IT IS MUTUALLY AGREED:

11. That any award of damages in connection with any condemnation of any such taking, or for injury to the property for reason of public use, or for damages for private trespass or injury thereto, is assigned and shall be paid to Beneficiary(ies) as further security for all obligations secured hereby (reserving unto Trustor(s), however, the right to sue therefor and the ownership thereof subject to this Deed of Trust), and upon receipt of such monies, Beneficiary(ies) may hold the same as such further security, or apply or release the same in the same manner and with the same effect as above provided for the disposition of proceeds under fire or other insurance policies.

12. That time is of the essence of this Deed of Trust, and that by accepting payment of any sum secured hereby after its due date, Beneficiary(ies) does (do) not waive the right to require prompt payment when due of all other sums so secured or to declare default for failure so to pay.

13. That at any time or from time to time, and without notice, upon written request of Beneficiary(ies) and presentation of this Deed of Trust and said Note(s) for endorsement, and without liability therefor, and without affecting the personal liability of any person for payment of the indebtedness secured hereby, and without affecting the security hereof for the full amount secured hereby on all property remaining subject hereby, and without the necessity that any sum representing the value of any portion thereof of the property affected by the Trustee's action be credited on the indebtedness, the Trustee(s) may: (a) release and reconvey all or any part of said property; (b) consent to the making, recording of either, or any map or plat of the property or any part thereof; (c) join in granting any extension hereon; (d) join in or consent to any extension agreement or any agreement subordinating the lien, encumbrance or charge hereof.

14. That upon written request of Beneficiary(ies) stating that all sums secured hereby have been paid, and upon surrender of this Deed of Trust and said Note(s) to Trustee(s) for cancellation and retention, and upon payment of its fees, Trustee(s) shall release and reconvey, without covenant or warranty, express or implied, the property then held hereunder. The recitals in such reconveyance of any matters

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or facts shall be conclusive proof of the truthfulness thereof. The grantee in such recedivency may be described as "the person or persons legally entitled thereto."

10. That as additional security, Trustor(s) hereby gives to and confers upon Beneficiary(ies) the right, power and authority during the continuance of this Trust, to collect the property income, reserving to Trustor(s) the right, prior to any default by Trustor(s) in payment of any indebtedness secured or if performance of any agreement hereunder, to collect and retain such property income as it becomes due and payable. Upon any such default Beneficiary(ies) may at any time, without notice, either by person, by agent, or by a receiver to be appointed by a Court and without regard to the adequacy or otherwise of any security for the indebtedness hereby secured, enter upon a take possession of said property or any part thereof, in his own name, sue or otherwise collect such property income, including that past due and unpaid, and apply the same, less cost and expenses of operation and collection, including reasonable attorney's fees, upon any indebtedness secured hereby, and in such order as Beneficiary(ies) may determine. The entering upon and taking possession of said property, the collection of such property income, and the application thereof as aforesaid, shall not cure or waive any default or Notice of Trustee's Sale hereunder or invalidate any act done pursuant to such notice.

11. That upon default by Trustor(s) in payment of any indebtedness secured hereby or in performance of any agreement hereunder, Beneficiary(ies) may declare all sums secured immediately due and payable in delivery to Trustee(s) or written notice thereof, setting forth the nature thereof, and of the election to cause to be sold said property under this Deed of Trust. Beneficiary(ies) also shall deposit with Trustee(s) this Deed of Trust, said Note(s), and all documents evidencing expenditures secured hereby.

Trustee(s) shall record and give Notice of Trustee's Sale in the manner required by law, and after the lapse of such time as may then be required by law, Trustee(s) shall sell, in the manner required by law, said property at public auction at the time and place fixed by it in said Notice of Trustee's Sale to the highest bidder for cash in lawful money of the United States, payable at the time of sale. Trustee(s) may postpone or continue the sale by giving notice of postponement or continuation by public declaration at the time and place last appointed for the sale. Trustee(s) shall deliver to such purchaser its Deed conveying the property so sold with any covenant or warranty, expressed or implied. Any persons, including Trustor(s), Trustee(s) or the Beneficiary(ies) may purchase the property at such sale.

After deducting all cost, fees and expenses of the Trustee(s) and of this Trust, including cost of evidence of title in connection with the sale and reasonable attorney's fees, Trustee(s) shall apply the proceeds of the sale to payment of all sums then secured hereby and all other sums due under the terms hereof, with accrued interest and the remainder, if any, to the person or persons legally entitled thereto, or as provided by law. To the extent permitted by law, an action may be maintained by Beneficiary(ies) to recover a deficiency judgment for any remaining balance due hereunder.

12. That upon the occurrence of any default hereunder, Beneficiary(ies) shall have the option to foreclose this Deed of Trust in the manner provided by law for the foreclosure of Mortgages on Real Property, including all amounts for cost and expenses incident to such proceedings and reasonable attorney's fees.

13. The Beneficiary(ies) may appoint Successor Trustees in the manner prescribed by law. A Successor Trustee herein shall, without conveyance from the predecessor Trustee, succeed to all of the predecessor's title, estate, rights, powers and duties. Trustee(s) may resign by mailing or delivering notice thereof to Beneficiary(ies) and Trustor(s).

14. That this Deed of Trust applies to and inures to the benefit of, and binds all parties thereto, their heirs, legal heirs, devisees, administrators, executors, successors and assigns. The term Beneficiary(ies) shall mean the owner and holder of the Note(s) secured hereby, whether or not named as Beneficiary(ies) in this Deed of Trust; whenever the context so requires the masculine gender includes the feminine and neuter, and the singular number includes the plural.

15. That Trustor(s) shall not assign, sell, convey or otherwise transfer his(her)(its) interest under this Deed of Trust to a third party(ies) without the written consent of the Beneficiary(ies), who may require either: (1) the immediate full payment of the balance due on the Note(s) secured by this Deed of Trust; (2) a renegotiation of the interest payable on the principal amount due under said Note(s); (3) proof of the third party's financial ability to maintain the debt; and (4) any combination of the foregoing.

16. That in accordance with Paragraph 15 above, Trustor(s) shall notify the Beneficiary(ies) in writing prior to the close of an assignment, sale or transfer of interest, and Beneficiary(ies) shall within five (5) business days thereof, notify Trustor(s) in writing as to whether and which election will be required under said Paragraph 15. The failure of Beneficiary(ies) to so notify Trustor(s) hereby, shall constitute a waiver of the elections contained in said Paragraph 15.

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17. This Deed of Trust shall be construed according to the laws of the State of ARIZONA.

18. That this Deed of Trust is made and executed with the understanding that it: (check one)

- a. ☐ is not inferior to any other encumbrance of record.
b. ☐ is inferior to, and subject to, the following encumbrance(s) of record, to wit:

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this 31st day of AUGUST, 2005.
[Signature] Gene C. Whitney
 Signature of Trustor Trustee
[Signature] Sandra A. Whitney
 Signature of Co-Trustor Trustee
 By [Signature] Authorized Agent

State of ARIZONA)
 County of YAVAPAI) ss. **ACKNOWLEDGMENT**
 On this 31st day of AUGUST, 2005, before me, the undersigned Notary Public,
 personally appeared Daniel C. Mannix and Sherri L. Mannix

known to me to be the individual(s) who executed the foregoing instrument and acknowledged the same to be his(her)(their) free act and deed.

My Commission Expires: DEC 28, 2007 [Signature]
 Notary Public

If acknowledged in State of Florida, complete section below:
 (Check One) ☐ Personally Known (or) ☐ Produced Identification
 If applicable, Type of Identification Produced: _____



State of ARIZONA)
 County of YAVAPAI) ss. **ACKNOWLEDGMENT**
 On this 31st day of AUGUST, 2005, before me, the undersigned Notary Public,
 personally appeared Gene C. Whitney and Sandra A. Whitney

known to me to be the individual(s) who executed the foregoing instrument and acknowledged the same to be his(her)(their) free act and deed.

My Commission Expires: JULY 12, 2007 [Signature]
 Notary Public

If acknowledged in State of Florida, complete section below:
 (Check One) ☐ Personally Known (or) ☐ Produced Identification
 If applicable, Type of Identification Produced: _____



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EXHIBIT "A"

All that portion of the Southeast quarter of the Northeast quarter of Section 10, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows:

BEGINNING at a 1/2 inch rebar marking the intersection of the South line of the Northeast quarter of Section 10 and the Easterly right-of-way line of Highway 89;

thence North 62 degrees, 35 minutes, 45 seconds East, 589.44 feet along said Highway right-of-way to a half-inch rebar and the TRUE POINT OF BEGINNING;

thence North 02 degrees, 35 minutes, 45 seconds East, 145.20 feet to a 1/2 inch rebar;

thence North 89 degrees, 51 minutes, 09 seconds East, 300.00 feet to a 1/2 inch rebar,

thence South 02 degrees, 35 minutes, 45 seconds West, 145.20 feet to a 1/2 inch rebar;

thence South 89 degrees, 51 minutes, 09 seconds West, 300.00 feet to the TRUE POINT OF BEGINNING.

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EXHIBIT B
LEGAL DESCRIPTION

LEASE AREA LEGAL:

ALL THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 16 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 10,

THENCE SOUTH 00 DEGREES 03 MINUTES 46 SECONDS WEST, A DISTANCE OF 2,643.11 FEET TO THE EAST QUARTER CORNER OF SAID SECTION;

THENCE NORTH 89 DEGREES 44 MINUTES 42 SECONDS WEST, A DISTANCE OF 1,422.29 FEET;

THENCE NORTH 03 DEGREES 00 MINUTES 27 SECONDS EAST, A DISTANCE OF 589.44 FEET;

THENCE SOUTH 89 DEGREES 44 MINUTES 09 SECONDS EAST, A DISTANCE OF 268.40 FEET;

THENCE NORTH 00 DEGREES 15 MINUTES 51 SECONDS EAST, A DISTANCE OF 1.55 FEET TO THE POINT OF BEGINNING;

THENCE NORTH, A DISTANCE OF 40.00 FEET;

THENCE EAST, A DISTANCE OF 30.00 FEET;

THENCE SOUTH, A DISTANCE OF 40.00 FEET;

THENCE WEST, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,200.00 SQUARE FEET OR 0.0275 ACRES, MORE OR LESS.

ACCESS LEGAL:

ALL THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 16 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA BEING A 12.00' WIDE ACCESS AND UTILITY EASEMENT LYING 6.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 10,

THENCE SOUTH 00 DEGREES 03 MINUTES 46 SECONDS WEST, A DISTANCE OF 2,643.11 FEET TO THE EAST QUARTER CORNER OF SAID SECTION;

THENCE NORTH 89 DEGREES 44 MINUTES 42 SECONDS WEST, A DISTANCE OF 1,422.29 FEET;

THENCE NORTH 03 DEGREES 00 MINUTES 27 SECONDS EAST, A DISTANCE OF 629.29 FEET TO THE POINT OF BEGINNING;

THENCE EAST, A DISTANCE OF 169.92 FEET;

THENCE SOUTH 59 DEGREES 43 MINUTES 44 SECONDS EAST, A DISTANCE OF 49.60 FEET;

THENCE EAST, A DISTANCE OF 53.55 FEET TO THE POINT OF TERMINUS.

EXHIBIT C
REQUESTED LAND USE ACTION

Letter of Intent

AT&T Site YA65

REQUEST: Wireless Facility Use Permit

PROPOSAL: Wireless Communications Facility – 99' monopole

LOCATION: 2655 N. State Route 89 Chino Valley, AZ 86323

SIZE: 30' x 40' Lease Area and 99' Monopole.

APPLICANT: Clear Blue Services, 11011 South 48th Street, Phoenix, AZ 85044 Suite 210

CONTACT PERSON: Adam Brixius, Phone: 602-426-9500, Email: adambrixius@clearblueservices.com

PURPOSE OF REQUEST

This Wireless Facility Use Permit application is intended to provide wireless services, as required by AT&T mobility's FCC license. This site is designed to fill significant gaps in coverage for AT&T service in the area. AT&T strives to serve its subscribers while working with each jurisdiction to meet the local site design needs and requirements as well as provide collocation opportunities when practical to reduce unnecessary visual impacts.

DESCRIPTION OF PROPOSAL

AT&T Mobility is proposing the installation a wireless communication facility (WCF) at 2655 N. State Route 89 Chino Valley, AZ 86323. The facility will consist of a 99' monopole and a state approved equipment shelter, inside a 30' x 40' compound enclosed by a 6' chain-link fence with three strands of barbed wire. The site will be located in the southeast corner of the commercial lot. The location of the site is intended to be the least obtrusive to the neighborhood while still providing the needed coverage. The monopole will be setback 113'-5" from the north property line, 24'-0" to the east property line, 31'-7" to the south property line, and 275'-8" to the west property line.

RELATIONSHIP TO SURROUNDING PROPERTIES

The subject parcel where the facility is to be located is zoned Commercial Heavy (CH) and is being used for commercial purposes. The surrounding properties to the north and west are also zoned CH and used for commercial purposes; the properties to the east and south are Light Commercial (CL) and used for commercial purposes. North State Route 89 runs along the western boundary of the subject parcel.

LOCATION AND ACCESSIBILITY/CIRCULATION SYSTEM

Ingress and egress will be from N. State Route 89. Direct access to the WCF premises is available on the parcel. Except for sporadic maintenance and service visits the proposed site will be unmanned so there are no regular hours of operation or impact to existing traffic patterns. The proposed technician parking space will be sufficient to handle all necessary parking onsite.

HOURS OF OPERATION

The proposed site will operate 24 hours a day, 7 days a week, but is unmanned with no personnel onsite except during periodic servicing and maintenance. The site will be connected to and monitored by a central switching center.

DEVELOPMENT PHASING

A typical site of this nature has a four to six week construction schedule.

COMMUNITY FACILITIES/PUBLIC UTILITIES AND SERVICES

The site is served by a single meter 200 amp service; APS will be the service provider. Centurylink will provide service for the coax. All necessary telco and electrical services will be run underground in existing and proposed utility easements. The site does not require any potable water and does not generate any wastewater or solid waste.

NOISE, LIGHT, NUISANCES, AND OTHER ENVIRONMENTAL CONSIDERATIONS

The proposed wireless communication facility will not use any water or generate any wastewater or solid waste. There will be a motion censored light on equipment compound and should only be used during periodic servicing and maintenance. The proposed facility will not generate any noxious odors, and sounds and vibrations will be limited to small cooling fans within the equipment cabinets, within the equipment enclosure.

NEIGHBORHOOD IMPACT

The proposed facility's impact on the surrounding area will be minimal. The proposed facility's location is surrounded by commercial uses. Additionally, the large lot sizes in the area provide ample buffering from adjacent commercial uses. This facility will afford local residents and commercial establishments enhanced service, including full utilization of handheld device's capabilities, fewer dropped calls, more accurate locating abilities for first responders, and more reliable access to emergency services.

FEDERAL CORPORATION COMMISSION

AT&T has an obligation not only to its subscribers but also every person who owns a wireless device. AT&T is required by the Federal Corporation Commission enhanced 9-1-1 (E9-1-1) rules (Appendix Pg. 4 and 5) seek to improve the effectiveness and reliability of wireless 9-1-1 services by providing 9-1-1 dispatchers with additional information on wireless 9-1-1 calls. The FCC's wireless E9-1-1 rules apply to all wireless licensees, (Appendix Pg. 6, 7, and 8), broadband Personal Communications Service (PCS) licensees, and certain Specialized Mobile Radio (SMR) licensees.

PROVIDERS COMMUNICATION PLAN

AT&T is proposing a Wireless Communications Facility with collocation abilities in order to meet the needs in the area. Appendix pg.1 shows AT&T's current and proposed towers extending more than five miles beyond the site location. YA65 supports the needs of AT&T and can accommodate other carriers if they need to collocate on the monopole. This proposed tower is a 2013 build project. Appendix Pg. 2 and 3, shows the current coverage today and the coverage with the proposed 99' monopole.

AT&T's intention is to avoid proliferation of such facilities; this specific site is chosen to mitigate the number of sites needed to fill gaps in the AT&T network. It is likely that without this location, two to four sites may be required to meet the same need. AT&T is using the best and most recent technology available to keep their designs low profile and environmentally compatible with their surroundings (Pg.6 of site plan for equipment detail).

WAVIER REQUESTS

4.25.4.15 Security Fencing: In the Heavy Commercial district it is requested that a 6' high with three strands of barbed wire be the method of security fencing. The applicant requests that the block/masonry wall requirement be waived.

4.25.1.a Setback: The proposed setback is 24'-0" to the east property line and at 31'-7" to the south property line. After the Technical Advisory Committee review the east property line was changed to accommodate the fall zone. The tower will be designed to collapse within a 20' fall zone radius. A letter describing the fall zone and collapse design will be provided which will be signed and sealed by a Structural Engineer registered in the State of Arizona. An example of this fall zone letter referencing a different site is included with this submittal. (Appendix Pg. 9)

Site Access: The current site access is adequate to accommodate construction equipment and maintenance vehicles. Applicant requests that the access surfacing requirement be waived. Any obstructions created during construction will be returned to the same state or better once the construction of the WCF is complete.

ALTERNATIVE SITE ANALYSIS

Alternative Site Analysis

Performance Criteria

According to Chino Valley Unified Development Ordinance the purpose of Section 4.25 is to:

- Protect residential areas and land uses from potential adverse impacts of towers and antennas.
- Encourage the location of towers in non-residential areas.
- Minimize the total number of towers throughout the community.
- Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.
- Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal.
- Consider the public health and safety of communication towers.
- Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, the Town shall give due consideration to the General Plan, other provisions of this Ordinance, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

Site Justification

In this location the options to choose from on a preferred location basis do not differ much from one location to the next, except for the amount of coverage that could be provided from one site. Another factor to consider was if a network's antennas are located too close to one another they can interfere with each other and actually reduce coverage areas (Appendix Pg. 1). All four options have intense uses and are not adjacent to residential properties with the exception of option 3. The proposed location is chosen because it is the least obtrusive and promotes the best coverage. This site meets all of the points listed above in the performance criteria. This structure is designed and has the ability for collocation.

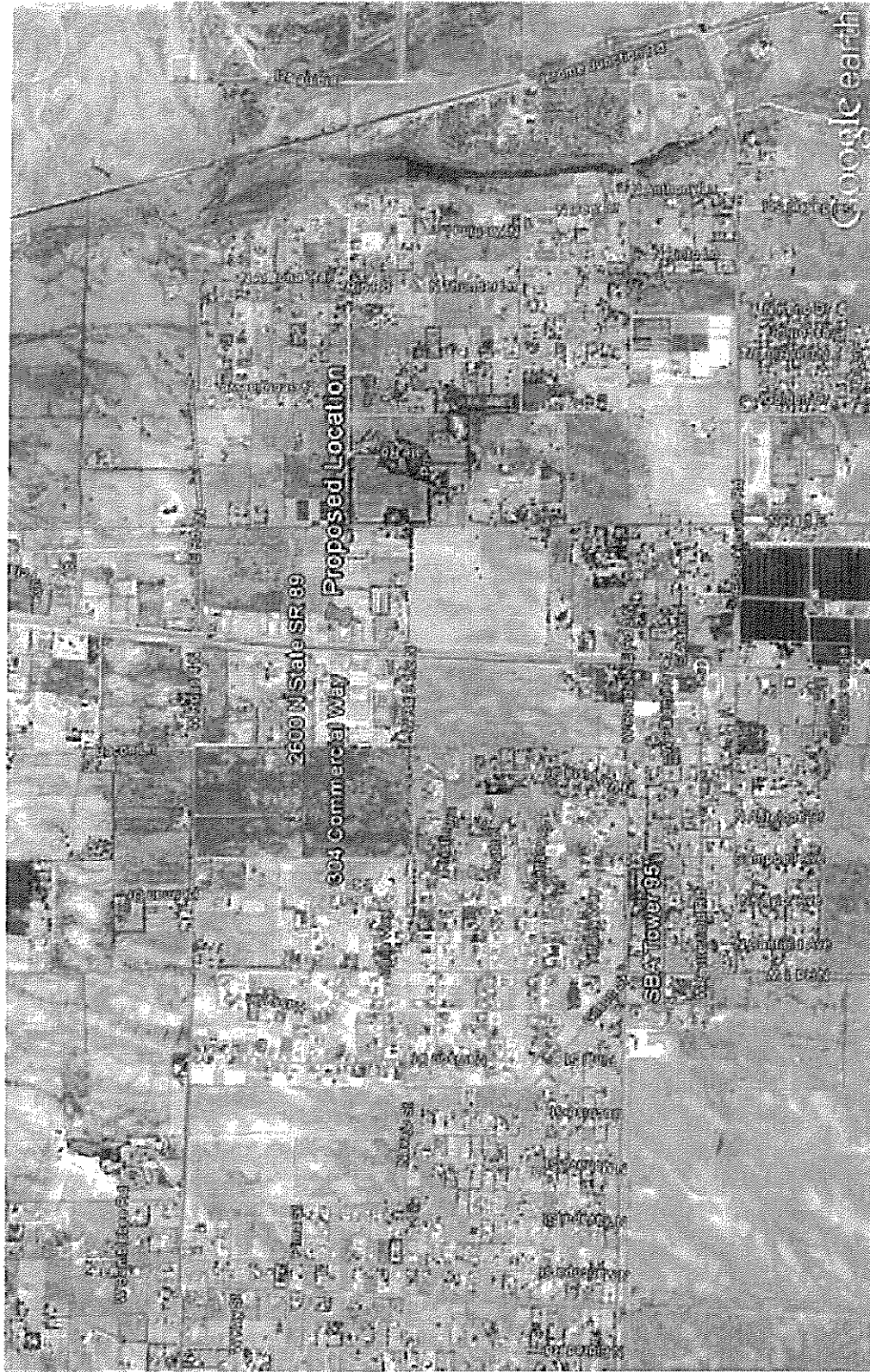
Alternative Site Locations

In order to achieve the service goals, significant gaps in coverage as previously defined (Appendix Pg. 2 and 3), AT&T network engineers considered alternative site locations defined by the search ring, areas with dead spots. The area within the search ring is primarily commercial districts. Option 3, the SBA tower was determined to be too far from the search area to satisfy the coverage gap requirements. It lies over 1 mile from the center of the existing search area, which has only a ¼ - ½ mile radius (Alternative Site Analysis Pg. 2).

- Option 1, 2600 N State Route 89, Chino Valley, AZ
- Option 2, 304 Commercial Way Chino Valley, AZ
- Option 3, SBA Tower, 1988 N Road 1 West Chino Valley, AZ

Considering this, the best solution for Radio Frequency is the proposed location.

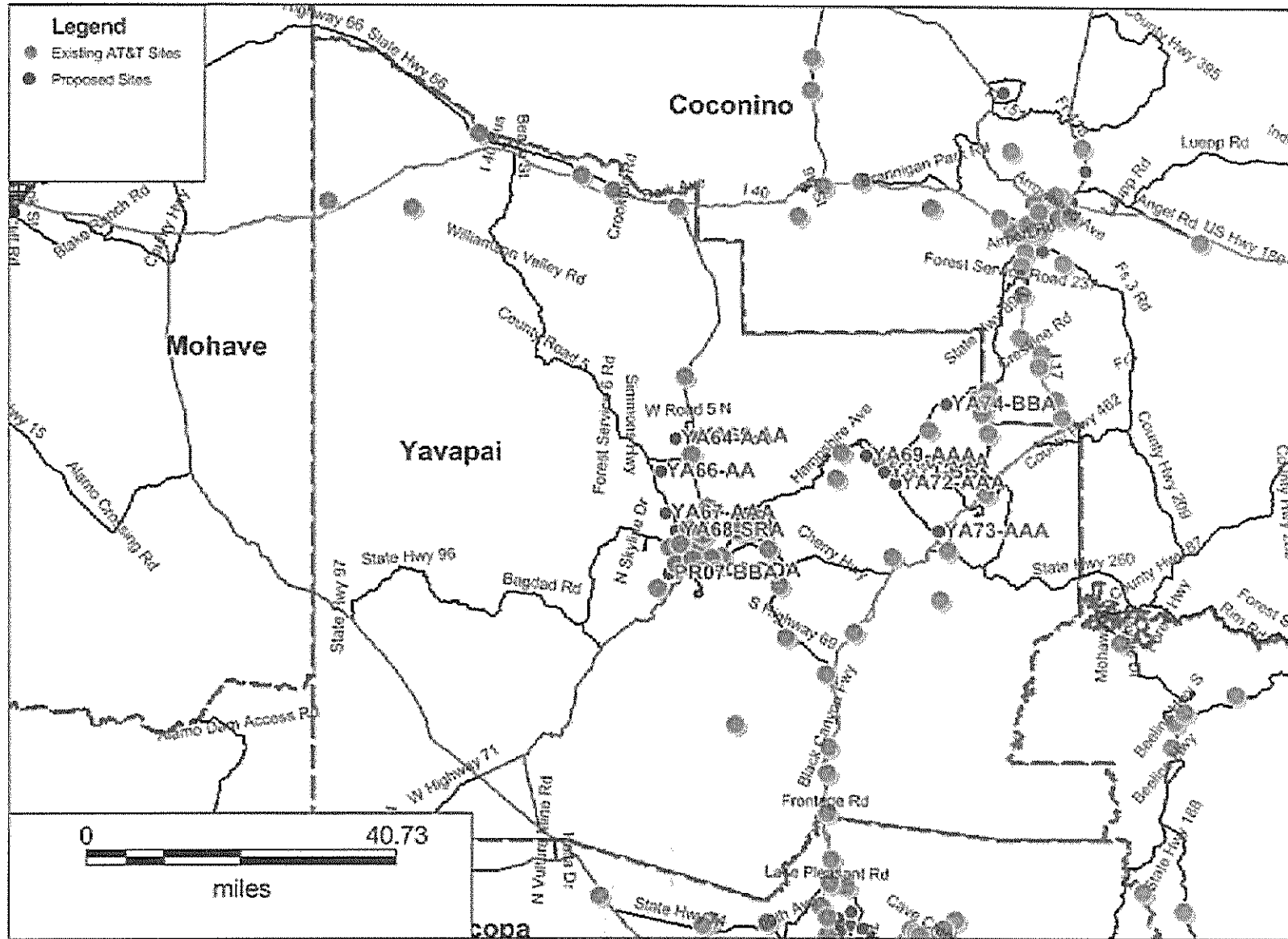
Alternative Site Analysis



Appendix

	Page
AT&T Proposed and Existing WCF's	1
RF frequency propagation maps	2,3
Federal Communication Commission (E 9-1-1)	4,5
Federal Communication Commission license	6,7
Compliance with Federal Communication Commission statement	8
Temporary Fall Zone Letter	9

AT&T Sites Yavapai County





Public Safety and Answering Points in Yavapai County, AZ

Public Safety and Homeland Security Bureau

FCC > PSAPs > Services > 9-1-1 Services > Enhanced 9-1-1 > Enhanced 9-1-1 - Wireless Services

Enhanced 9-1-1 - Wireless Services

The FCC's wireless Enhanced 9-1-1 (E9-1-1) rules seek to improve the effectiveness and reliability of wireless 9-1-1 services by providing 9-1-1 dispatchers with additional information on wireless 9-1-1 calls. The FCC's wireless E9-1-1 rules apply to all wireless licensees, Broadband Personal Communications Service (PCS) licensees, and certain Specialized Mobile Radio (SMR) licensees.

The FCC has divided its wireless E9-1-1 program into two parts - Phase I and Phase II. Under Phase I, the FCC requires carriers, within six months of a valid request by a local Public Safety Answering Point (PSAP), to provide the PSAP with the telephone number of the originator of a wireless 9-1-1 call and the location of the cell site or base station transmitting the call.

Under Phase II, the FCC requires wireless carriers, within six months of a valid request by a PSAP, to begin providing information that is more precise to PSAPs, specifically, the latitude and longitude of the caller. This information must meet FCC accuracy standards, generally to within 50 to 300 meters, depending on the type of technology used. The deployment of E9-1-1 requires the development of new technologies and upgrades to local 9-1-1 PSAPs, as well as coordination among public safety agencies, wireless carriers, technology vendors, equipment manufacturers, and local wireless carriers.

PSAP Registry

The FCC maintains a Master PSAP Registry with information on PSAP names and locations.

Waivers and Reports

In its orders, the FCC has addressed requests for waivers of the Phase II rules, granting some subject to certain conditions and reporting requirements. For information on the Phase II deployment by large and mid-size carriers, see the most recent [quarterly report](#).

Public Safety and Homeland Security Bureau

FCC > PSAPs > Services > 9-1-1 Services > Enhanced 9-1-1 > PSAP Registry

PSAP Registry

In December 2003, the FCC began collecting data to build a registry of public safety answering points (PSAPs). A primary PSAP is defined as a PSAP to which 9-1-1 calls are routed directly from the 9-1-1 Control Office, such as, a selective router or 9-1-1 tandem. A secondary PSAP is defined as a PSAP to which 9-1-1 calls are transferred from a primary PSAP. The PSAP database serves as a tool to aid the Commission in evaluating the state of PSAP readiness and E9-1-1 deployment.

The Registry lists PSAPs by an FCC assigned identification number, PSAP Name, State, County, City, and provides information on any type of record change and the reason for updating the record. The Commission updates the Registry periodically as it receives additional information. For further information concerning the FCC's Master PSAP Registry and carrier reporting requirements, or to notify the Commission of changes to the PSAP Registry, contact Jeanne Benfante at Jeanne.Benfante@fcc.gov and at 202-418-2313.

FCC Master PSAP Registry File (xls)
Last updated: August 28, 2012

Type of Change	Description
NC	No Changes have been made.
O	Orphaned PSAP no longer considered a primary call taking answering point. Refrain from using these in future filings.
A	PSAP was added since the original posting of the FCC Registry.
M	PSAP Name, State, County or City text has been modified since the original posting.
S	Secondary PSAP associated with a Primary PSAP. Use the Primary PSAP in future filings.

Public Safety Answering points in Yavapai County, AZ:

403	Bia Law Enforcement-skull Valley-Uintah-Ouray Reservations	AZ	Yavapai	Ft Duchnese	NC	
405	Bia-law Enforcement Services-Yavapai	AZ	Yavapai	Camp Verde	NC	
408	Camp Verde Marshals Office	AZ	Yavapai	Camp Verde	NC	
411	Central Yavapai Fire District	AZ	Yavapai	Prescott	S	PSAP is either a Duplicate or a Secondary PSAP. Calls are handled by PSAP #518
6290	Chino Valley Police Department	AZ	Yavapai	Chino Valley	S	PSAP is either a Duplicate or a Secondary PSAP. Calls are handled by PSAP #518
420	Cottonwood Fire Department	AZ	Yavapai	Cottonwood	D	Orphaned PSAP no longer considered a primary call taking answering point. Refrain from using these in future filings.
421	Cottonwood Police Department	AZ	Yavapai	Cottonwood	NC	
484	Prescott Regional Communications Center	AZ	Yavapai	Prescott	M	PSAP Name, State, County or City text has been modified since the original posting of the FCC Registry.
492	Sedona Fire District	AZ	Yavapai	Sedona	M	PSAP Name, State, County or City text has been modified since the original posting of the FCC Registry.
494	Sedona Police Department	AZ	Yavapai	Sedona	NC	
516	Yavapai County Sheriff's Office	AZ	Yavapai	Prescott	NC	
517	Yavapai-apache Tribal Police	AZ	Yavapai	Prescott	NC	
518	Yavapai-Prescott Tribal Police	AZ	Yavapai	Prescott	NC	

Reference:

Federal Communications Commission . (2012). Retrieved from <http://transition.fcc.gov/pshs/services/911-services/enhanced911/psapregistry.html>

REFERENCE COPY

This is not an official FCC license. It is a record of public information contained in the FCC's licensing database on the date that this reference copy was generated. In cases where FCC rules require the presentation, posting, or display of an FCC license, this document may not be used in place of an official FCC license.



Federal Communications Commission

Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: NEW CINGULAR WIRELESS PCS, LLC

ATTN: FCC GROUP
NEW CINGULAR WIRELESS PCS, LLC
5601 LEGACY DRIVE, MS: A-3
PLANO, TX 75024

Call Sign KNLF253	File Number
Radio Service CW - PCS Broadband	

FCC Registration Number (FRN): 0003291192

Grant Date 07-07-2005	Effective Date 09-27-2005	Expiration Date 06-23-2015	Print Date
Market Number MTA027	Channel Block A	Sub-Market Designator 5	
Market Name Phoenix			
1st Build-out Date 06-23-2000	2nd Build-out Date 06-23-2005	3rd Build-out Date	4th Build-out Date

Waivers/Conditions:

This license is conditioned upon compliance with the provisions of Applications of AT&T Wireless Services, Inc. and Cingular Wireless Corporation For Consent to Transfer Control of Licenses and Authorizations, Memorandum Opinion and Order, FCC 04-255 (rel. Oct. 26, 2004).

Commission approval of this application and the licenses contained therein are subject to the conditions set forth in the Memorandum Opinion and Order, adopted on December 29, 2006 and released on March 26, 2007, and revised in the Order on Reconsideration, adopted and released on March 26, 2007. See AT&T Inc. and BellSouth Corporation Application for Transfer of Control, WC Docket No. 06-74, Memorandum Opinion and Order, FCC 06-189 (rel. Mar. 26, 2007); AT&T Inc. and BellSouth Corporation, WC Docket No. 06-74, Order on Reconsideration, FCC 07-44 (rel. Mar. 26, 2007).

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

To view the geographic areas associated with the license, go to the Universal Licensing System (ULS) homepage at <http://wireless.fcc.gov/uls> and select "License Search". Follow the instructions on how to search for license information.

ULS License

PCS Broadband License - KNLF253 - New Cingular Wireless PCS, LLC**PA** This license has pending applications: 0004016361

Call Sign	KNLF253	Radio Service	CW - PCS Broadband
Status	Active	Auth Type	Regular
Market			
Market	MTA027 - Phoenix	Channel Block	A
Submarket	5	Associated Frequencies (Mhz)	001850.00000000-001855.00000000 001930.00000000-001945.00000000

Dates

Grant	07/07/2005	Expiration	06/23/2015
Effective	09/27/2005	Cancellation	

Buildout Deadlines

1st	06/23/2000	2nd	06/23/2005
-----	------------	-----	------------

Notification Dates

1st	06/19/2000	2nd	02/09/2005
-----	------------	-----	------------

Licensee

FRN	0003291192	Type	Corporation
Licensee			
New Cingular Wireless PCS, LLC		P:(469)229-7422	
5601 LEGACY DRIVE, MS: A-3		F:(469)229-7297	
PLANO, TX 75024		E:KELLYE.E.ABERNATHY@CINGULAR.COM	
ATTN FCC GROUP			

Contact

Cingular Wireless LLC	P:(469)229-7422
Kellye E Abernathy Esq	F:(469)229-7297
5601 LEGACY DRIVE, MS: A-3	E:KELLYE.E.ABERNATHY@CINGULAR.COM
PLANO, TX 75024	

Ownership and Qualifications

Radio Service Type	Mobile
Regulatory Status	Common Carrier Interconnected Yes

Alien Ownership

The Applicant answered "No" to each of the Alien Ownership questions.

Basic Qualifications

The Applicant answered "No" to each of the Basic Qualification questions.

Tribal Land Bidding Credits

This license did not have tribal land bidding credits.

Demographics

Race	
Ethnicity	Gender



AT&T
20830 N. Tatum Blvd.
Suite 400
Phoenix, AZ 85050

August 1, 2012

RE: "ATT Wireless Communications Facility – YA65 - 2655 N State Route 89 Chino Valley, AZ 86323

Dear Chino Valley:

With regard to the AT&T Wireless communication facility YA65; this site will operate within all regulations specified by the Federal Communications Commission.

Additionally, all FCC required RF safety signage will be posted at the facility.

If I may be of further assistance, please contact me.

Sincerely,

Robert Hammersmark
AT&T Market RF Safety Engineer
Arizona/New Mexico
(602) 625-2372

ISE, Incorporated
Structural Engineers

Telecommunications & Industrial Design

3470 W. Jasper Drive • Chandler, Arizona • 85226 • Office: (602) 403-8614 • Fax: (623) 321-1283 • www.ISE-INC.biz

September 6, 2012

Mr. Tom Feddersen
 Larson Camouflage
 1501 S. Euclid Avenue
 Tucson, AZ 85713

Subject: Monopole Fall Zone Design
 Site F408

Mr. Feddersen,

The 108' steel monopole structure proposed for the subject site will be designed for a "fall zone" radius limited to 20'. This design characteristic assures that, in the highly unlikely event of a pole failure, the failure will occur at an elevation that is 20' below the top of pole.

The pole design is/will be prepared such that the top pole section has a design capacity usage of approximately 98% at the maximum design load condition. The remaining pole sections, base plate, and anchor bolts are designed at 90% or less of available capacity. This design process forces an unlikely "failure" to occur in the top pole section before any other pole sections. Furthermore, failure and separation of the upper pole section will relieve load on the remaining tower sections ensuring survival.

Be advised that pole failure is an unlikely event and the pole design provided for this site will satisfy the requested fall radius specification.

If there are any questions regarding this issue, please feel free to give me a call.

Sincerely,



Glen L. Hunt III, MS, PE
 Principal Engineer



Exhibit E

Exhibit F

ISE, Incorporated
Structural Engineers

Telecommunications & Industrial Design

3470 W. Jasper Drive • Chandler, Arizona • 85226 • Office: (602) 403-8614 • Fax: (623) 321-1283 • www.ISE-INC.biz

October 22, 2012

Mr. Shahid Talpur
Bechtel Communications
2075 W. Pinnacle Peak Rd, Suite 110
Phoenix, AZ 85027

Subject: Monopole Fall Zone Design
Site YA65-AA Hitney Solar

Mr. Talpur,

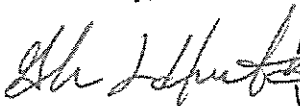
The 99' steel monopole structure proposed for the subject site will be designed for a "fall zone" radius limited to 20'. This design characteristic assures that, in the highly unlikely event of a pole failure, the failure will occur at an elevation that is 20' below the top of pole.

The pole design is/will be prepared such that the top pole section has a design capacity usage of approximately 98% at the maximum design load condition. The remaining pole sections, base plate, and anchor bolts are designed at 90% or less of available capacity. This design process forces an unlikely "failure" to occur in the top pole section before any other pole sections. Furthermore, failure and separation of the upper pole section will relieve load on the remaining tower sections ensuring survival.

Be advised that pole failure is an unlikely event and the pole design provided for this site will satisfy the requested fall radius specification.

If there are any questions regarding this issue, please feel free to give me a call.

Sincerely,



Glen L. Hunt III, MS, PE
Principal Engineer



Dear Commissioners

I'm submitting this packet to you ahead of the meeting on Tues because I don't have the means to make a visual presentation and I would likely not be able to do it all in the time allotted during call to the public.

I will answer to the call to the public to make this part of the record and just make a brief statement.

Thank you
Ronald Maines

To: The Planning and Zoning Commission

Concerning: The proposed revision of the Wireless section of the Unified Development Ordinance - 4.25

First of all I don't object to a revision but do I have concerns about how it is being carried out and the ramifications of that process.

Most of the proposed changes seem logical enough. "Housekeeping" and bringing 4.25 up to date. The Town Manager, Robert Smith is imminently qualified to propose changes as his resume and experience tells us.

However the timing for making the changes and Mr. Smith's intentions are questionable in my opinion.

Let me expand on those thoughts.

Mr. Smith is undertaking the revision on his own and I suppose an argument can be made for that because the description of his Duties and Powers as spelled out in his contract with the Town are rather vague. He isn't prohibited from doing so but I would rather see another objective person or persons involved.

This is from Mr. Smith's contract with the Town.

SECTION 1. Powers And Duties Of The Town Manager.

A. The Town hereby agrees to employ; Robert Smith ("the Town Manager") to perform the functions and duties of Town Manager as set forth in the Town Code, as well as such other legally permissible and proper duties and functions required by law, ordinance or code or as the Council shall from time to time assign. The Town Manager shall serve at the pleasure of the Council, shall be subject to the direction, supervision and control of the Council, and may be removed by an affirmative vote of four members of the Council with or without cause as provided for in §.31.20 (F) of the Town Code and A.R.S. § 9-303(C).

Isn't it interesting that the proposed revision is taking place right now when there is a party interested in erecting a 99 foot cell tower which is not permitted in the current UDO. The urgency is apparent.

It is my opinion that the revision is being proposed primarily to accommodate the party that wants to erect the 99 foot tower. I've talked to many other people who are of the same opinion.

Again let me expand.

Mr. Smith's resume and experience are intertwined with the wireless industry. For example he states he worked for Castle Crown International for 8 years. And his own company, Anvil Partners LLC was involved in the wireless business as well.

To be more specific about who wants the 99 foot tower enter Clear Blue Services on behalf of AT &T and the owner of the property where the proposed tower is to be erected. That entity is Mannix Holdings, LLC.

These are all legitimate on going businesses except for Anvil Partners which is not in good standing with the State of Arizona for non-compliance. Look now at the attached information about the entities involved.

During the January 8, 2012 meeting of the Planning and Zoning Commission Mr. Smith gave a very comprehensive presentation on wireless and cell towers. He talked about the infrastructure and how it works and also about how it affects the public. He emphasized protecting the interests of public in terms of the placement of towers and their visual impact, etc.

But the proposed revision is clearly contrary to the notion of protecting the public interest and would allow for the erection of a 99 foot tower within just yards of Highway 89.

To summarize at this point:

It is impossible to ignore the special interests of the companies involved and Mr. Smith's apparent intention to satisfy them.

Due to the close relationship of Mr. Smith with the wireless business and especially those involved in this situation I ask you to carefully consider the ramifications of that relationship when you make any decisions with regard to the revision of 4.25.

With regard to specific language in the proposed revision I oppose:

A.1. "Ensure access to reliable wireless communications services throughout all areas of the Town of Chino Valley". This makes it sound like the Town is supposed to be in the communications business. The Town's business is running the Town. Communications are supplied by companies in that business and the Town has no obligation to those businesses other than to allow them to apply to supply those services.

F.1.a. This change strikes out the 65 foot maximum height. I think the 65 foot maximum works well. Consider the towers that we have and their locations which are unobtrusive.

F.2.viii. This change that requires an alternate site analysis is unnecessary because the companies would supply that information anyway.

Mr. Smith has been quoted as saying that the tower "has" to go in the proposed spot at 2265 N. Hwy 89 approximately 600 feet north of Road 3 ½ N. Perhaps that is the spot for optimum performance from AT&T's perspective but it is not the best spot from the perspective of those who have to look at it all the time. Ugly doesn't get much uglier than a cell tower and modifications to make them look like something else aren't very effective.

If there is a way to supply the desired service other than with a 99 foot tower at that location I'm sure the companies will come up with the technology to do so. Two 65 foot towers in some other location might do as well.

One technicality comes to my mind. If AT&T is applying for a CUP how would that work? CUP's reside with the land and AT&T doesn't own the land.

I do have a few suggestions that might offer a solution for the Town and the companies.

Consider a provision in the revision that establishes a corridor along Hwy 89 from the north Town limit to the south Town limit. Make it one mile wide each side of Hwy 89 and allow towers higher than 65 feet if they are on land that is managed or controlled by the Town. Hopefully locations such as that wouldn't intrude on the public for the foreseeable future.

Or maybe AT&T could become the first resident of the Old Home Manor Industrial Park. A 99 foot tower well placed out there wouldn't intrude on the public.

Or another means to resolve the situation would be to have the people vote. I personally wasn't happy with the outcome of the Presidential election but the people spoke and I shut up about it. If the people vote yes for a 99 foot tower, I'll sit down and shut up.

Language exists in 4.25 that encourages users of towers and antennas to configure them in a way that minimizes the adverse visual aspect of them.

Thank you for serving on the Commission
Thank you for your attention

Ronald Maines
Chino Valley



Clear Blue
Services

client satisfaction,
timeliness, quality

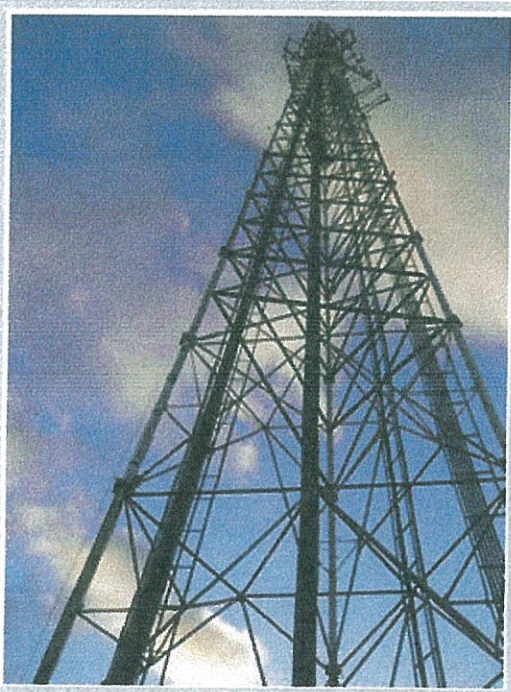
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About Us



Founded in 2003, Clear Blue quickly gained an industry reputation as a firm led by owners with integrity, a commitment to professionalism and industry best practices. Nearly a decade later we are proud to be serving these same clients and welcoming new clients throughout the United States and Canada each year.

Clear Blue's experience working with major wireless carriers, government agencies and build-to-suit companies has resulted in our service to over ten thousand wireless facilities throughout the United States and Canada.

We look forward to an opportunity to serve your project needs and build a long term relationship based on quality, timely services.

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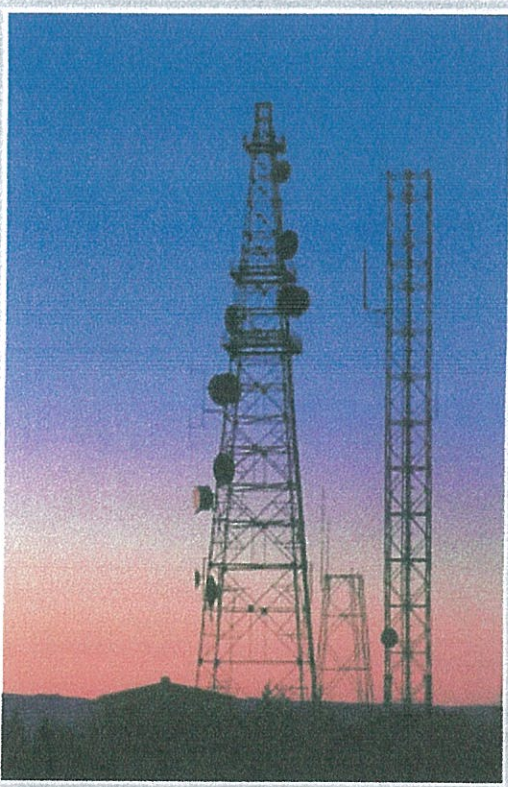
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Welcome

Clear Blue Services is a leading provider of wireless infrastructure services to the public and private sector. For nearly a decade, operators and vendors have turned to Clear Blue as a trusted partner in site design, engineering, civil construction and managed services.

We take great pride in both the quality of our work and in the long term relationships we cultivate.

Clear Blue is proud to have served many of our clients from their initial site build to ongoing site maintenance and modification.

If we have not met yet - welcome, we look forward to serving you.

© clear blue services

Crown Castle International Corp.

From Wikipedia, the free encyclopedia

Crown Castle International Corp. (NYSE: CCI (<http://www.nyse.com/about/listed/lcddata.html?ticker=cci>)) is an American corporation headquartered in Houston, Texas, which provides infrastructure for broadcasting and mobile telephony.^[1] It operates in the United States, Puerto Rico and Australia. It provides mobile telephone coverage to 92% of the Australian population and 68 of the top 100 markets in the US on behalf of service providers such as 3, AT&T Mobility, Telefónica Europe, Orange, Sprint Nextel, T-Mobile, Verizon, and Vodafone.

On August 31, 2004 Crown Castle completed the sale of its UK subsidiary, Crown Castle UK, to National Grid Transco plc for \$2.035 billion in cash. National Grid Transco plc was renamed as National Grid plc in July 2005, while Crown Castle UK was renamed National Grid Wireless in October 2005.

On January 12, 2007, Crown Castle completed the acquisition of Global Signal Inc., a rival U.S. tower operator which was based in Sarasota, Florida.^[2]

On September 28, 2012, Crown Castle entered a tower leasing agreement with T-Mobile USA. The deal leases 7,200 wireless towers to the company for a term of 28 years in exchange for \$2.4 billion dollars. After the deal ends in 2040, Crown Castle maybe able to purchase the towers for an additional \$2.4 billion dollars.

References

- ↑ "CCI Profile | Crown Castle International Corp Stock - Yahoo! Finance" (<http://finance.yahoo.com/q/pr?s=CCI>) . Finance.yahoo.com. <http://finance.yahoo.com/q/pr?s=CCI>. Retrieved 28 September 2012.
- ↑ Crown Castle International Corp. - Crown Castle International Completes Acquisition of Global Signal (<http://investor.crowncastle.com/releasedetail.cfm?ReleaseID=225600>)

External links

- Crown Castle website (<http://www.crowncastle.com/>)
- T-Mobile Website (<http://newsroom.t-mobile.com/articles/t-mobile-and-crown-castle-announce-transaction/>)

Retrieved from "http://en.wikipedia.org/w/index.php?title=Crown_Castle_International_Corp.&oldid=519982048"

Categories: Companies listed on the New York Stock Exchange

Telecommunications companies of the United States | Companies based in Houston, Texas

United States telecommunications company stubs

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Providing Wireless Infrastructures in Top Locations

Over 30,000 towers.



NEWS & ANNOUNCEMENTS

[Jan 23 2013](#)

Crown Castle International Reports Fourth Quarter and Full Year 2012 Results; Raises 2013 Outlook

[Jan 10 2013](#)

Crown Castle International Announces Fourth Quarter 2012 Earnings Release and Conference Call Schedule

[Jan 10 2013](#)

Crown Castle Announces Final Results of Cash Tender Offer for 9.00% Senior Notes Due 2015

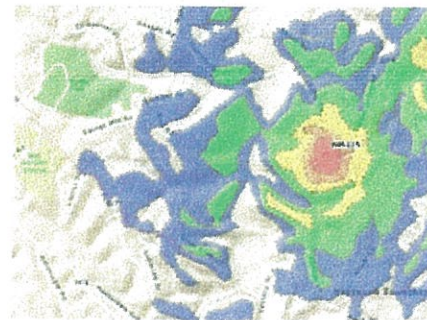
CCIsites

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[REGISTER NOW](#)

Effective Monday, January 14, 2013, all newly acquired T-Mobile towers are now visible in CCIsites™. Crown Castle is now processing all applications for these sites.



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Corporate Inquiry

File Number: L-1178148-0

[Check Corporate Status](#)

Corp. Name: MANNIX HOLDINGS, LLC

Domestic Address

110 N GRANADA DR

CHINO VALLEY, AZ 86323

Statutory Agent Information

Agent Name: SHERRI L MANNIX

Agent Mailing/Physical Address:

110 N GRANADA DR

CHINO VALLEY, AZ 86323

Agent Status: APPOINTED 01/25/2005

Agent Last Updated: 03/23/2005

Additional Corporate Information

Corporation Type: DOMESTIC L.L.C.

Business Type:

Incorporation Date: 01/25/2005

Corporate Life Period: PERPETUAL

Domicile: ARIZONA

County: YAVAPAI

Approval Date: 01/25/2005

Original Publish Date:

Manager/Member Information

SHERRI L MANNIX

MEMBER

110 N GRANADA DR

CHINO VALLEY, AZ 86323

Date of Taking Office: 01/25/2005

Last Updated: 03/23/2005

DAN C MANNIX

MEMBER

110 N GRANADA DR

CHINO VALLEY, AZ 86323

Date of Taking Office: 01/25/2005

Last Updated: 03/23/2005

Scanned Documents

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Document Number	Description	Date Received
01119538	ARTICLES OF ORGANIZATION	01/25/2005

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Location	Date Received	Description
31851002412	01/25/2005	ARTICLES OF ORGANIZATION

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Anvil Partners, LLC

Overview

Employee Insights



Anvil Partners, LLC -- A Planning and Development Consultancy -- provides a wide range of planning, advocacy, property, zoning, permitting and compliance services, as well as quality photo-simulations.

We have deep experience in the wireless infrastructure industry, resolving/negotiating issues at the local level, in markets spanning the Nation. We assist and advocate in local code revision and state legislative processes, handle property related issues, secure zoning and building permits and resolve conflicts with local governments and regulatory agencies for the wireless sector.

We also have extensive experience in infrastructure and housing grants, economic development, municipal planning, and City Management, and we're a recognized, AICP certified planner and author.

If you face challenges involving local governments or agencies, or need help getting through complex processes or agreements -- we can help. If you need help with conflict resolution or advocacy, or need reliable, timely and cost effective production -- Call us, we'd like to pitch in.

- 8 Years working with Crown Castle Towers
- 10 Years City Manager & Planning Director Experience

American Institute of Certified Planners (AICP) Certification
Six Sigma Whitebelt Process Improvement Certification

Master's in Public Administration
Master's in Urban & Regional Planning

Specialties
Local Zoning & Permitting
Compliance & Conflict Resolution
Code Revision
Public Hearing Support
Site Feasibility

Specialties
Zoning, Permitting, Public Hearings, Code Revision, Compliance Resolution, Site Feasibility, Conflict Resolution, Site Acquisition, Photosims, Advocacy & Education
[less](#)

Anvil Partners, LLC followers also follow:



AT&T Mobility



Telecom Technology Services, Inc.



Verizon Wireless



Wireless Site Services, Inc.

Type

Sole Proprietorship

Company Size

1-10 employees

Website

<http://www.anvilpartners.net>

Industry

Telecommunications

Founded

2010

Headquarters

5978 West Aurora Drive
Glendale, AZ 85308
UNITED STATES

Anvil Partners, LLC

Planning and Development Consultancy

Home

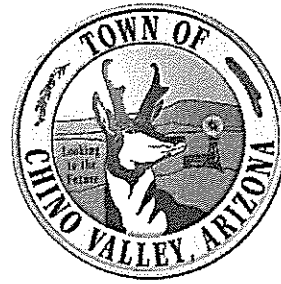


Site Under Reconstruction....Call or Email Us!

Anvil Partners, LLC

623-252-2505

Morgan@AnvilPartners.net



Town Manager's Office

Date: Wednesday, February 13, 2013

Re: R. Mains letter received 2/13/13

Commission & Council –

I thought it might be best to offer some written thoughts in response to a letter we received from Ronald Maines relative to the ongoing revision of the Town's wireless ordinance. I've attached his letter in its entirety for reference, but will be clipping sections from it (in boldface) for reference in the below.

I'd also offer that I've not received any calls or comments from Mr. Maines or anyone else on this issue, and while surprised (and disappointed) at the content of the letter, I am happy to provide any details deemed necessary. While it's unfortunate I was not given the opportunity to speak with Mr. Maines face to face to resolve much of this, the written form must, at this point, suffice.

Mr. Smith is undertaking the revision on his own and I suppose an argument can be made for that because the description of his Duties and Powers as spelled out in his contract with the Town are rather vague. He isn't prohibited from doing so but I would rather see another objective person or persons involved.

This effort is being accomplished in two public processes (P&Z hearings and Council hearings), which both include public advertised noticing and public comments in the multiple hearings and processes. The proposed draft language is being reviewed by the town attorney, as well as another P&Z member prior to its submission for consideration by the P&Z. It will be further reviewed by the Town Council in a publicly noticed meeting that includes a public hearing, when it is forwarded by P&Z to Council.

Isn't it interesting that the proposed revision is taking place right now when there is a party interested in erecting a 99 foot cell tower which is not permitted in the current UDO. The urgency is apparent.

It is my opinion that the revision is being proposed primarily to accommodate the party that wants to erect the 99 foot tower. I've talked to many other people who are of the same opinion.

A tower project was proposed which brought it to the administration's attention that the wireless ordinance was keeping adequate wireless service from being provided across the community. The project in question proposed a height that was not allowed by the standing code, and the project applicant requested an amendment to our code to allow for the height of the proposed project. The applicant's request, however, was not acceptable, and the P&Z

February 13, 2013 |||

determined that additional improvements to the ordinance were needed in order to accommodate the infrastructure necessary to provide coverage for the Town. That began staff's efforts to make changes to the wireless ordinance that would serve the Town better. I have significant experience in that field, and it makes sense that I put what I know to work for my Town.

Mr. Smith's resume and experience are intertwined with the wireless industry. For example he states he worked for Castle Crown International for 8 years. And his own company, Anvil Partners LLC was involved in the wireless business as well.

To be more specific about who wants the 99 foot tower enter Clear Blue Services on behalf of AT &T and the owner of the property where the proposed tower is to be erected. That entity is Mannix Holdings, LLC.

These are all legitimate on going businesses except for Anvil Partners which is not in good standing with the State of Arizona for non-compliance. Look now at the attached information about the entities involved.

The above is factual – and while it is not common knowledge, I ceased participating in the operation of Anvil Partners, LLC in September of 2012 shortly (30 days) after signing a contract with the Town of Chino Valley. My wife finished the ongoing projects that were at hand and the last work Anvil Partners, LLC performed was concluded in January of 2013 (it's why her name has been on the contact for the web page since September). No projects served by Anvil Partners LLC were ever located in the Town of Chino Valley.

I transitioned my projects and then shut down my personal company to better focus on the Town of Chino Valley's business, and to remove the opportunity for claims such as the above to have even the appearance of validity. I have no interests in any wireless companies and do not work for that industry sector. I have, however, learned a lot from that industry sector, and can put that knowledge to good use for the Town of Chino Valley.

During the January 8, 2012 meeting of the Planning and Zoning Commission Mr. Smith gave a very comprehensive presentation on wireless and cell towers. He talked about the infrastructure and how it works and also about how it effects the public. He emphasized protecting the interests of public in terms of the placement of towers and their visual impact, etc.

But the proposed revision is clearly contrary to the notion of protecting the public interest and would allow for the erection of a 99 foot tower within just yards of Highway 89.

The presentation I gave addressed the balance that must be struck between visual impacts created by the infrastructure, and the need for the communications, services and positive impacts that wireless communications offers to communities.

As demonstrated in our existing General Plan, and upcoming General Plan Update, the commercial corridor around highway 89 is ideal for the location of commercial uses and more dense development, which would include wireless communications infrastructure. The introduction of tall buildings, infrastructure and other commercial uses are more appropriate in

the commercial corridor than inside residential neighborhoods or on sensitive hillsides or in sensitive viewsheds. Later in Mr. Maines' letter he indicates agreement with this concept by suggesting that a 2-mile wide strip around hwy 89 be designated as the area where this infrastructure should be located. That seems to contradict the above.

In reality, the Town's commercial zoned corridor around hwy 89 is on average, just over ½ mile wide, and should adequately accommodate most, if not all, of the wireless facilities necessary to cover our community.

To summarize at this point:

It is impossible to ignore the special interests of the companies involved and Mr. Smith's apparent intention to satisfy them.

Do to the close relationship of Mr. Smith with the wireless business and especially those involved in this situation I ask you to carefully consider the ramifications of that relationship when you make any decisions with regard to the revision of 4.25.

I have no special interests in the industry or companies involved, but I do have expertise I developed while working for Crown Castle, and I'm putting that to use for the Town of Chino Valley, so its wireless services and the quality of life enhancements it can bring are allowed to better serve our community. The language I have provided to the P&Z for consideration, as well as the Town's attorneys, will be discussed in open, public meetings, and offered for consideration to the Town Council, again through noticed public hearings. It is my hope we are able to improve upon the standing ordinance through this process to bring positive services and enhancements to our Town.

With regard to specific language in the proposed revision I oppose:

A.1. "Ensure access to reliable wireless communications services throughout all areas of the Town of Chino Valley". This makes it sound like the Town is supposed to be in the communications business. The Town's business is running the Town. Communications are supplied by companies in that business and the Town has no obligation to those businesses other than to allow them to apply to supply those services.

F.1.a. This change strikes out the 65 foot maximum height. I think the 65 foot maximum works well. Consider the towers that we have and their locations which are unobtrusive.

F.2.viii. This change that requires an alternate site analysis is unnecessary because the companies would supply that information anyway.

The FCC mandates that wireless communications be provided to all Americans and it is their goal (and the goal of the Telecommunications Act of 1996) to ensure that this service remains competitive (in the private market). The FCC also mandated through the Telecommunications Act that local governments are the authority to determine where and how the infrastructure is placed. It is also a proven fact that robust wireless communications strongly correlate with healthy local economies, enhanced public safety and improvements to quality of life issues. It is the Town's job to regulate the placement of the equipment, and it should be our goal to ensure that our community has healthy service – by doing so through our zoning code we accomplish both.

It is clear, from my experience in the industry, that finite height limits across the entire town invite legal challenges which the town will lose -- or worse, create the installation of too many wireless sites because of the limited coverage such low sites provide. An additional 10 – 15 feet added to an existing wireless site is much better than suffering the installation of a completely new additional site that's unnecessary. Given the heights of local vegetation and structures, as well as the local topography, 65' is not sufficient to create good data coverage across our community, unless a substantial number of additional sites are installed. It is far better to collocate on existing sites and allow them a modest height in which to accommodate multiple installations.

Mr. Smith has be quoted as saying that the tower “has” to go in the proposed spot at 2265 N. Hwy 89 approximately 600 feet north of Road 3 ½ N. Perhaps that is the spot for optimum performance from AT&T's perspective but it is not the best spot from the perspective of those who have to look at it all the time. Ugly doesn't get much uglier than a cell tower and modifications to make them look like something else aren't very effective.

If there is a way to supply the desired service other than with a 99 foot tower at that location I'm sure the companies will come up with the technology to do so. Two 65 foot towers in some other location might do as well.

One technicality comes to my mind. If AT&T is applying for a CUP how would that work? CUP's reside with the land and AT&T doesn't own the land.

It would be accurate to say that the applicant for the permit is indicating that they need that particular location, at that particular site and height, to best fill the gap in service that exists, with the minimum deployment of sites. Our code already speaks to the objective of limiting the number of sites and encouraging collocation, so fewer individual sites should be constructed – but the code doesn't provide enough height for collocations to realistically happen. If the first antenna installation centers at 62' (antennas are about 6' tall), the bottom of that antenna array is at 59'. Most carriers want 10' of separation between their antennas and the next collocater – which would put the next lower antenna array centered at 46' – and that's not high enough to reach any coverage...So while the code requires collocation and prefers that over the construction of new sites, it doesn't allow enough height to actually let this work – and that's a legal situation the industry can easily exploit in court.

I think it is appropriate to have this infrastructure in a commercial area where people are somewhat distracted by driving, and are used to seeing a mix of light and heavy commercial uses – this is a far better location than in a residential neighborhood or on a ridge-line. I think beauty is in the eye of the beholder and I'd offer that few if any of us have much thought or comment regarding the electrical/telephone poles that line our rights of way...they have become commonplace and an accepted infrastructure in much of the country, as the public has recognized the benefits that the infrastructure brings. I believe wireless facilities are much the same, and thankfully, far less common, in that dramatically fewer of them are required to service an area.

We definitely want to be using a Conditional Use Process in creating permits for some of this infrastructure. That process provides the P&Z, as well as the Council, the maximum degrees of freedom to impose conditions and requirements on proposed projects, and offers a way that the Community can demand designs that fit better within our landscape. CUP's do run with the land, and since most wireless companies lease space for their use, they create a lease with the land-holder that allows them to secure a permit for the wireless use as part of the conditions in their lease. It would be the same if a person decided to build and operate a restaurant on leased property, and sought a permit from the Town to do that.

Consider a provision in the revision that establishes a corridor along Hwy 89 from the north Town limit to the south Town limit. Make it one mile wide each side of Hwy 89 and allow towers higher than 65 feet if they are on land that is managed or controlled by the Town. Hopefully locations such as that wouldn't intrude on the public for the foreseeable future.

Or maybe AT&T could become the first resident of the Old Home Manor Industrial Park. A 99 foot tower well placed out there wouldn't intrude on the public.

Or another means to resolve the situation would be to have the people vote. I personally wasn't happy with the outcome of the Presidential election but the people spoke and I shut up about it. If the people vote yes for a 99 foot tower, I'll sit down and shut up.

Language exists in 4.25 that encourages users of towers and antennas to configure them in a way that minimizes the adverse visual aspect of them.

The Town cannot legally restrict this land use to only those lands owned or managed by the Town...we can offer incentives to encourage that, but we cannot outright restrict it – the use has to be allowed within the Town's limits, and regulated according to the zoning code. The proposed revisions to the code would strongly encourage the wireless sector to site facilities in the commercial and industrial zones (which includes much of the hwy 89 corridor) by required conditional use permits for siting facilities in any other zones. Further, if the project applicants can't meet the required design criteria set out in the code, any requested waivers or relief at all create a mandatory conditional use permit process.

The proposed project currently under consideration falls within the 2-mile-wide corridor outlined by Mr. Maines – and in particular, the Town's commercial corridor averages just over ½ mile wide in total, and the proposed project lies within that as well.

The Town would welcome an AT&T installation at OHM – a taller tower in that area may help support enhanced police and fire communications as well by creating a position for additional public agency equipment.

It is not legally possible to regulate land uses by popular vote, as the legal authority of that regulation stems from the police power (the government's legal ability to regulate the use of property for the health, safety and welfare of the community) – and since the rules for exercising that power are based in the rules of law, popular vote is not a legal basis for that kind of decision making.

TOWN OF CHINO VALLEY
 PLANNING AND ZONING COMMISSION
 Regular Meeting Minutes
 Chino Valley South Campus
 202 N. State Route 89
 February 19, 2013
 6:00 p.m.

1. CALL TO ORDER

2. ROLL CALL

Meeting was called to order at 6:00 p.m.

Members Present: Gwen Rowitsch, Chairperson
 Garland Miner, Vice Chairperson
 Jack Owen, Commissioner
 Charles Merritt, Commissioner
 Michael Edmonds, Commissioner

Staff Absent: Florence Sloan, Commissioner

Staff Present: Robert Smith, Town Manager
 Dava Hoffman, Planning Consultant
 Mary Brasher, Administrative Technician

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES

4A. For consideration, discussion, and possible action regarding the regular meeting minutes of January 15, 2013.

Commissioner Rowitsch MOVED, seconded by Commissioner Merritt to approve the regular meeting minutes of January 15, 2013.
 MOTION CARRIED 5-0

5. STAFF REPORT: Dava Hoffman thanked the Commissioners for their participation in the joint study session that was held January 31, 2013 and notified them that a new planner has been hired and will be on board March 4, 2013.

6. ELECTION OF OFFICERS in accordance with Section 1.4.3 of the UDO

The Commission shall elect a Chairperson and Vice Chairperson from among its own members, who shall serve for one (1) year and until their successors are elected and qualified. The Chairperson shall preside at all meetings and exercise all the usual rights, duties and prerogatives of the head of any similar organization. The Chairperson shall have the power to take evidence. The Vice Chairperson shall perform the duties of the Chairperson in the latter's absence or disability. Vacancies created by any cause shall be filled for the unexpired term by a new election.

Commissioner Merritt MOVED, seconded Commissioner Edmonds to elect Commissioner Gwen Rowitsch for Chairperson of the Planning and Zoning Commission.
 MOTION CARRIED: 4-0 (Chairperson Rowitsch led the meeting)

Commissioner Owen MOVED, seconded Commissioner Merritt to elect Commissioner Garland Miner for Vice Chairperson of the Planning and Zoning Commission.
 MOTION CARRIED: 4-0

7. PUBLIC HEARING

7A. This hearing will be conducted for consideration, discussion and possible recommendation to the Town Council regarding the following: Text amendments of the Unified Development Ordinance, Section 4.25 Wireless Telecommunications Facilities

The proposed text amendments are intended to provide an updating of the code reflective of newer technology and standards to ensure access to reliable wireless telecommunication services throughout Chino Valley. The following sections are proposed for text amendments:

1. Section 4.25A. Purpose
2. Section 4.25D. General Requirements
3. Section 4.25E. Permitted Uses
4. Section 4.25F. Conditional Use Permits
5. Section 4.25G. Minimum Setbacks and Separation
6. Section 4.25H. Buildings or Other Equipment Storage
7. Section 4.25I. Co-Location
8. Section 4.25K. Nonconforming Uses
9. Adding Section 4.25L. Notice

Robert Smith gave a brief presentation explaining the different types of facilities and how they should be processed through the Unified Development Ordinance (UDO). There are four distinguishing features: Organization behind the Ordinance, mitigating impacts to the community, administrative flexibility, and controlling impacts with Conditional Use Permit (CUP).

In the draft that is proposed, wireless facilities are grouped into three basic categories; concealed facilities, disguised facility, and visible. A concealed facility would be one that is housed within a building and cannot be seen, the panels are installed inside a space and then enclosed by a transparent material, the disguised facility would be one that you would have to look closely to see, and then there is the visible sites.

- Concealed sites: Potential impact is limited to nonexistent. Should be allowed in all zoning areas and quasi-public spaces not occupied by homes.
- Disguised sites: Depends on how well the disguise is executed, and the environment it's placed in. Should be allowed in all zoning areas. Restrict them in the same manner as a residential area such as; healthy setbacks, design requirements, which is included in the draft language proposed.
- Visible Sites: High visual impact, restricted to Commercial and Industrial areas with healthy setbacks to residentially zoned property, other visual sensitive areas, and specific design requirements.

There should be some projects that can be processed and approved administratively. If a project comes in and meets all the requirements of the code, design specifications and any other requirements, then the Administration should be able to process and approve those. The Commission and Council would be involved when there is a risk that has not been mitigated or when the applicant is asking for something outside the design specifications found in the code.

Disguised facilities that meet all design requirements, are not over 65', and meet other code requirements can be administratively processed. This allows a faster review process with less risk to the applicant. If the applicant requests something outside of this code, then it will be forwarded to Commission and Council.

Controlling the impacts within the draft language proposed, it's suggested that a CUP be that control mechanism. If anything falls outside the definition of what would be considered an administrative item, then it would automatically go for a CUP process.

If a concealed type of facility doesn't meet the design requirements it would go for a CUP. Examples of these are ones that are proposed in a protected view shed or on a home site within a neighborhood. The Town is not looking to have these sites within residential neighborhoods. The disguised facilities would also have to meet the design requirement that is found in the draft language of the code, The Town needs to regulate how far the antennas stick out from the pole, if it is to be constructed with a palm tree or other concealment type apparatus. The idea is to have the antenna hidden by the facade.

A maximum height proposed for an administrative approval, would be 65 feet because that is closely related to the current ordinance. Visible sites that are going over the height limit would be required to go through the CUP process. The objective for creating a code amendment across these three different kinds of sites would be to;

- Recognize which type of project represents a risk of visual impact to the community,
- Regulate these sites based on the visual impact they represent,
- Create guidelines and set standards for construction so the Town gets the look they are after, especially when the industry walks away from a site.
- Provide an administrative process for proposals that are fully compliant with the Town's codes in order to expedite the process.
- Provide the CUP process for any proposals asking for something special.

The most abrupt change in this amendment would be moving an actual section from one place to another.

Chairperson Rowitsch opened the public portion of the meeting.

Citizens that spoke had concerns relating to the possibility of adding a third layer of decision making with the administrative approvals proposed. That layer appears to remove the transparency in government and limits public input. Disagreed with the statement that relates to providing Town wide wireless service, because it implies that the Town is in the wireless business. Deletion of the 65 foot height limit and the objectivity of the Town Manager are in question due to his affiliation with the wireless industry.

Chairperson Rowitsch closed the public portion of the meeting.

Chairperson asked the Town Manager to address the comment about another layer of government.

Mr. Smith stated that they would not be adding another layer; they would be removing a layer of governmental process by carving out proposals that meet requirements to simplify the process which is a common approach. The applicant would need to meet significant requirement to achieve an administrative approval. Providing staff the ability to do some of the work without the Commission and Council process, the Town would effectively be providing an incentive to the industry to design and locate the facility where the Town wants it located. This allows a faster, less risky process for the industry. The purpose of the Town regulating these land uses is for the health, safety, and welfare of the community. There is a recognized correlation between robust wireless communications and a community's health, safety, welfare and economic vitality. Designing a zoning code to regulate a place and manner for which these facilities will be located, is to ensure the health, safety, and welfare of the community. The Federal Government says it's their objective to ensure that all Americans have access to wireless communications, and the Town recognizes that the robust distribution of wireless communications across our community offers quality of life to citizens that wouldn't be there if these wireless communications didn't exist. It is the Town's business to regulate where these facilities go and what they look like. In the telecommunications act of 1996, Congress specified that local government will regulate the manner and placement of these sites.

Mr. Smith stated that the ordinance specifically promotes co-locations; however if the height is limited to 65 feet, the centerline for the top set of antennas is at about 63 feet, and is not tall enough for multiple antennas to view enough area to serve the market. This restriction would force the industry to create more sites. Adding more height to an existing pole and regulating the impact on how they look, is more preferable to having multiple poles.

Mr. Smith commented that he has worked in the wireless industry in the past; however he does not currently operate a consulting firm. As soon as he was hired at the Town, he handed his projects off to his wife to complete. It is true that his LLC is not in good standing with the state, but that is due to the fact that he did not renew it. He then explained that when AT&T wanted to

construct a 99 foot tower he informed them of the height limit of 65 and instructed them that they would need to seek Commission and Council approval to deviate from the code and that is how

these amendments came about. The additional height limit was not acceptable to the Town, if the height limit is going to be relieved than there needs to be design requirements imposed in response to ensure the Town gets what they are looking for in terms of the infrastructure. The language proposed in the amendment is language that has been largely borrowed from other communities across the US that has already stood the test of litigation, and the Town attorney is also reviewing it.

To give the Commission a comfort level of the language, Mr. Smith briefly went through some of the specific requirements that the Town would be looking for with these projects, such as;

- Definitions and Purpose
- General Building Permit Requirements
- Descriptions of requirements for sites on Town owned property.
- Restriction on lighting
- Requirements regarding the type of information that must be submitted with permits.
- Requirements for sites in Quasi Residential Zones.
- Design Guidelines
- Setback Requirements
- Guidelines for Administrative Approval
- Relief for area's adjacent to Commercial Zoning
- Height Restrictions
- Guidelines for Equipment Enclosures, and Screening

Chairperson Rowitsch opened the public portion.

Commissioner Edmonds clarified that they were discussing a 99 foot tower, and asked about a requirement for a notarized letter stating applicants had intended to co-locate.

Mr. Smith stated that it wasn't included, but it could be requested of applicants to certify that they are willing to allow co-location to their site.

Commissioner Merritt commented that the Administrative Process has language that sets clear limits on what can be approved without Commission and Council input, and felt this would allow a more efficient process. He also felt that a height limit of 65 feet would not work for co-location.

Chairperson Rowitsch commented that she drove around looking for tall structures, (in CV & Phx) and the tallest item she found were light poles at ball fields and determined they were about 75 feet high, and felt that communications towers at that height would not be that noticeable. She felt that a height of 65 feet or more should be confined to Commercial or Industrial zoning, and the Town should regulate were different types of uses go, because that is the Town's job. She indicated she thought the language in this ordinance does that, but was a bit concerned with a

height of 100 feet and felt 80 feet would be a more appropriate, and could consider anything higher than that through the CUP process.

Commissioner Owen agreed that 65 feet would be impractical and felt that 80 feet would be an appropriate height for Administrative Approval within the Commercial and Industrial zoning districts.

Vice Chair Miner agreed that 80 feet or less in height could be approved administratively and anything above that would require a CUP for either a Quasi Residential, Commercial, and Industrial areas.

Commissioner Edmonds asked who is ultimately responsible for the permit process and if something goes wrong with the facility.

Mr. Smith stated the property owner is essentially responsible for the property. The owner generally constructs a lease with the applicant, and their agreement does not concern the Town. If the Town has to employ compliance measures on the property, then the owner is ultimately who is responsible.

Vice Chair Miner MOVED, seconded by Commissioner Merritt to forward this item to the Town Council with a recommendation of approval for the amendments to the Wireless Communications Section E.6.A.1 of the Unified Development Ordinance (UDO) with one change to limit the height of 80 feet for Administrative Approval.

MOTION CARRIED: 6-0

7B. This hearing will be conducted for consideration, discussion and possible recommendation to the Town Council regarding the following: The application for a Conditional Use Permit (CUP) for a wireless communication tower, 99-foot in height. Clear Blue Services, which is representing AT&T, is requesting the CUP to construct a new wireless communication tower located at 2655 North State Route (SR) 89 (Assessor's Parcel Number 306-14-021C). The site is located on the east side of SR 89 approximately 600 feet north of the Road 3 1/2 North alignment and consists of approximately one acre.

Dava Hoffman stated the request is for a 99 foot tower on a zoning district of Commercial Heavy which is surrounded by Commercial property. The applicant has complied with all the public notification process for this item. Staff has reviewed the request and determined the project is in compliance with section 1.9.3 of the UDO, and recommends approval for the requested CUP with the findings and stipulations as noted in the staff report.

Mr. Scott September, Acquisition Manager for AT&T Mobility, stated this site is significant to AT&T because for the first time in almost 100 years AT&T had less hook up's on the wire line network. The old landline is being disconnected at a rate of 70,000 customers every month. There is a significant shift in communications and AT&T needs to be competitive with their service as well as provide adequate coverage for their customers.

Adam Brixius, representative for Clear Blue Services gave a brief presentation outlining the project, its location, and the gap in coverage that AT&T is trying to close using this location. He indicated that 70% of emergency calls are made wirelessly and this service needs to be reliable. He also indicated that AT&T would be willing to provide a letter that this would be a co-locatable site, even though they do not have a co-locator at this time.

Mr. Brixius showed the coverage areas that would be acquired using this site and the requirement by the Federal Government to meet customers' demands.

Commissioner Merritt asked the applicant if they could get the coverage they need at a height of 80 ft.

Mr. September indicated that he could not answer that at his time and that it's more valuable for AT&T to continue with the CUP process and obtain the 99 feet. He stated they will look into whether or not 80 feet would serve their needs because using the Administrative process for approval would be more efficient in the future. The amendments the Commission considered tonight is important because it will enable applicants to easily and quickly understand how these sites should look and where they can be placed to achieve an Administrative Review.

Chairperson Rowitsch opened the public portion of the meeting.

On resident stated they had an opportunity to place a wireless communication tower on their property and refused because they felt it was too close to a residential structure. She wondered if the proposed tower would be 300 feet from the residential structure on the property. She also asked who takes responsibility if something goes wrong with this tower.

Mr. Smith indicated this tower is locating in a Commercial zone and that 300 foot setback would not apply in this case. That setback would apply for a tower going into park space, open space, a retention pond and other similar locations. He also indicated that the applicant and property owner would be named as those responsible.

Chairperson Rowitsch closed the public portion of the meeting.

The Commissioners indicated they were satisfied with the explanations presented, but would like to see if there is a significant difference in service between the 99 foot and 80 foot height, but it was pretty apparent the applicant wants to proceed with the CUP at this time. The property this particular tower will be on sits lower than the road so the tower will not visually appear that tall. There was concern for this tower and its proximity to the residential home and asked the applicant if they would consider moving the tower further north on the site. However residences on Commercial property have to expect the uses that are primarily allowed in the Commercial zoning district.

The Commission is tasked with looking at what is proposed at the present time, and needs to make a recommendation to the Town Council. One Commissioner stated that they were against the 99 foot tower when they walked in the door, however, after hearing the presentation, and the realization that the tower over at the Police Department is almost as tall, they have changed their mind and think the location and height is appropriate.

Planning & Zoning Commission
Regular Meeting Minutes 2-19-13
Page 8

Chairperson Rowitsch closed the public portion of the meeting.

Vice Chair Miner MOVED, seconded by Commissioner Owen, to forward this item to the Town Council with a recommendation of approval for the Conditional Use Permit (CUP) to allow a 99 foot Communications Tower with the Findings and Stipulations as noted in the staff report.

MOTION CARRIED: 6-0

8. **PUBLIC COMMENTS:** None

9. **ADJOURN:** 8:15 p.m.

Chairperson Rowitsch Date:

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 7. c.

Meeting Date: 03/26/2013
Contact Person: Jami Lewis, Town Clerk
 Phone: 928-636-2646 x-1208
Department: Town Clerk
Item Type: Action-Presentation
Estimated length of staff presentation: None
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to adopt Resolution No. 13-1008, declaring and adopting the results of the primary election held on March 12, 2013.

RECOMMENDED ACTION:

Adopt Resolution No. 13-1008, declaring and adopting the results of the primary election held on March 12, 2013.

SITUATION AND ANALYSIS:

Per A.R.S. § 16-642(A), the results of an election must be adopted by Council not less than 6 nor more than 20 days after the election. Although a resolution is not required, Council has traditionally adopted one for ease of record-keeping.

Of 6,027 registered voters in the town, 2,092 cast ballots for a 34.7% turnout. As all the candidates for mayor and council received more than one-half (1,046) of the total number of valid ballots cast, Chris Marley is declared elected, and Town Code Section 30.040 provides that the three with the most votes for Council--Linda Hatch, Pat McKee, and Don Wojcik--are declared elected. Thus, a general election runoff is not necessary.

The new Mayor and Council will be seated on June 11, 2013.

Fiscal Impact

Fiscal Impact?: No

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Resolution 13-1008

Resolution 13-1008 exhibit

RESOLUTION TO CANVASS VOTE

RESOLUTION NO. 13-1008

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, DECLARING AND ADOPTING THE RESULTS OF THE PRIMARY ELECTION HELD ON MARCH 12, 2013

WHEREAS, the Town of Chino Valley, Yavapai County, Arizona did hold a primary election on the 12th day of March, 2013 for the nomination of a Mayor and three (3) Councilmembers, and the continuation of the Local Alternative Expenditure Limitation (Home Rule Option); and

WHEREAS, the election returns have been certified by the Yavapai County Election Director and Yavapai County Recorder; and

WHEREAS, the election returns have been presented to and have been canvassed by the Town Council; and

WHEREAS, the Town Council is adopting this Resolution No. 13-1008, to canvass the vote at this Regular Meeting, being held today, March 26, 2013;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Chino Valley, Yavapai County, Arizona as follows:

Section 1. That the total number of ballots cast at said primary election, as shown by the poll lists, was 2,092.

Section 2. That the number of ballots rejected was 27.

Section 3. That the votes cast for the candidates for councilmember were as follows:

<u>Name</u>	<u>Vote Total</u>	<u>Name</u>	<u>Vote Total</u>
Linda Hatch	1,259	Corey Mendoza	1,146
Pat McKee	1,315	Don Wojcik	1,210

Section 4. That it is hereby found, determined and declared of record, that the following candidates for councilmember did receive more than one-half of the total number of valid votes cast and are hereby issued a certificate/s of election:

Linda Hatch
Pat McKee
Don Wojcik

Section 5. That the votes cast for the candidate for Mayor were as follows:

<u>Name</u>	<u>Vote Total</u>
Chris Marley	1,612

Section 6. That it is hereby found, determined and declared of record, that the following candidate for mayor did receive more than one-half of the total number of valid votes cast and is hereby issued a certificate of election:

Chris Marley

Section 7. That the votes cast for a continuation of the Expenditure Limitation (Home Rule Option) were as follows:

Yes	1,176
No	586

Section 8. It is hereby found, determined and declared of record, that a Continuation of the Alternative Local Expenditure Limitation (Home Rule Option) to govern the Town of Chino Valley budget from fiscal year 2012/2013 to 2016/2017 did receive the majority of the total number of valid votes cast and hereby shall continue.

Section 9. All resolutions in conflict herewith are hereby repealed, and this resolution shall be in full force and effect immediately upon its adoption.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 26th day of March, 2013.

Chris Marley, Mayor

ATTEST:

APPROVED AS TO FORM:

Jami C. Lewis, Town Clerk

Musgrove Drutz & Kack, P.C.
Town Attorney

Yavapai County Recorder
Leslie M. Hoffman
County Recorder
1015 Fair Street-Room 228
Prescott, Arizona 86305
928-771-3244
928-771-3258 (Fax)

Elections
Lynn A. Constabile
Elections Director
928 771-3250
928 771-3446 (Fax)

Voter Registration
Janine Hanna
Registrar of Voters
928-771-3248
928-771-3446 (Fax)



CERTIFICATION OF ELECTION RESULTS

For the

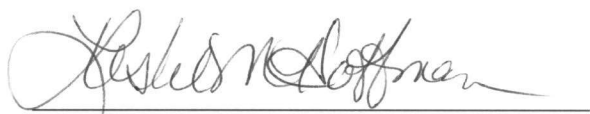
TOWN OF CHINO VALLEY PRIMARY ELECTION

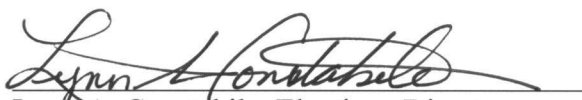
MARCH 12, 2013

YAVAPAI COUNTY, ARIZONA

We, Leslie M. Hoffman, Yavapai County Recorder, and Lynn A. Constabile, Yavapai County Elections Director, hereby certify that the attached foregoing vote results contains a full, true, and correct copy of the vote tabulations for the March 12, 2013, Town of Chino Valley Primary Election.

Dated this 13th day of March, 2013


Leslie M. Hoffman, County Recorder


Lynn A. Constabile, Elections Director

Election Summary Report

Date:03/14/13

March 12 2013

Time:11:56:22

Page:1 of 1

Summary For Town of Chino Valley, All Counters, All Races

UNOFFICIAL FINAL RESULTS

Registered Voters 6027 - Cards Cast 2092 34.71%

Num. Report Precinct 4 - Num. Reporting 4 100.00%

Chino Valley Mayor			
	Total		
Number of Precincts	4		
Precincts Reporting	4	100.0	%
Vote For	1		
Times Counted	2092/6027	34.7	%
Total Votes	1653		
MARLEY, CHRIS	1612	97.52%	
Write-in Votes	41	2.48%	

Chino Valley Council			
	Total		
Number of Precincts	4		
Precincts Reporting	4	100.0	%
Vote For	3		
Times Counted	2092/6027	34.7	%
Total Votes	4950		
HATCH, LINDA	1259	25.43%	
MCKEE, PAT	1315	26.57%	
MENDOZA, COREY	1146	23.15%	
WOJCIK, DON	1210	24.44%	
Write-in Votes	20	0.40%	

Chino Valley Prop 424			
	Total		
Number of Precincts	4		
Precincts Reporting	4	100.0	%
Vote For	1		
Times Counted	2092/6027	34.7	%
Total Votes	1762		
YES	1176	66.74%	
NO	586	33.26%	

Statement of Votes Cast

Date:03/14/13

March 12 2013

Time:12:01:16

Page:1 of 7

SOVC For Town of Chino Valley, All Counters, All Races

UNOFFICIAL FINAL RESULTS

	TURN OUT		
	Reg. Voters	Cards Cast	% Turnout
Jurisdiction Wide			
Chino Valley A - 01-02			
Polling	1115	0	0.00%
Mail Ballots	1115	420	37.67%
Total	1115	420	37.67%
Chino Valley B - 57-01/04			
Polling	2088	0	0.00%
Mail Ballots	2088	628	30.08%
Total	2088	628	30.08%
Chino Valley C - 66-02			
Polling	1294	0	0.00%
Mail Ballots	1294	532	41.11%
Total	1294	532	41.11%
Chino Valley D - 67-01, 74-05/06, 89-01/07/08, 95-05/06			
Polling	1530	0	0.00%
Mail Ballots	1530	512	33.46%
Total	1530	512	33.46%
Total			
Polling	6027	0	0.00%
Mail Ballots	6027	2092	34.71%
Total	6027	2092	34.71%

Statement of Votes Cast

March 12 2013

Date:03/14/13

Time:12:01:16

Page:2 of 7

SOVC For Town of Chino Valley, All Counters, All Races

UNOFFICIAL FINAL RESULTS

	Chino Valley Mayor						
	Reg. Voters	Vote For	Times Counted	Total Votes	MARLEY, CHRIS		
Jurisdiction Wide							
Chino Valley A - 01-02							
Polling	1115	1	0	0	0	-	
Mail Ballots	1115	1	420	344	338	98.26%	
Total	1115	2	420	344	338	98.26%	
Chino Valley B - 57-01/04							
Polling	2088	1	0	0	0	-	
Mail Ballots	2088	1	628	499	487	97.60%	
Total	2088	2	628	499	487	97.60%	
Chino Valley C - 66-02							
Polling	1294	1	0	0	0	-	
Mail Ballots	1294	1	532	419	410	97.85%	
Total	1294	2	532	419	410	97.85%	
Chino Valley D - 67-01, 74-05/06, 89-01/07/08, 95-05/06							
Polling	1530	1	0	0	0	-	
Mail Ballots	1530	1	512	391	377	96.42%	
Total	1530	2	512	391	377	96.42%	
Total							
Polling	6027	4	0	0	0	-	
Mail Ballots	6027	4	2092	1653	1612	97.52%	
Total	6027	8	2092	1653	1612	97.52%	

Statement of Votes Cast

Date:03/14/13

March 12 2013

Time:12:01:16

Page:3 of 7

SOVC For Town of Chino Valley, All Counters, All Races

UNOFFICIAL FINAL RESULTS

	Chino Valley Mayor	
	Write-In Votes	
Jurisdiction Wide		
Chino Valley A - 01-02		
Polling	0	-
Mail Ballots	6	1.74%
Total	6	1.74%
Chino Valley B - 57-01/04		
Polling	0	-
Mail Ballots	12	2.40%
Total	12	2.40%
Chino Valley C - 66-02		
Polling	0	-
Mail Ballots	9	2.15%
Total	9	2.15%
Chino Valley D - 67-01, 74-05/06, 89-01/07/08, 95-05/06		
Polling	0	-
Mail Ballots	14	3.58%
Total	14	3.58%
Total		
Polling	0	-
Mail Ballots	41	2.48%
Total	41	2.48%

Statement of Votes Cast

Date:03/14/13

March 12 2013

Time:12:01:16

Page:4 of 7

SOVC For Town of Chino Valley, All Counters, All Races

UNOFFICIAL FINAL RESULTS

	Chino Valley Council						
	Reg. Voters	Vote For	Times Counted	Total Votes	HATCH, LINDA		
Jurisdiction Wide							
Chino Valley A - 01-02							
Polling	1115	3	0	0	0	-	
Mail Ballots	1115	3	420	1010	232	22.97%	
Total	1115	6	420	1010	232	22.97%	
Chino Valley B - 57-01/04							
Polling	2088	3	0	0	0	-	
Mail Ballots	2088	3	628	1485	398	26.80%	
Total	2088	6	628	1485	398	26.80%	
Chino Valley C - 66-02							
Polling	1294	3	0	0	0	-	
Mail Ballots	1294	3	532	1307	323	24.71%	
Total	1294	6	532	1307	323	24.71%	
Chino Valley D - 67-01, 74-05/06, 89-01/07/08, 95-05/06							
Polling	1530	3	0	0	0	-	
Mail Ballots	1530	3	512	1148	306	26.66%	
Total	1530	6	512	1148	306	26.66%	
Total							
Polling	6027	12	0	0	0	-	
Mail Ballots	6027	12	2092	4950	1259	25.43%	
Total	6027	24	2092	4950	1259	25.43%	

Statement of Votes Cast

Date:03/14/13

March 12 2013

Time:12:01:16

Page:5 of 7

SOVC For Town of Chino Valley, All Counters, All Races

UNOFFICIAL FINAL RESULTS

	Chino Valley Council							
	MCKEE, PAT		MENDOZA, COREY		WOJCIK, DON		Write-In Votes	
Jurisdiction Wide								
Chino Valley A - 01-02								
Polling	0	-	0	-	0	-	0	-
Mail Ballots	261	25.84%	258	25.54%	256	25.35%	3	0.30%
Total	261	25.84%	258	25.54%	256	25.35%	3	0.30%
Chino Valley B - 57-01/04								
Polling	0	-	0	-	0	-	0	-
Mail Ballots	386	25.99%	321	21.62%	374	25.19%	6	0.40%
Total	386	25.99%	321	21.62%	374	25.19%	6	0.40%
Chino Valley C - 66-02								
Polling	0	-	0	-	0	-	0	-
Mail Ballots	367	28.08%	297	22.72%	315	24.10%	5	0.38%
Total	367	28.08%	297	22.72%	315	24.10%	5	0.38%
Chino Valley D - 67-01, 74-05/06, 89-01/07/08, 95-05/06								
Polling	0	-	0	-	0	-	0	-
Mail Ballots	301	26.22%	270	23.52%	265	23.08%	6	0.52%
Total	301	26.22%	270	23.52%	265	23.08%	6	0.52%
Total								
Polling	0	-	0	-	0	-	0	-
Mail Ballots	1315	26.57%	1146	23.15%	1210	24.44%	20	0.40%
Total	1315	26.57%	1146	23.15%	1210	24.44%	20	0.40%

Statement of Votes Cast

March 12 2013

SOVC For Town of Chino Valley, All Counters, All Races

UNOFFICIAL FINAL RESULTS

Date:03/14/13

Time:12:01:16

Page:6 of 7

Chino Valley Prop 424						
	Reg. Voters	Vote For	Times Counted	Total Votes	YES	
Jurisdiction Wide						
Chino Valley A - 01-02						
Polling	1115	1	0	0	0	-
Mail Ballots	1115	1	420	352	212	60.23%
Total	1115	2	420	352	212	60.23%
Chino Valley B - 57-01/04						
Polling	2088	1	0	0	0	-
Mail Ballots	2088	1	628	523	355	67.88%
Total	2088	2	628	523	355	67.88%
Chino Valley C - 66-02						
Polling	1294	1	0	0	0	-
Mail Ballots	1294	1	532	459	314	68.41%
Total	1294	2	532	459	314	68.41%
Chino Valley D - 67-01, 74-05/06, 89-01/07/08, 95-05/06						
Polling	1530	1	0	0	0	-
Mail Ballots	1530	1	512	428	295	68.93%
Total	1530	2	512	428	295	68.93%
Total						
Polling	6027	4	0	0	0	-
Mail Ballots	6027	4	2092	1762	1176	66.74%
Total	6027	8	2092	1762	1176	66.74%

Statement of Votes Cast

Date:03/14/13

March 12 2013

Time:12:01:16

Page:7 of 7

SOVC For Town of Chino Valley, All Counters, All Races

UNOFFICIAL FINAL RESULTS

	Chino Valley Prop 424	
	NO	
Jurisdiction Wide		
Chino Valley A - 01-02		
Polling	0	-
Mail Ballots	140	39.77%
Total	140	39.77%
Chino Valley B - 57-01/04		
Polling	0	-
Mail Ballots	168	32.12%
Total	168	32.12%
Chino Valley C - 66-02		
Polling	0	-
Mail Ballots	145	31.59%
Total	145	31.59%
Chino Valley D - 67-01, 74-05/06, 89-01/07/08, 95-05/06		
Polling	0	-
Mail Ballots	133	31.07%
Total	133	31.07%
Total		
Polling	0	-
Mail Ballots	586	33.26%
Total	586	33.26%

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **7. d.**

Meeting Date: 03/26/2013
Contact Person: Joe Duffy, Finance Director
 Phone: 928-636-2646 x-1211
Department: Finance
Item Type: Action
Estimated length of staff presentation: None
Physical location of item: n/a

AGENDA ITEM TITLE:

Consideration and possible action to approve the Arizona Department of Administration General Accounting Office Interagency Service Agreement, for the Arizona Open Books Transparency Project.

RECOMMENDED ACTION:

Approve the Arizona Department of Administration General Accounting Office Interagency Service Agreement.

SITUATION AND ANALYSIS:

Per ASRS 41-725 requires the state to establish and maintain an official INTERNET website that is electronically searchable by the public that contains a comprehensive database of receipts and expenditures of state monies. This law requires the Town of Chino Valley to include its information in the state's data base. Section 41-725(H) provides in pertinent part as follows:

"A link to this data shall be displayed in a prominent place on the local government's official internet website or on a website of an association of cities and towns for cities and towns that do not have official websites **and on the [Arizona Department of Administration's] official internet website** as prescribed in this section. The data shall be updated no less frequently than every three months and may be updated as new data becomes available. The data shall be retained and accessible online for at least three fiscal years."

This program is known as the Transparency Project.

The Arizona Department of Administration-General Accounting Office (ADOA) will provide

the local government data hosting, publication and support services to all the Town's financial information to be published on the states website www.openbooks.az.gov. The Town's accounting software provider (Caselle) has developed an application to export the data to the Openbooks website.

ADOA has established an initial setup fee of \$2,000, an initial annual fee for operation costs of \$3,000, with ongoing annual operating fee in the amount "communicated by the by way of Amendment not later than ninety (90) days before the beginining of the year to which it applies."

Either party may terminate the Interagency Agreement upon 60 days' written notice. If the ADOA terminates the Interagency Agreement, it will refund any un-amortized fee to the Town.

Fiscal Impact

Fiscal Impact?: Yes

If Yes, Budget Code: 01-46-5112

Available: 5,000

Funding Source:

The Town did not budget for this expense in the current fiscal year.

\$2,000 will be paid this fiscal year from the Professional Services line in the Finance Department.

\$3,000 will be budgeted next fiscal year.

Attachments

ADOA-GAO Agreement

ARIZONA OPENBOOKS INTERAGENCY SERVICE AGREEMENT

Janice K. Brewer
Governor



Brian C. McNeil
Director

ARIZONA DEPARTMENT OF ADMINISTRATION
GENERAL ACCOUNTING OFFICE
100 NORTH FIFTEENTH AVENUE • SUITE 302
PHOENIX, ARIZONA 85007

ADOA-GAO OPENBOOKS INTERAGENCY SERVICE AGREEMENT **Number**

In accordance with Arizona Revised Statutes, Sections (A.R.S. §§) 41-703 and 41-711, this Agreement is entered into by and between **Town of Chino Valley**, a **Local Governmental** body (hereinafter referred to as "**LOCAL GOVERNMENT**"), and the **Arizona Department of Administration, General Accounting Office** (hereinafter referred to as "**ADOA-GAO**"), governing the hosting and publication of **LOCAL GOVERNMENT** data on **ADOA-GAO's** website established under A.R.S. § 41-725 and called **OpenBooks.az.gov**, Arizona's official financial transparency web site hereinafter "**OPENBOOKS**"), and shall be effective as indicated in Section 1 - Term of Agreement.

1. Term of Agreement

This Agreement shall be effective upon the date the last party signs this Agreement through **December 31, 2017**. This Agreement may be terminated in accordance with Section 4.

2. Scope of Services

The **LOCAL GOVERNMENT** is requesting that **ADOA-GAO** provide **LOCAL GOVERNMENT** data hosting, publication and support services (**SERVICES**) in connection with the **LOCAL GOVERNMENT** having its financial data published on **OPENBOOKS** managed by **ADOA-GAO**.

To effectively provide these **SERVICES** both **ADOA-GAO** and the **LOCAL GOVERNMENT** agree to perform their respective responsibilities set forth in **SCHEDULE A** attached to this agreement.

3. Fees

LOCAL GOVERNMENT shall pay **ADOA-GAO** an **INITIAL SETUP FEE** of two thousand dollars (\$2,000) in advance of the first calendar year of **SERVICES** and an **ANNUAL FEE FOR OPERATING COSTS** for each calendar year **SERVICES** are to be provided. The **ANNUAL FEE FOR OPERATING COSTS** for the calendar year ending

GAOISA Number

December 31, 2013, is three thousand dollars (\$3,000), payable in advance. Each subsequent year's **ANNUAL FEE FOR OPERATING COSTS**, also payable in advance, shall be in the amount communicated by **ADOA-GAO** to the **LOCAL GOVERNMENT** by way of an Amendment not later than ninety (90) days before the beginning of the year to which it applies.

4. Termination

Either party may terminate this Agreement upon sixty (60) calendar days written notice to the other party. If the termination is initiated by **ADOA-GAO**, **ADOA-GAO** shall refund to the **LOCAL GOVERNMENT** any unamortized **ANNUAL FEE FOR OPERATING COSTS** at the time the termination becomes effective. If the termination is initiated by the **LOCAL GOVERNMENT**, no refund shall be forthcoming.

If a termination is initiated by the **LOCAL GOVERNMENT** and, with the prior consent of the **LOCAL GOVERNMENT**, the **ADOA-GAO** has acquired capital equipment or resources necessary to fulfill the **ADOA-GAO's** responsibilities to the **LOCAL GOVERNMENT** as set forth in the Scope of Services, the **LOCAL GOVERNMENT** shall be responsible to reimburse the **ADOA-GAO** for any unamortized or unrecovered costs on or before the date the contract is terminated.

This agreement may be terminated by either party in accordance with A.R.S. § 38-511.

5. Force Majeure

- (a) Either party shall be excused for delay or failure to perform its obligations under this Agreement, in whole or in part, when and to the extent that such delay or failure is a result of causes beyond the control and without the fault or negligence of the party unable to perform. Such causes include, without limitation, acts of God, acts of the public enemy, acts of the United States government, fires, floods, epidemics, quarantine restrictions, or embargoes.
- (b) The party whose performance is so affected shall promptly notify the other party of all pertinent facts and take all reasonable steps, promptly and diligently, to prevent such causes if it is feasible to do so, or to minimize or eliminate the effect thereof.
- (c) It is understood and agreed that settlement of strikes or other labor disputes shall be at the sole discretion of the party encountering the strike or other dispute and that the inability of **ADOA-GAO** or its Subcontractors to meet the requirements of this Agreement as a result of labor strikes or disputes shall not be deemed to be a Force Majeure.

6. Indemnification

Each party (as "Indemnitor") agrees to indemnify, defend, and hold harmless the other party (as "Indemnitee") from and against any and all claims, losses, liability, costs, or expenses (including reasonable attorney's fees) (hereinafter collectively referred to

GAOISA Number

as "**CLAIMS**") arising out of bodily injury of any person (including death) or property damage, but only to the extent that such **CLAIMS**, which result in vicarious/derivative liability to the Indemnitee are caused by the act, omission, negligence, misconduct, or other fault of the Indemnitor, its officers, officials, agents, employees, or volunteers.

7. Confidentiality

- (a) A.R.S. § 41-725, which is incorporated by reference, defines certain information as confidential and not to be released to the public by way of publication on **OPENBOOKS**. By virtue of this Agreement, **ADOA-GAO** and **LOCAL GOVERNMENT**, their employees, and agents may have access to certain confidential and/or proprietary information of the other party, as defined below. **ADOA-GAO** and **LOCAL GOVERNMENT** agree to use Confidential Information received from the other Party only as expressly permitted in the Agreement and in furtherance of the purposes expressed in the Agreement. Neither **ADOA-GAO** nor **LOCAL GOVERNMENT** will disclose to any third party the other party's Confidential Information, in whole or in part, except as otherwise herein provided.
- (b) **LOCAL GOVERNMENT** may provide, intentionally or otherwise, confidential data as described in A.R.S. § 41-725, the Health Insurance Portability and Accountability Act or other relevant federal or state laws or local ordinances, ostensibly for posting on **OPENBOOKS**. **ADOA-GAO** is not responsible for reviewing **LOCAL GOVERNMENT** data for confidentiality purposes and is held harmless by **LOCAL GOVERNMENT** for any damages arising from **ADOA-GAO's** posting such confidential information on **OPENBOOKS**.

8. Limitation of Liability

ADOA-GAO shall under no circumstances be liable for:

- (a) Posting or displaying on **OPENBOOKS** confidential, sensitive, incorrect, inaccurate, misleading, libelous, pejorative information provided by **LOCAL GOVERNMENT**.
- (b) Providing access in response to the **LOCAL GOVERNMENT's** direction to any Entity Administrator or Entity User.
- (c) Failure to revoke access to any Entity Administrator or Entity User at the request of the **LOCAL GOVERNMENT** provided that the revocation is effected within three (3) business days.

9. Miscellaneous

It is mutually agreed by the parties that:

- (a) In the event of a dispute, the parties agree to use arbitration to the extent

GAOISA Number

required by A.R.S. § 12-1518. The laws of the State of Arizona shall govern any interpretation of this Agreement and venue shall be in Maricopa County, Arizona.

- (b) This Agreement shall be governed and interpreted by the laws of the State of Arizona. Purchases made in furtherance of this Agreement are subject to the Arizona Procurement Code (A.R.S. § 41-2501, et seq.) and the administrative rules promulgated thereunder (AAC R2-7-101, et seq.).
- (c) Any amendments to this Agreement must be in writing and signed by both parties.
- (a) All requests for additional services shall be in writing and signed by both parties and subject to current established **ADOA-GAO** billing rates.
- (b) Additional capital equipment or other resources to be acquired by the **ADOA-GOA** to fulfill its responsibilities to the **LOCAL GOVERNMENT** as set forth in the Scope of Services and for which the **LOCAL GOVERNMENT** may be required to reimburse the **ADOA-GAO** shall be agreed to in writing by the **LOCAL GOVERNMENT**.
- (c) **ADOA-GAO** reserves the right, at its sole reasonable discretion, to deny access as Entity Administrator or Entity User.
- (d) This agreement is subject to the provisions of A.R.S. § 38-511.
- (e) The parties to this agreement certify compliance with the requirements in A.R.S. §§ 35-391.06 and 35-393.06.
- (f) All notices pertaining to this Agreement shall be addressed or faxed to the parties respectively as follows:

ADOA-GAO:	
Arizona Department of Administration General Accounting Office (GAO) 100 N. 15th Avenue, Suite 302 Phoenix, AZ 85007	ATTN: Joanna Greenaway Systems Support & Projects Manager Phone Number: 602-542-5106 Fax Number: 602-542-5749
LOCAL GOVERNMENT:	
Town of Chino Valley 202 N. State Route 89 Chino Valley, AZ 86323	ATTN: Joe Duffy Finance Director Phone Number: 928-636-2646 Fax Number: 928-636-2144

THIS AGREEMENT IS THE COMPLETE AND EXCLUSIVE STATEMENT OF THE UNDERSTANDING BETWEEN THE PARTIES, AND IT SUPERSEDES ALL PROPOSALS, ORAL OR WRITTEN, AND ALL OTHER DOCUMENTS OR COMMUNICATIONS BETWEEN THE PARTIES RELATIVE TO THE SUBJECT MATTER HEREIN COVERED, UNLESS SUCH DOCUMENTS OR COMMUNICATIONS ARE SPECIFICALLY INCLUDED BY REFERENCE.

IN WITNESS WHEREOF, the parties have executed this Agreement:

LOCAL GOVERNMENT:

Town of Chino Valley

By: _____

Date: _____

ADOA:

Arizona Department of Administration

By: _____
Brian C. McNeil, Director

Date: _____

SERVICE AGREEMENT GAOISA Number

Between the Arizona Department of Administration General Accounting Office
And LOCAL GOVERNMENT

SCHEDULE A

Roles and Responsibilities

The respective roles of ADOA-GAO and a LOCAL GOVERNMENT related to that service are outlined in the section below.

ADOA-GAO Responsibilities:

- Provide consultation with the LOCAL GOVERNMENT project team member concerning the requirements of the A.R.S. § 42-725, confidentiality issues, file layout and overall process.
- Provide main point of contact for all communications related to the project.
- Prepare and provide LOCAL GOVERNMENT timely written notice of any ISA ADDENDUM.
- Confirm and communicate schedules.
- Notify the appropriate contacts of issues that require resolution.
- Coordinate the change process.
- Oversee content and maintenance of the OpenBooks.az.gov website (PROD).
- Provide an LOCAL GOVERNMENT User Guide on the use of the Administrative Tool and the Secure Account Service (SAS) Login Utility.
- Define LOCAL GOVERNMENT's system roles (Entity Administrator and Entity User).
- Authorize and maintain LOCAL GOVERNMENT's access to the system via SAS.
- Evaluate and grant or deny LOCAL GOVERNMENT requests for access to or roles in OPENBOOKS; activate and deactivate accounts.
- Provide and maintain technological infrastructure.
- Host and maintain Transparency Application Databases containing the State of Arizona and LOCAL GOVERNMENT data.
- Provide diagnosis of and initialize efforts to correct issues/problems with OPENBOOKS software application, Transparency Application Database, OpenBooks.az.gov website and technology infrastructure within three (3) business days of the discovery of such problems.
- Maintain two Transparency Application databases (PROD and TEST).
- Delete LOCAL GOVERNMENT incorrect postings within three (3) business days of receiving notification by email from LOCAL GOVERNMENT.
- Comply with all laws, statutes, ordinances, rules and regulations applicable to any Arizona State government body or authority;
- Diligently complete SERVICES.

ADOA-GAO Does NOT Have the Responsibility to:

- Defend LOCAL GOVERNMENT's compliance with A.R.S. § 41-725 subsections (C) through (E).
- Respond to the LOCAL GOVERNMENT's constituency about the LOCAL GOVERNMENT's data or the use of OPENBOOKS.

SCHEDULE A (Continued on Next Page)

SERVICE AGREEMENT GAOISA Number

SCHEDULE A (Continued from Preceding Page)

LOCAL GOVERNMENT Responsibilities:

- Provide ADOA-GAO with required information for posting to OPENBOOKS in accordance with A.R.S. § 41-725 subsections (C) through (E).
- Accept and properly execute the ISA and any annual ADDENDUM or Amendment prepared by ADOA-GAO in a timely manner, but no more than ninety (90) days.
- The LOCAL GOVERNMENT chief executive officer shall designate, using the processes and forms prescribed by ADOA-GAO, one or more Entity Administrators.
- The Entity Administrator shall designate, using the processes and from prescribed by the ADOA-GAO, one or more Entity Users.
- The LOCAL GOVERNMENT Entity Administrator(s) and User(s) shall be authorized to interface and liaise with ADOA-GAO personnel.
- Obtain administrative login access via SAS.
- Request and maintain authorized user roles for Entity Administrator and Entity User.
- Notify ADOA-GAO of any Administrator or User changes within 48 hours of such changes.
- Adhere to the data specification (file layout).
- Adhere to the guidance in the LOCAL GOVERNMENT User Guide.
- Adhere to State of Arizona Security requirements.
- Review data to assure compliance with confidentiality requirements, including those in A.R.S. § 41-725.
- Make payments in accordance the ISA and any Amendments.
- Upload the LOCAL GOVERNMENT data into the system as directed.
- Update and administer content data.
- Take reasonable measures to maintain the timeliness and accuracy of the LOCAL GOVERNMENT data presented on OpenBooks.az.gov.
- Notify ADOA-GAO of any required file deletions as soon as practicable.
- Cooperate with ADOA-GAO in the identification, diagnosis and resolution of issues/problems with the OPENBOOKS software application, Transparency Application Database, OpenBooks.az.gov website, and technology infrastructure.

SCHEDULE A (Remainder of Page Intentionally Left Blank)

**OpenBooks Local Government Access Request &
Entity Administrator Authorization Form**

This form is to be used by Local Governments in requesting authority to upload its jurisdiction's financial and financial-related data to Arizona OpenBooks (OpenBooks), the State of Arizona's Official Transparency Website, managed by the Arizona Department of Administration, General Accounting Office (ADOA-GAO); this form is also used to remove such authority that has previously been granted. Access is granted solely to those Local Governments that have entered into an OpenBooks Service Agreement (Agreement) with the ADOA-GAO governing such services. ADOA-GAO reserves the right --at its sole discretion --to grant, deny, modify or revoke access to or privileges within OpenBooks, the OpenBooks Administrative Tool, or any of the other tools, systems or technical environments that support OpenBooks, in accordance that Agreement.

Approval of this request by the ADOA-GAO will grant the Entity Administrator access to both OpenBooks and Arizona Secure Account Services (SAS), a web service that facilitates access to websites operated by the State of Arizona.

The official authorized by the Local Government may appoint one or more Entity Administrator(s) (up to 5), who, in turn, may appoint one or more Entity User(s). An Entity User may request access, edit an entity's profile, upload a file and view and reset batch statuses (active/inactive). An Entity Administrator has all the rights and privileges of an Entity User plus may approve Entity Users' access to the Administrative Application of OpenBooks.

It is recommended that each Local Government have at least two Entity Administrators (primary and backup) and as many (up to 10) or as few Entity Users as practical under the circumstances. A CEO may designate him- or herself as one of the Entity Administrators. An Entity Administrator, possessing all the rights and privileges of an Entity User, need not designate him- or herself as an Entity User.

This form must be completed and forwarded to ADOA-GAO, as directed below, before accessing OpenBooks, the Administrative Tool or Arizona SAS.

LOCAL GOVERNMENT NAME: <u>Town of Chino Valley</u>				LOCAL GOVERNMENT TYPE: <u>Cities and Towns</u>		
AUTHORIZED OFFICIAL						
NAME: <u>Joe Duffy</u>				TITLE: <u>Finance Director</u>		
BUSINESS EMAIL ADDRESS: <u>jduffy@chinoaz.net</u>				PHONE #: <u>928-636-2646</u>		EXT: <u>1211</u>
REQUEST ENTITY ADMINISTRATOR(S) (EAs):						
DELETE ROW	ACTION	NAME	TITLE	BUSINESS EMAIL ADDRESS	PHONE #	EXT
	Activate	Joe Duffy	Finance Director	jduffy@chinoaz.net	928-636-2646	1211
	Activate	Spencer Guest	IT Technician	sguest@chinoaz.net	928-636-2646	1215

CERTIFICATION:

By submitting this form, I certify that I am the official authorized by my Local Government. I authorize and appoint the above-named individual(s) as Entity Administrator(s). (This form must be sent from the Local Government authorized official's business email address. Use the SUBMIT by Email button or save this form and send as an email attachment to OpenBooks@azdga.gov).

STATE OF ARIZONA-GENERAL ACCOUNTING OFFICE
**OpenBooks Local Government Access Request &
Entity User Authorization Form**

This form is to be used by Local Governments (LGs) in requesting authority to upload its jurisdiction's financial and financial-related data to Arizona OpenBooks (OpenBooks), the State of Arizona's Official Transparency Website, managed by the Arizona Department of Administration, General Accounting Office (ADOA-GAO); this form is also used to remove such authority that has previously been granted. Access is granted solely to those LGs that have entered into an OpenBooks Service Agreement (Agreement) with the ADOA-GAO governing such services. ADOA-GAO reserves the right –at its sole discretion –to grant, deny, modify or revoke access to or privileges within OpenBooks, the OpenBooks Administrative Tool, or any of the other tools, systems or technical environments that support OpenBooks, in accordance that Agreement.

Approval of this request by the ADOA-GAO will grant the Entity User access to both OpenBooks and Arizona Secure Account Services (SAS), a web service that facilitates access to websites operated by the State of Arizona.

An LG Entity Administrator may appoint one or more Entity User(s). An Entity User may request access, edit an entity's profile, upload a file and view and reset batch statuses (active/inactive).

It is recommended that each LG have as many (up to 10) or as few Entity Users as practical under the circumstances.

This form must be completed and forwarded to ADOA-GAO, as directed below, before accessing OpenBooks, the Administrative Tool or Arizona SAS.

LOCAL GOVERNMENT NAME: <u>Town of Chino Valley</u>				LOCAL GOVERNMENT TYPE: <u>Cities and Towns</u>			
ENTITY ADMINISTRATOR							
NAME: <u>Joe Duffy</u>				TITLE: <u>Finance Director</u>			
BUSINESS EMAIL ADDRESS: <u>jduffy@chinoaz.net</u>					PHONE #: <u>928-636-2646</u>		EXT: <u>1211</u>
REQUEST ENTITY USER(S):							
DELETE ROW	ACTION	REGION	NAME	TITLE	BUSINESS EMAIL ADDRESS	PHONE #	EXT
	Activate	☒ TEST ☒ PRODUCTION	Cindy Sandlin	Sr. Accountant	csandlin@chinoaz.net	928-636-2646	1212
	Activate	☒ TEST ☒ PRODUCTION	Kat Lordi	Accounting Clerk	klordi@chinoaz.net	928-636-2646	1213

CERTIFICATION:

By submitting this form, I authorize and appoint the above-named individual(s) as Entity User(s). (This form must be sent from the LG Entity Administrator's business email address. Use the SUBMIT by Email button or save this form and send as an email attachment to OpenBooks@azdoa.gov).

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **7. e.**

Meeting Date: 03/26/2013
Contact Person: Robert Smith, Town Manager
 Phone: 928-636-2646 x-1201
Department: Town Manager
Item Type: Action-Presentation
Estimated length of staff presentation: 5 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Presentation, discussion and possible action regarding revision of the Code of Ethics and Conduct, as well as minor modifications to the Officers (Town Manager) section of the Code.

RECOMMENDED ACTION:

To be determined per Council discussion.

SITUATION AND ANALYSIS:

The Mayor and Council have discussed, on several occasions, modifying the Town Code section on Ethics and Conduct. Attached is a suggested Draft for Council's consideration and discussion. Additionally, a minor suggested change to the Code relative to the Town Manager's section is also offered for consideration and discussion.

Fiscal Impact

Fiscal Impact?: No

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Code of Conduct

Existing Town Code

And Suggested Edits

Town of Chino Valley, AZ

Chapter 31: Officers

31.20 Town Manager

(G) The Town Manager shall be the head of the administrative branch of the town government. The Town Manager shall, under the specific direction and control of the Council, be responsible for the proper administration of the affairs of the Town.

(1) Except when excused, the Town Manager shall attend all meetings of the Council.

(2) The Town Manager shall make personnel decisions regarding the employment of all officers and employees of the town not appointed by the Council. The Town Manager shall notify the Council, however, of his or her intentions to hire, suspend, demote or remove a department head and, if a Council member provides input, shall consider such input prior to making a final decision regarding the department head.

(3) Town Manager shall have exclusive authority to control, order and give directions to each department head, while each department head shall retain the direct supervision of the employees within each department. Personnel decisions involving disciplinary action concerning employees is within the sound discretion of the Town Manager, and shall be made by the Town Manager or by the department head with the approval of the Town Manager.

(4) Except for the purpose of inquiry, the Council and its members shall deal with the town's administrative functions solely through the Town Manager. Neither the Council nor any member thereof shall give orders **directly** to, **or discuss job performance directly with**, any subordinates of the Town Manager either publicly or privately, **but may discuss same directly with the Town Manager**. No individual member of the Council shall direct or request of the Town Manager the appointment of any person to office or the removal from office of any employee or any subordinates.

(5) It shall be the duty of the Town Manager to see that all laws and ordinances of the town and that all franchises, contracts, permits and privileges granted by the Council are faithfully observed and to report and failure in that regard to the Council which shall give such instruction and direction as it may desire for remedial, corrective or terminating action by the Town Manager.

(6) In the discharge of duties, the Town Manager shall endeavor at all times to exercise the highest degree of tact, patience and courtesy in contacts with the public and with employees, to the end that the highest possible standards of public service shall be continuously maintained.

Chapter 35: Code of Ethics

35.04 Conduct in Public Office

(B) The public official shall respect the rights, privileges and opinions of his or her fellow officials, **staff and the public at large. Council members shall exhibit respect for the public, other governmental units and agencies, and the professional and ethical conduct of the Town Manager and Staff.** Propriety dictates that the public official be sensitive to the possible confidential or personal nature of directives addressed to other individuals.

In bringing honor to the title and in recognition of the weighty respect due the role of Public Official, those elected to public office shall:

- 1. Lead by example**
- 2. Demonstrate civil and courteous conduct at all times**
- 3. Seek and speak the truth**
- 4. Respect all people**
- 5. Accept respectful dissent as a civic right**

(C) In his or her dealings with town employees, the public official shall maintain professional conduct with respect to the employee's work assignments and obligations, **and shall refrain from directly influencing the professional management of the Town's administration by any means other than direct communication with the Town Manager.** The office of the public official shall in no situation be used to wrongfully obtain information **or administrative outcomes** either by intimidation or by deliberately violating the privacy of an employee's work station.

(D) All public officials are expected to honor the mandates set forth in this code of ethics. **Complaints alleging violations to this chapter shall be received in writing by the Town Manager, Mayor and/or Vice Mayor, unless they are named in the complaint and in that circumstance, such written complaint shall be received by the Town Manager and Town Attorney.**