



Town of Chino Valley

MEETING NOTICE TOWN COUNCIL

**REGULAR MEETING
TUESDAY, APRIL 23, 2019
6:00 P.M.**

**Council Chambers
202 N. State Route 89
Chino Valley, Arizona**

A majority of the Councilmembers may attend a private invocation in the Council Conference Room immediately prior to the Council meeting. No Town business will be discussed.

AGENDA

1. **CALL TO ORDER, PLEDGE OF ALLEGIANCE; ROLL CALL**
2. **INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS**
 - a. Recognition of Addie Daniels, Prescott Area Leadership's Female Youth of the Year.(Cyndi Thomas, Assistant Community Services Director)
 - b. Proclamation declaring April 30, 2019, as *National Therapy Animal Day*, sponsored by Pet Partners of Prescott.
 - c. Proclamation commemorating the *100th Anniversary of the American Legion*, sponsored by Chino Valley's Bobby Bisjack American Legion Post #40.
 - d. Proclamation declaring May 5-11, 2019, as *50th Anniversary of Municipal Clerks Week*, sponsored by the International Institute of Municipal Clerks.

3. **CALL TO THE PUBLIC**

Call to the Public is an opportunity for the public to address the Council on any issue within the jurisdiction of the Council that is not on the agenda. Public comment is encouraged. Individuals are limited to speak for three (3) minutes. The total time for Call to the Public may be up to 30 minutes per meeting. Council action taken as a result of public comment will be limited to directing staff to study the matter, scheduling the matter for further consideration and decision at a later date, or responding to criticism.

4. **RESPONSE TO THE PUBLIC**

Response to the Public is an opportunity for the Mayor to inform the public about how Town officials addressed matters raised during Call to the Public at a previous meeting.

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. If listed below, there may also be a presentation on information requested by the Mayor and Council and questions may be answered. No action will be taken.

- a. Status reports by Mayor and Council regarding current events.
- b. Status report by Town Manager Cecilia Grittmann regarding Town accomplishments, and current or upcoming projects.
- c. Introduction of Maggie Tidaback, the Town's new Economic Development Project Manager. (Cecilia Grittmann, Town Manager)
- d. Report on the utility shop building and the Memory Park bathrooms. (Frank Marbury, Public Works Director/Town Engineer)
- e. Presentation regarding the May 21, 2019 Special Election Ballot Question related to the road maintenance program and primary property tax. (Frank Marbury, Public Works Director/Town Engineer; Joe Duffy, Finance Director)

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 adopt Resolution No. 2019-1137, approving an Intergovernmental Agreement with Yavapai County, in the amount of \$16,400, for law enforcement data management. (Chuck Wynn, Police Chief)
- b. Consideration and possible action to accept the March 26, 2019, regular meeting minutes. (Jami Lewis, Town Clerk)
- c. Consideration and possible action to accept the April 9, 2019, regular meeting minutes. (Jami Lewis, Town Clerk)

7. ACTION ITEMS

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

- a. Presentation by Mackenzie Rodgers, APS Northwest Division Manager, and possible discussion regarding an overview of APS' Firewise/Fire Mitigation Program. (Cecilia Gritman, Town Manager)

8. EXECUTIVE SESSION

Council may vote to recess the Regular Meeting and hold an executive session, which will not be open to the public, for the following purposes.

9. ACTION ITEMS RESUMED

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

10. ADJOURNMENT

Dated this 17th day of April, 2019.

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 711 (Telecommunications Arizona Relay Service) 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/agendacenter> 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

2.a.

Meeting Date: 04/23/2019
Contact Person: Cecilia Grittmann, Town Manager
Department: Town Manager
Estimated length of Staff Presentation: 5 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Recognition of Addie Daniels, Prescott Area Leadership's Female Youth of the Year.(Cyndi Thomas, Assistant Community Services Director)

Attachments

No file(s) attached.



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

2.b.

Meeting Date: 04/23/2019
Contact Person: Jami Lewis, Town Clerk
 Phone: 928-636-2646 x-1208
Department: Council
Estimated length 5 minutes
of Staff Presentation:
Physical location of item: na

AGENDA ITEM TITLE:

Proclamation declaring April 30, 2019, as *National Therapy Animal Day*, sponsored by Pet Partners of Prescott.

Attachments

Proclamation
 Pet Partners Information



Office of the Mayor

202 N. State Route 89
Chino Valley, AZ 86323
(928) 636-2646

PROCLAMATION

National Therapy Animal Day - April 30, 2019



Whereas, There are thousands of Pet Partners therapy animal teams serving in communities across the United States and Pet Partners has designated April 30 as National Therapy Animal Day; and

Whereas, Pet Partners therapy animal teams in the Town of Chino Valley play an essential role in improving human health and well-being through the human-animal bond; and

Whereas, Pet Partners therapy animal teams make millions of visits per year in settings such as hospitals, nursing homes, schools and hospice; and

Whereas, Pet Partners therapy animal teams interact with a variety of people in our community including veterans, seniors, patients, students facing literacy challenges, and those approaching end of life; and

Whereas, these exceptional therapy animals who partner with their human companions bring comfort and healing to those in need;

Now, Therefore, I, Darryl Croft, Mayor of the Town of Chino Valley, do hereby proclaim April 30, 2019 as *National Therapy Animal Day* in the Town of Chino Valley, Arizona, encourage our citizens to celebrate our therapy animals and their human handlers. Further, I publicly salute the service of therapy animal teams in our community and in communities across the nation.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the Town of Chino Valley to be affixed this *23rd* day of *April*, 2018.

Darryl L. Croft, Mayor

ATTEST: Jami C. Lewis, Town Clerk



Pet Partners

Pet Partners: Professionalizing Therapy Animal Visitation

Pet Partners Therapy Animal Program meets or exceeds guidelines pertaining to safety, professionalism and animal welfare. Pet Partners adheres to the highest standards in the field and is concerned that without such standards the future of therapy animal work could be jeopardized, limiting access to those who could benefit most. Thus, Pet Partners is the choice of risk managers and those who are educated about animal-assisted interventions.

Handler Training

- All Pet Partners handlers complete training prior to registration and have access to continuing education opportunities.
- Pet Partners offers the only handler training on infection prevention publicly endorsed by the Society of Healthcare Epidemiology of America (SHEA).
- Pet Partners offers a canine body language course consistent with SHEA guidelines.
- Pet Partners' education underscores the importance of healthy handlers and animals.

Handler and Animal Assessment

- All Pet Partners handlers must pass a written assessment at the time of registration demonstrating knowledge of best practices for safe and effective visits.
- Pet Partners teams are required to pass an in-person, role play based evaluation every two years, more frequently than recommended guidelines, to continue visiting.
- Pet Partners is piloting a secondary evaluation protocol specifically designed to assess appropriateness for animals interacting with children.

Animal Welfare

- The core tenet of Pet Partners Therapy Animal Program is "you are your animal's best advocate," also known as YAYABA™. This requires handlers to modify or end interactions animals no longer enjoy, consistent with animal welfare guidelines.
- Pet Partners limits all visits to no longer than two hours, consistent with recommendations to limit overwork and fatigue.
- To register and renew, Pet Partners teams submit animal health screening forms signed by a veterinarian to ensure the overall health of the participating animal.
- Pet Partners ascribes to a relationship based handler-animal support model during visits, a skill on which handlers are assessed during the evaluation process, known to Pet Partners handlers as PETS™.

Safety Standards

- To ensure that policies reflect current scientific information, Pet Partners relies on veterinary advisors, including those with specialization in epidemiology.
- Based on their guidance, requirements for rabies vaccination and grooming are purposefully stringent.
- Policies prohibit raw protein diets, animals with compromised health, and protection dogs.
- Pet Partners has an easily accessible system for incident reporting and a thorough resolution process to determine if a team can resume visiting. When combined with training, Pet Partners has a very low incidence of serious accidents.

Key Sources

As the leader in the field, Pet Partners places a high degree of importance on aligning with evidence-based guidelines published by other organizations.

- In 2015, the Society for Healthcare Epidemiology of America (SHEA) published *Animals in Healthcare Facilities: Recommendations to Minimize Potential Risks*. SHEA is a global professional society whose mission is to prevent and control healthcare-associated infections. In addition to a sweeping set of recommendations to promote safety, including required re-evaluations at least every 3 years, limited visit lengths, one animal per handler, minimum animal age, mandatory leash use, and vaccination requirements, SHEA specifically stated that healthcare facilities should be ensuring a level of formal training that is accompanied by a certificate. No such training existed until it was created by Pet Partners and endorsed by SHEA in 2016.
- The IAHAIO White Paper Definitions for *Animal Assisted Intervention and Guidelines for Wellness of Animals Involved* was published in 2014. It outlines best practices in delivering AAI to ensure the health and well-being of people and animals involved in an AAI setting. Guidelines addressed here include regular evaluations, handler training, prohibition of costumes, and preventing animal overwork, among other welfare considerations.
- The American Journal of Infection Control published *Animal-Assisted Interventions: A national survey of health and safety policies in hospitals, eldercare facilities, and therapy animal organizations* in 2017. This study investigated the AAI program policies in hospitals and eldercare facilities across the United States, as well as policies and procedures of regional and local therapy animal organizations. Their study concluded that “a lack of health care requirements among therapy animal organizations illustrates an important gap in knowledge and the potential for harm. Health care facilities must recognize this wide spectrum of policies amongst animal therapy organizations and become versed in questions for handlers before admittance to the facility.”
- The AVMA maintains *Animal-Assisted Interventions: Guidelines*, a policy standard to which members voluntarily adhere regarding their practice of veterinary medicine. It addresses the importance of routine veterinary care for therapy animals along with requirements for rabies vaccination and consideration for the impact of prescribed medications on zoonotic transmission.



Pet Partners
www.petpartners.org





TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

2.c.

Meeting Date: 04/23/2019
Contact Person: Jami Lewis, Town Clerk
 Phone: 928-636-2646 x-1208
Department: Council
**Estimated length
 of Staff Presentation:**
Physical location of item: N/A

AGENDA ITEM TITLE:

Proclamation commemorating the *100th Anniversary of the American Legion*, sponsored by Chino Valley's Bobby Bisjack American Legion Post #40.

SITUATION & ANALYSIS:

[to be provided by Cloyce Kelly]

Attachments

Proclamation



PROCLAMATION

American Legion Centennial Day - May 11, 2019



Whereas, The American Legion has been a staunch advocate for veterans and their families since 1919, believing that a nation worth defending during wartime is a nation worth strengthening, honoring and serving for as long as a veteran lives; and

Whereas, The American Legion was founded on the four pillars of care for veterans, a strong national defense, Americanism, and children and youth; and

Whereas, Over the years, Legionnaires have fulfilled their purpose toward a strong America, reaching every level of U.S. society, playing a leading role in initiatives that have affected the lives of Americans in every community, from the U.S. Flag Code to the GI Bill; and

Whereas, The Chino Valley American Legion Post 40, named for U.S. Marine Bobby Bisjak, a native son who was killed in action in Vietnam, has fulfilled the Legion's mission since April 12, 1976, through programs such as Boy Scouts, Veteran Support, Boy's State, Highway Flag Program, and Chamber of Commerce support; and

Whereas, The American Legion is celebrating its centennial in 2018-2019 and the local Post 40 will be joining the national celebration on May 11, 2019;

Now, Therefore, I, Darryl Croft, Mayor of the Town of Chino Valley, do hereby proclaim May 11, 2019 as American Legion Centennial Day in Chino Valley, Arizona, and urge all of our citizens to recognize this observance.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the Town of Chino Valley to be affixed this 23rd day of April, 2019.

Darryl L. Croft, Mayor

ATTEST:

Jami C. Lewis, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

2.d.

Meeting Date: 04/23/2019
Contact Person: Jami Lewis, Town Clerk
 Phone: 928-636-2646 x-1208
Department: Council
Estimated length 5 minutes
of Staff Presentation:
Physical location of item: N/A

AGENDA ITEM TITLE:

Proclamation declaring May 5-11, 2019, as *50th Anniversary of Municipal Clerks Week*, sponsored by the International Institute of Municipal Clerks.

Attachments

Proclamation



PROCLAMATION

50th Anniversary of Municipal Clerks Week - May 5-11, 2019



Whereas, The Office of Municipal Clerk, a time honored and vital part of local government that exists throughout the world, is the oldest among public servants; and

Whereas, The Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies, and agencies of government at other levels, serving as the information center on functions of local government and community; and

Whereas, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

Whereas, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations; and

Whereas, It is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk;

*Now, Therefore, I, Darryl Croft, Mayor of the Town of Chino Valley, do recognize the week of **May 5-11, 2019** as **Municipal Clerks Week** in Chino Valley, Arizona, and extend appreciation to all municipal clerks for the vital services they perform and their exemplary dedication to the communities they represent.*

*In Witness Whereof, I have hereunto set my hand and caused the Seal of the Town of Chino Valley to be affixed this **23rd** day of **April**, 2019.*

Darryl L. Croft, Mayor

ATTEST: Jami C. Lewis, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

5.c.

Meeting Date: 04/23/2019
Contact Person: Cecilia Grittman, Town Manager
Department: Town Manager
Estimated length of Staff Presentation: 5 minutes
Physical location of item: 202 North State Route 89

AGENDA ITEM TITLE:

Introduction of Maggie Tidaback, the Town's new Economic Development Project Manager. (Cecilia Grittman, Town Manager)

Attachments

No file(s) attached.



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

5.d.

Meeting Date: 04/23/2019

Contact Person: Frank Marbury, Public Works Director/Town Engineer
Phone: 928-636-7140 x-1226

Department: Public Works

Estimated length 5 minutes

of Staff Presentation:

Physical location of item: 202 N. State Route 89

AGENDA ITEM TITLE:

Report on the utility shop building and the Memory Park bathrooms. (Frank Marbury, Public Works Director/Town Engineer)

Attachments

No file(s) attached.



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

5.e.

Meeting Date: 04/23/2019
Contact Person: Cecilia Grittmann, Town Manager
Department: Council
Estimated length of Staff Presentation: 10 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Presentation regarding the May 21, 2019 Special Election Ballot Question related to the road maintenance program and primary property tax. (Frank Marbury, Public Works Director/Town Engineer; Joe Duffy, Finance Director)

SITUATION & ANALYSIS:

Each Council meeting from February 26 through May 14, staff members will give a brief presentation on one of the two Ballot Questions being proposed on the May 21 Special Election ballot. This will be done as part of the Town's informational outreach to the community to provide details of the proposals and contact information of Town officials for people that may have additional questions.

Attachments

No file(s) attached.



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6.a.

Meeting Date: 04/23/2019
Contact Person: Chuck Wynn, Police Chief
 Phone: 928-636-2646 x-1258
Department: Police
Item Type: Consent
Estimated length of staff presentation: None
Physical location of item: n/a

AGENDA ITEM TITLE:

Consideration and possible action to adopt Resolution No. 2019-1137, approving an Intergovernmental Agreement with Yavapai County, in the amount of \$16,400, for law enforcement data management.
 (Chuck Wynn, Police Chief)

RECOMMENDED ACTION:

Adopt Resolution No. 2019-1137, approving an Intergovernmental Agreement with Yavapai County, in the amount of \$16,400, for law enforcement data management.

SITUATION AND ANALYSIS:

CVPD contracts Records Management System with YCSO. The current IGA expires June 30, 2019. The new contract price is equivalent to the current pricing. The new IGA requires signature from Town Mayor.

Fiscal Impact

Fiscal Impact?: yes
If Yes, Budget Code: 01-60-5212
Available: 16,400
Funding Source:

Attachments

RES 2019-1137 - YCSO Spillman

RESOLUTION NO. 2019-1137

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, YAVAPAI COUNTY, ARIZONA, APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH YAVAPAI COUNTY FOR LAW ENFORCEMENT DATA MANAGEMENT.

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

SECTION 1. The Intergovernmental Agreement with Yavapai County for law enforcement data management (the "Agreement") is hereby approved substantially in the form and substance attached hereto as Exhibit A and incorporated herein by reference.

SECTION 2. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps necessary to cause the execution of the Agreement and to take all steps necessary to carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this April 23, 2019.

Darryl L. Croft, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, Town Attorney
Gust Rosenfeld, PLC

I hereby certify the above foregoing Resolution No. 2019-1137 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on April 23, 2019, and that quorum was present thereat and that the vote thereon was ____ ayes and ____ nays and ____ abstentions. ____ Council members were absent or excused.

Jami C. Lewis, Town Clerk

EXHIBIT A
TO
RESOLUTION NO. 2019-1137

[Agreement]

See following pages.

INTERGOVERNMENTAL AGREEMENT BETWEEN YAVAPAI COUNTY AND THE TOWN OF CHINO VALLEY

This Intergovernmental Agreement ("Agreement" or "IGA") is entered into this ____ day of _____, 2019, by and between Yavapai County, a political subdivision of the State of Arizona ("County"), and the Town of Chino Valley, Arizona, an Arizona municipal corporation ("Town"). County and Town may be referred to individually and collectively as "Party" or "Parties".

RECITALS

A. The County has provided electronic law enforcement records management and maintenance services to the Town under a prior intergovernmental agreement (the "Prior IGA").

B. The Prior IGA was executed by the County on April 28, 2016, and by the Town on March 22, 2016. The term of the Prior IGA expired on June 30, 2017, and thereafter automatically renewed for two successive one-year terms, which will end on June 30, 2019.

C. Both Parties utilize Spillman software to manage various types of law enforcement data, find the mutual and cooperative efforts to be beneficial to both Parties, and desire to continue a similar information and systems management relationship.

D. The Parties are authorized to enter into this IGA pursuant to A.R.S. § 11-952.

AGREEMENT

NOW, THEREFORE, in consideration of the promises and consideration described herein, County and Town agree as follows:

1. **Purpose:** The purpose of this Agreement is to provide the terms and conditions pursuant to which the County will manage and maintain Town's law enforcement computerized data and systems.

2. **Term and Renewal; Termination:**

2.1 The Parties hereby agree that the Prior IGA shall terminate at the end of its current term, June 30, 2019, and shall not be further renewed.

2.2 This IGA shall be effective for a one-year term, from July 1, 2019 through June 30, 2020.

2.3 After the initial one-year term, this IGA shall automatically renew for up to two additional one-year terms unless written notice of intent not to renew is given by one Party to the other Party at least sixty (60) days prior to the expiration date of the then-current term. If either Party gives such written notice, the IGA shall terminate at the end of the then-current term. Each renewal term shall begin on July 1, and end on June 30 of the following year.

2.4 This Agreement may be terminated at any time prior to the expiration of the initial term or any renewal term by mutual written agreement of the Parties hereto. Any termination of this IGA shall not relieve either Party of responsibility for costs incurred prior to the effective date of the cancellation.

3. **Responsibilities of the County:**

3.1 The County shall manage and maintain the Town's law enforcement computerized data system, computer aided dispatch, and national crime and state crime information modules (collectively the "Computerized Law Enforcement Data and Systems"), all of which are within Spillman software.

3.2 The County shall act as system administrator for the Town's Computerized Law Enforcement Data and Systems and manage the security features of the Town's Computerized Law Enforcement Data and Systems in accordance with industry standards and to the satisfaction of the Town.

3.3 The County's administrative and management duties do not include minor changes, described in Section 5.2, below.

3.4 The County shall, to the extent permitted by law, share the County's Computerized Law Enforcement Data and Systems with the Town.

3.5 The County shall coordinate any Spillman software upgrades with the Town so that both parties will continue to use the same versions of the software.

3.6 The County shall be the Town's point of contact for any requests for any significant upgrades or changes to Spillman software that could result in system unavailability for periods of time longer than one hour and shall notify and inform the Town at least five days prior to any significant upgrades or changes.

4. **Responsibilities of the Town.**

4.1 The Town shall pay the costs for any and all equipment required to enable it to connect with the County network.

4.2 The Town shall be responsible for minor changes to the Computerized Law Enforcement Data and Systems such as reassignments, adding or removing employees and system privileges, and management of passworded files.

4.3 The Town shall maintain, in accordance with Arizona public records requirements and other applicable laws, all permanent files that the County forwards to the Town for permanent archival storage.

4.4 The Town shall, to the extent permitted by law, share its Computerized Law Enforcement Data and Systems with the County.

4.5 The Town shall coordinate with the County for any desired system changes, updates, upgrades or additional functionality of the Town's Computerized Law Enforcement Data and Systems. The Town shall direct all requests for such updates, upgrades or additional functionality to the County, and shall not directly contact any vendor(s) or service provider(s) without prior written notice to, and agreement by, the County.

5. **Compensation:**

5.1 In consideration of the services provided by the County, the Town shall, on or before July 1, 2019, pay the county the amount of \$16,400.

5.2 In the event that this IGA automatically renews pursuant to Section 3.3, above, the consideration for each subsequent term shall be the amount paid in the previous term plus three percent of the amount paid in the previous term.

6. **Notices:**

All notices under this IGA shall be in writing and sent to the appropriate person. Notices shall be deemed properly given if sent by (1) personal delivery, (2) facsimile transmission, (3) first-class United States mail, postage prepaid, or (4) certified U.S. mail, postage prepaid, return receipt requested, addressed as follows:

Yavapai County Sheriff's Office
Attn: Support Services Commander
255 E. Gurley St.
Prescott, AZ 86301

Town of Chino Valley
Chief of Police
1950 Voss Drive, #301
Chino Valley, AZ 86323

Each Party may specify by notice to the other a different address for purposes of subsequent notices. Notice is effective on the date of actual receipt or three days after the date of mailing, whichever is earlier.

7. Indemnification:

Each Party (as “indemnitor”) agrees to indemnify, defend, and hold harmless the other Party (as “indemnatee”) from and against any and all claims, losses, liability, costs, or expenses (including reasonable attorney’s fees) (hereinafter collectively referred to as “Claims”) arising out of bodily injury of any person (including death) or property damage to the extent that such Claims are caused by the act, omission, negligence, misconduct, or other fault of the indemnitor, its officers, officials, agents, employees, or volunteers. This indemnification shall survive the termination of this IGA.

8. Additional Agreements and Standard Provisions:

8.1 Arizona Law. This Agreement shall be interpreted and enforced pursuant to Arizona law.

8.2 Relationship of Parties. The Parties are independent of each other and neither Party shall be deemed to be the employee or agent of the other Party except as provided herein in Section 3, above.

8.3 Severability. If any provision(s) of this IGA is/are invalid, illegal, or unenforceable for any reason, all other provisions shall nevertheless remain in full force and effect. If any provision(s) is/are inapplicable to any person or circumstance, the same provision(s) shall nevertheless remain applicable to all other persons and circumstances.

8.4 Entire Agreement. This IGA represents the entire, integrated agreement between the Parties for the purposes set forth herein. The IGA may be amended only by written instrument signed by the Parties.

8.5 No Parol Evidence. This IGA is intended by the Parties as a final and complete expression of their agreement. No course of prior dealings between the Parties and no usage of the trade shall supplement or explain any terms used in this document.

8.6 No Waiver. No action or failure to act by the Parties constitutes a waiver of any right or duty under this IGA, nor does the action or failure to act constitute approval of or acquiescence in a breach of the IGA, unless the waiving Party memorializes the waiver or approval in writing and sign it.

8.7 Headings. Headings are for organizational purposes only and shall not be interpreted as having legal significance or meaning.

8.8 Mutual Drafting. The Parties acknowledge and agree that this IGA shall not be construed for or against a Party because part or all of it was drafted by a Party or a Party's attorney.

8.9 Cancellation. This IGA is subject to the cancellation provisions of A.R.S. § 38-511.

8.10 Compliance with Law. The Parties shall comply with all applicable laws, statutes, ordinances, codes, rules and regulations, and lawful orders of public authorities in performing this IGA, including but not limited to environmental laws.

8.11 Inspection and Testing. The Parties agree to permit access, at reasonable times, to their facilities related to the purposes and responsibilities of the Parties as set forth in this Agreement.

8.12 Immigration Law Compliance. Both Parties hereby warrant that they will at all times during the term of this IGA comply with all federal immigration laws applicable to their employment of their employees, and with the requirements of A.R.S. §§ 23-214 and 41-4401 (together the "State and Federal Immigration Laws"). A breach of the foregoing warranty shall be deemed a material breach of the IGA, and the Parties shall have the right to terminate this IGA for such a breach, in addition to any other applicable remedies. The Parties retain the legal right to inspect the papers of each contractor or subcontractor employee of either who performs work pursuant to this IGA to verify performance of the foregoing warranty of compliance with the State and Federal Immigration Laws.

8.13 Alternative Dispute Resolution. Pursuant to A.R.S. § 12-1518, disputes under this IGA may be resolved through the use of arbitration upon written agreement of the Parties.

8.14 Prohibition of Assignment of Rights and Responsibilities. Neither Party to this IGA may assign its rights or responsibilities under this IGA without the prior, written consent of the other Party.

8.15 Execution in Parts. This IGA may be executed in two or more counterparts. Each counterpart will be deemed an original, and all counterparts shall form a single instrument.

8.16 Disposition of Property. All property purchased by a Party pursuant to that Party's respective duties pursuant to this IGA shall be returned to the purchasing Party upon termination of this Agreement for any reason.

8.17 Authority to Bind. Each person executing this IGA represents that he or she has full and legal authority to execute this IGA for and on behalf of the respective Party for which he or she is executing this IGA and to bind that Party.

APPROVALS

Yavapai County

Town of Chino Valley

Randy Garrison, Chairman
Date

Darryl L. Croft, Mayor
Date

ATTEST:

ATTEST:

Kim Kapin, Clerk Date

Jami Lewis, Town Clerk Date

In accordance with A.R.S. §11-952, this IGA has been reviewed by the undersigned who has determined that it is in the appropriate form and is within the power and authority granted to Yavapai County

In accordance with A.R.S. §11-952, this IGA has been reviewed by the undersigned who has determined that it is in the appropriate form and is within the power and authority granted to the Town of Chino Valley

Martin Brennan, Deputy County Attorney
Date

Andrew J. McGuire, Town Attorney Date



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6.b.

Meeting Date: 04/23/2019

Contact Person: Jami Lewis, Town Clerk
Phone: 928-636-2646 x-1208

Department: Town Clerk

Item Type: Consent

AGENDA ITEM TITLE:

Consideration and possible action to accept the March 26, 2019, regular meeting minutes. (Jami Lewis, Town Clerk)

RECOMMENDED ACTION:

Accept the March 26, 2019 regular meeting minutes.

Attachments

March 26, 2019 Minutes

DRAFT

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

**TUESDAY MARCH 26, 2019
6:00 P.M.**

The Town Council of the Town of Chino Valley met for a Regular Meeting in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on Tuesday, March 26, 2019.

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

Staff Present: Town Manager Cecilia Grittmann; Town Attorney Andrew McGuire; Finance Director Joe Duffy; Public Works Director/Town Engineer Frank Marbury; Development Services Director Joshua Cook; Planner Alex Lerma; Community Services Director Scott Bruner; Administrative Technician Kathy Frohock (videographer); Town Clerk Jami Lewis (recorder)

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

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

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

- a)** Proclamation declaring April 2, 2019, as *National Service Recognition Day*, sponsored by Arizona Serve. (Mayor Croft)

The Mayor read and presented the proclamation to AmeriCorps State Members Patty Kardash with Yavapai Regional Transit and Maureen Owen with Horses with Heart.

Ms. Owen and Ms. Kardash outlined the work and services that members provided to organizations throughout the community and acknowledged Annie Reifsnyder for her leadership in AmeriCorps.

- b)** Proclamation declaring March 29, 2019, as *National Vietnam War Veterans Day*. (Mayor Croft)

Mayor Croft recognized those in the room who served in Vietnam and read the proclamation.

3) **CALL TO THE PUBLIC**

Call to the Public is an opportunity for the public to address the Council on any issue within the jurisdiction of the Council that is not on the agenda. Public comment is encouraged. Individuals are limited to speak for three (3) minutes. The total time for Call to the Public may be up to 30 minutes per meeting. Council action taken as a result of public comment will be limited to

directing staff to study the matter, scheduling the matter for further consideration and decision at a later date, or responding to criticism.

4) RESPONSE TO THE PUBLIC

Response to the Public is an opportunity for the Mayor to inform the public about how Town officials addressed matters raised during Call to the Public at a previous meeting.

- a) Comments regarding the Town establishing a pickleball court at one of the Town parks.

Mayor Croft explained that the request for a pickleball court had been forwarded to the Town's Parks and Recreation staff to research the level of interest, possible location, cost to implement the program, and any possible funding sources. If feasible, this item will be included with many other funding requests for consideration by staff and Council in developing the upcoming budget.

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. If listed below, there may also be a presentation on information requested by the Mayor and Council and questions may be answered. No action will be taken.

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

Mayor Croft reported on the Session Two of the Citizen's Academy on April 4.

Annie Perkins spoke about the recent loss of two Chino Valley High School seniors from a car accident, as well as a Paulden family who lost their home to fire. She commended the community for their response and support to those families.

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

- c) Introduction of Joshua Cook, new Development Services Director. (Cecilia Grittmann, Town Manager)

Ms. Grittmann introduced Mr. Cook, the new Development Services Director, who detailed his background and 20 years of experience.

- d) Report regarding road conditions impacted by the February snow storm. (Frank Marbury, Public Works Director/Town Engineer)

Frank Marbury reported on the following via photos and description:

- Most of the roads in the photographs were old chip sealed roads that had not been touched for years, and the snowstorm, along with the subsequent softening and weakening of the base, was destructive for the road surface.
- Examples of damage were shown from the following areas: Sunrise Subdivision; Chino Meadows Subdivision; west side of highway near Casa Grande and also Perkinsville Road; Luna Estates; Mariposa Manor; Road 1 East at Road 1 South; and Road 2 North at

Peppertree. Some of these roads were damaged as much as 75%. Staff patched Road 1 East at Road 1 South as best as they could.

- Road 2 North at Peppertree was one of the heaviest traveled roads in Town. The damage to the road was related more to drainage than the snow, but it was beginning to lose both edges of the road. Some of the road fixes, particularly those with drainage issue, could have a cost in the six-figure range.
- He may come back to Council to ask prioritization for use of the flood control money to address the side drainage. There could also be a right of way issue.
- Repairing the damage on some of the roads would be rehab and reconstruction costs of \$50,000 per mile up to \$1.5 million a mile.
- Staff was now combatting growing weeds, road disrepair, and Perkinsville Road where the lakes had overtopped the road.

- e) Presentation regarding the May 21, 2019, Special Election Ballot Questions. (Frank Marbury, Public Works Director/Town Engineer; Joe Duffy, Finance Director)

Frank Marbury reported on the proposed Road Maintenance Program:

- The Roads Committee and Council worked on a plan within their means, to better maintain the roads. There was 153 miles of Town road, with one third being arterial and collector roads and 70% residential and rural roads. Arterial and collectors had more traffic and required more maintenance. Roads degrade over time slowly and then starts to get bad very quickly.
- Road surfaces consisted of approximately 80 miles of chip sealed roads (tar and gravel layers), 40 miles of a combination of chip seal and hot mix asphalt, and the remaining miles were divided between gravel roads, and dirt roads. Highway 89 was maintained by the State.
- Simply filling cracks and adding a fog seal could cost \$11,000-\$30,000 per mile. Adding chip seal doubled the price. Overlays and heavier rehabilitation were from \$50,000-\$300,000 per mile. To rebuild a road like Road 2 North would cost \$1.5 million plus per mile.
- The Town's current annual budget was only \$300,000-\$400,000. With that budget, only one mile a year could get overlay work completed.
- If the Town could keep the good roads good using seal coat type treatments, the roads could be maintained for approximately \$120,000 per mile over 20-years. If not maintained properly, that cost would be four to five times higher over 20 years.
- It would cost approximately \$16 million over 20 years for the Town's arterial and collector road system and \$16 million for residential and rural roads. That would be \$1.6 million per year at a minimum for the next 20-years. Using the HURF money only created a shortfall of \$1.2 million each year. The ballot question for \$1.5 million added funds to continue to improve the roads.
- Road funding would be managed through a pavement management program that would help plan which roads would be improved each year. The roads list would be determined by staff and the Roads and Streets Committee with the Council's approval through the capital budget process.
- With the proposed Road Maintenance Plan, 15-20 miles per year could be maintained every seven years as opposed to the current 3-5 miles every 30-50 years.
- Community concerns were the funding amount compared to the Town's neighbors. Prescott averaged \$35,000 per mile, Prescott Valley was \$20,000 per mile, Yavapai County was \$17,000 per mile and Chino Valley was currently at \$6,000 per mile. If the ballot measure passed, Chino Valley would be at approximately \$16,000 per mile.

Joe Duffy reported on the proposed Property Tax:

- The Highway User Revenue Fund was approximately \$400,000, which included \$75,000 from the general fund. The Roads and Streets [Committee] recommended the \$1.5 million property tax increase because they wanted to properly maintain the Town's roads and have money left that could be used for major road improvements when necessary.
- The Town had 6,901 properties: 3,500 were residential and 909 were non-primary residences. On average the properties were assessing at \$92,000-\$117,000, which was approximately 50% of the market value. Citizens would pay 2% on the assessed value of their home. On average the additional property tax would be \$183-\$226 per year.
- The money would not be used for employee salaries or raises, services or supplies, office supplies, furniture, or overhead. The funds would be audited each year to ensure they were being used in accordance with the ballot measure. A report of fund revenue and spending would also be posted to the website.
- Most of the work would be completed by contractors. The program would expire in 20 years, allowing the Town three cycles of road maintenance.

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 accept the March 12, 2019, regular meeting minutes. (Jami Lewis, Town Clerk)

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Cloyce Kelly to accept Consent Agenda as written.

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

PASSED - Unanimously

7) **ACTION ITEMS**

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

- a) Consideration and possible action to approve Ordinance No. 2019-866 to rezone 12.35 acres (approx. 535,788 sq. ft.) of real property located approximately 0.25 miles east of the southeast corner of North Road 1 West and West Road 4 North at 683 West Road 4 North, Assessor's Parcel No. 306-14-003S, from SR-1 (Single Family Residential-1 acre minimum) zoning district to CL (Commercial Light) zoning district to allow a wholesale nursery. (Owner of Record: Donald K. Cox and Catherine Cox) (Alex Lerma, Planner)

Recommended Action:

- (i) Adopt Ordinance No. 2019-866 rezoning 12.35 acres of real property from SR-1 (Single Family Residential- 1 acre minimum) zoning district to CL (Commercial Light) zoning district per Staff recommendation; OR
- (ii) Uphold Planning and Zoning Commission recommendation to deny Ordinance 2019-866 rezoning 12.35 acres of real property from SR-1 (Single Family Residential- 1 acre minimum) zoning district to CL (Commercial Light) zoning district.

At Council's request, Mr. Lerma presented items 7a and 7b together. The following is a summary of the discussion pertaining to 7a.

Mr. Lerma presented the following:

- *Request:* The applicants had been in the wholesale landscaping business since 1991. The applicants also owned the property to the east of the subject property, which was used as a wholesale landscaping business. While the current AR-5 zoning district allowed the wholesale nursery use, staff recommended the CL district, as the applicant wanted to open the wholesale nursery for retail use in the future.
- *Conformance:* The General Plan Land Use designation was commercial/multi-family residential, which was in conformance with the Commercial Light zoning district. Any property outside the General Plan designation could not be used commercially without an amendment to the General Plan. Improvements to the property included a single-family residence and an accessory structure. The property was surrounded by low to medium density residential and commercial properties. Zoning classifications surrounding the subject property included single-family residential one-acre minimum, low to medium density residential, commercial light, and commercial heavy. There were four active business permits for nurseries that were all zoned commercial light or commercial heavy with only one being zoned AR-5, but all their growing was done in a greenhouse.
- *Public comment:* One neighbor to the west was opposed to the zone change due to decreased value of his property and additional traffic created by the business. If approved, he requested that the owner install a privacy fence or barrier to decrease the impact to his residence. Four other residents expressed concern about increased traffic and setting a precedence of pushing the commercial zone further west.
- *Commission recommendation:* Additional concerns expressed included that future use of the property could include anything allowed under the CL zoning district. The Commission asked about conditions or constraints being put on the property to limit uses, but staff research showed that limits could not be put on any allowed zoning uses. The Commission voted 4-3 to forward a recommendation of denial due to concerns about future uses that were expressed by the neighbors.
- *Staff recommendation:* Staff recommended that Council adopt the Ordinance 2019-866 to rezone the property from SF to CL.

Ralph Pew, representing the applicant, related that:

- The facts presented by Mr. Lerma were supported and agreed upon by the applicants.
- The current zoning was inconsistent with the General Plan. The applicant wanted to change the zoning to CL so that they could have the nursery and outdoor retail sales. The quality of the nursery would be the same as the applicant's other nursery property to the east which was in meticulous condition.
- The General Plan protected the zoning of the surrounding properties, which could not be changed to commercially zoned property without a General Plan amendment.
- The request was positive for the Town because it would expand a well-run and reputable

business and any retail sales would benefit the Town. Fear of future use could be controlled by the Town's zoning code and the use of site plan reviews. This property would not be detrimental to the surrounding properties, as it was consistent with the neighborhood and surrounding uses.

Staff and Council discussed the following:

- Council and staff indicated a typo in the ordinance related to the size of the second residence, which should be 1,200 square feet.
- The property would have its own entrance on Road 4 North. The applicant's other property was maintained and built nicely.
- Staff believed the vegetative barrier would be sufficient for any impact to the surrounding properties. It would only be wholesale sales and once it became retail, staff would have to re-assess the design standards for mitigation.
- Staff concluded that CL zoning was a better fit than AR-5 because of the applicant's desire to open it up to retail sales in the near future. The retail portion was encouraged due to the sales tax benefit.
- Council recommended that staff look at bringing the main roadway in on the east side of the property in the middle of the two properties and keep the parking the same to alleviate impact to the neighbors to the west.
- Council requested to receive more information regarding denial decisions.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Cloyce Kelly to adopt Ordinance No. 2019-866 rezoning 12.35 acres of real property from SR-1 (Single Family Residential-1 acre minimum) zoning district to CL (Commercial Light) zoning district per staff recommendation.

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

PASSED - Unanimously

- b) Consideration and possible action to approve a Conditional Use Permit (CUP18-006) for 12.35 acres (approximately 535,788 sq. ft.) of real property located approximately 0.25 miles east of the southeast corner of North Road 1 West and West Road 4 North at 683 West Road 4 North, Assessor's Parcel Number 306-14-003S, to allow the existing single family residential use within the CL (Commercial Light) zoning district. (Owner of Record: Donald K. Cox and Catherine Cox) (Alex Lerma, Planner)

Recommended Action:

- (i) Approve Conditional Use Permit (CUP18-006) for APN 306-14-003S to allow the existing single family residential use within the Commercial Light zoning district with conditions recommended by staff; OR
- (ii) Uphold Planning and Zoning Commission recommendation to deny Conditional Use Permit (CUP19-001) for APN 306-14-003S to allow the existing single family residential use within the Commercial Light zoning district.

At Council's request, Mr. Lerma presented items 7a and 7b together. The following is a summary of the discussion pertaining to 7a.

Mr. Lerma presented the following:

- *Request:* The applicant was requesting a CUP because if the zone change was approved, the existing home would become a legal non-conforming structure. Approval of the CUP would make the residence in conformance for the zoning district. The existing house would be used as a caretaker's residence and the applicant also wanted to build a second home on the property. The applicant's conceptual drawing showed a property buffer of trees and shrubs to help mitigate any negative impacts on the surrounding properties.
- *Recommendations:* For the reasons expressed under item 7a, the Commission voted 5-2 to recommend denial. Staff recommended approval with stipulations that no more than two residential structures be allowed on the property and the second residence be limited to 1,200 square feet.

MOVED by Vice Mayor Jack Miller, seconded by Councilmember Kelly to approve Conditional Use Permit (CUP18-006) for APN 306-14-003S to allow the existing single-family residential use within the Commercial Light zoning district with conditions recommended by staff, amending 12,000 sf to 1,200 sf.

Council questioned the second home, believing it would not fit within the new commercial zoning district.

Town Attorney McGuire advised that Council could change the two stipulations, in that the first one would specify there would be no more than one residential structure and stipulation two would be deleted.

Applicant Jim Cox and Mr. Pew explained that the property was a farm and they had a need for people taking care of the property. The current home could be lived in and the second home would be for caretaker use. The extra home would provide space and privacy for workers.

Development Services Director Cook related that if the existing residence was considered a caretaker's home, it did not need a CUP because it was allowed under permitted uses in the CL district. However, he believed the secondary home was not allowed and the question should be if it was a primary use, secondary use or an accessory use; or if it's a secondary primary use on a single property. Only one caretaker home was allowed by code and adding a second home would change the entire makeup of the property by turning it into multifamily residential use of the property

Mr. McGuire advised that Council could continue the CUP item to a specific date so that staff and legal counsel could research the second residence further

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Lon Turner to move this item to the April 9, 2019 meeting to allow staff to further work on it and provide answers to the Council.

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

PASSED - Unanimously

- c) Consideration and possible action regarding a proposed modification to the Town's Tax Code to increase the transaction privilege tax rate for manufactured housing sales. (Joe Duffy, Finance Director)

Recommended Action: (i) set a public hearing for May 21, 2019, on the proposed modification to the Town's Tax Code to increase the transaction privilege tax rate for manufactured housing sales, (ii) adopt the Notice of Intent attached hereto, (iii) direct staff to, at least 60 days prior to the public hearing on the increase, (a) submit the proposed change to the Arizona Department of Revenue, and (b) post the Notice of Intent and the supporting report and data on the Town's website, social media and other electronic communication tools, and (iii) direct the Town Clerk to publish the Notice of Intent in a newspaper of general circulation in the Town not later than May 13, 2019.

Joe Duffy reported that:

- Staff had been directed to start the process of changing and reviewing the tax rate change. Approving the item would inform the public that the Town was considering changing the tax rate and a public hearing would be set for May 21, 2019. Staff prepared the required report and the earliest the tax could be adopted and go into effect was August 1.
- The gross sales for manufactured homes dealers in Chino Valley averaged \$100,00 per home. Since 2015 there had been a revenue growth every year in this industry as well as the entire housing industry.
- Some new information showed that the lower tax rate seemed to help that local industry grow and be more competitive. Since the tax rate was cut in half, they would have to double the sales to break even, which the industry had not done in 2017, but sales tripled in 2018. Since the tax cut, there had been more homes sold in Chino Valley than the Town collected sales tax on, as it included homes purchased for use outside of Town.

MOVED by Mayor Darryl Croft, seconded by Vice-Mayor Jack Miller to continue Item 7 c to the April 9, 2019 meeting.

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

PASSED - Unanimously

8) EXECUTIVE SESSION

Council may vote to recess the Regular Meeting and hold an executive session, which will not be open to the public, for the following purposes.

- a) An executive session pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation with the Town Attorney in order to consider the Town's position and instruct the Town Attorney regarding the Town's position regarding an intergovernmental agreement with the City of Prescott. (Cecilia Grittmann, Town Manager)

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Cloyce Kelly to go into executive session at 7:47 p.m.

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

PASSED - Unanimously

9) ACTION ITEMS RESUMED

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

Mayor Croft reconvened the meeting at 8:28 p.m. and reported that Council gave instruction to their attorney and no action was taken.

10) ADJOURNMENT

MOVED by Councilmember Lon Turner, seconded by Vice-Mayor Jack Miller to adjourn the meeting at 8:29 p.m.

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

PASSED - Unanimously

Darryl L. Croft, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Chino Valley, Arizona held on the 26th day of March, 2019. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 23rd day of April, 2019.

Jami C. Lewis, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6.c.

Meeting Date: 04/23/2019

Contact Person: Jami Lewis, Town Clerk
Phone: 928-636-2646 x-1208

Department: Town Clerk

Item Type: Consent

AGENDA ITEM TITLE:

Consideration and possible action to accept the April 9, 2019, regular meeting minutes. (Jami Lewis, Town Clerk)

RECOMMENDED ACTION:

Accept the April 9, 2019, regular meeting minutes.

Attachments

April 9, 2019 Minutes

DRAFT

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

**TUESDAY, APRIL 9, 2019
6:00 P.M.**

The Town Council of the Town of Chino Valley met for a Regular Meeting in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on Tuesday, April 9, 2019.

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

Mayor Croft called the meeting to order at 6:02 p.m. and led the Pledge of Allegiance.

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

Staff Present: Town Manager Cecilia Gritman; Town Attorney Andrew McGuire (electronically); Town Clerk Jami Lewis (recorder); Finance Director Joe Duffy; Community Services Director Scott Bruner; Public Works Director/Town Engineer Frank Marbury; Development Services Director Joshua Cook; Planner Alex Lerma; Administrative Technician Kathy Frohock (videographer)

Mayor Croft called the meeting to order at 6:02 p.m. and led the Pledge of Allegiance.

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

a) **Proclamation declaring April 2019 as *Fair Housing Month*.**

Mayor Croft read the proclamation declaring April 2019 as *Fair Housing Month* in Chino Valley.

3) **CALL TO THE PUBLIC**

Call to the Public is an opportunity for the public to address the Council on any issue within the jurisdiction of the Council that is not on the agenda. Public comment is encouraged. Individuals are limited to speak for three (3) minutes. The total time for Call to the Public may be up to 30 minutes per meeting. Council action taken as a result of public comment will be limited to directing staff to study the matter, scheduling the matter for further consideration and decision at a later date, or responding to criticism.

4) **RESPONSE TO THE PUBLIC**

Response to the Public is an opportunity for the Mayor to inform the public about how Town officials addressed matters raised during Call to the Public at a previous meeting.

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. If listed below, there may also be a presentation on information requested by the Mayor and Council and questions may be answered. No action will be taken.

- a) Status reports by Mayor and Council regarding current events.
- b) Status report by Town Manager Cecilia Grittmann regarding Town accomplishments, and current or upcoming projects.

Ms. Grittmann reported on:

- Public outreach meetings regarding the Special Election;
 - Cancelling the April 16 study session and moving the item to the May study session; and
 - Recruitment for Town boards and committees.
- c) Presentation regarding the May 21, 2019 Special Election Ballot Question related to water system acquisition. (Cecilia Grittmann, Town Manager)

Public Works Director/Town Engineer reported that:

- Chino Valley had five water companies within the Town limits: Appaloosa Meadows, Chino Meadows II Water Company, Town of Chino Valley, City of Prescott, and Wilhoit Water.
- A March 2000 special election authorizing the Town to engage in the public utility business passed, but a lawsuit ruled that a special election had to specifically name the property or system being acquired.
- The upcoming special election ballot question specifically named each water company the Town may acquire in the future.

Town Clerk Jami Lewis then reviewed important election dates for the public.

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 accept the March 19, 2019 study session meeting minutes. (Jami Lewis, Town Clerk)

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Lon Turner to accept Consent Agenda item 6a.

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

PASSED - Unanimously

7) ACTION ITEMS

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

- a) Consideration and possible action to approve Resolution No. 2019-1136 decreasing the Town's wastewater fees, effective July 1, 2019. (Joe Duffy, Finance Director)

Recommended Action: Approve Resolution No. 2019-1136 decreasing the Town's wastewater fees, effective July 1, 2019.

Mr. Duffy reported that:

- The Town's goal was to have a wastewater fee that was near the Arizona average within five years. The average Chino Valley customer paid \$102 for water and sewer while the average Arizona customer paid \$81. The Town's neighbors were at \$100 per month, which was where the Town would be with a rate decrease.
- Historically, the Council adopted a water and wastewater five-year rate increase schedule in 2013. Council froze the sewer rate increase to \$64.14 per month in 2015. Without the freeze, the fee would be \$79.02 per month. Council modified the rate schedule for multi-family homes in 2017 and decreased the wastewater rate to \$62.14 in 2018.
- The number of connections had grown substantially as had the number of multi-family connections; and the borrowed money from the General Fund for wastewater expenses had been fully paid back.
- Staff proposed to decrease the fee by 3.4% to \$60.00 per month, which would still provide an annual positive cash flow of \$300,000.

Council asked for further details. Mr. Duffy related that:

- Staff believed that as other communities raised their rates and the Town lowered theirs, the Town's rates would eventually be the middle. To reach the five-year lower rate goal, staff planned to decrease it \$2.00 per year.
- The WIFA loan required a separate repair and replacement fund. The Town had approximately \$700,000 in that fund to cover unexpected emergencies.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Mike Best to approve Resolution No. 2019-1136 decreasing the Town's wastewater fees, effective July 1, 2019.

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

PASSED - Unanimously

- b) *Continued from March 26, 2019:* Consideration and possible action regarding a proposed modification to the Town's Tax Code to increase the transaction privilege tax rate for manufactured housing sales. (Joe Duffy, Finance Director)

Recommended Action:

- (i) Set a public hearing for June 11, 2019, on the proposed modification to the Town's Tax Code to increase the transaction privilege tax rate for manufactured housing sales,
- (ii) Adopt the Notice of Intent, and
- (iii) Direct staff to take all steps necessary related to the Council's action.

Mr. Duffy reported that:

- Manufactured homes had a special category that allowed a different tax rate than other retail sales. Council reduced the tax on manufactured homes from four percent to two percent in 2016.
- Gross receipts for manufactured homes since 2015 had increased due to the overall housing increase and the lower tax rate. There were now five manufactured home dealers within the Town limits.
- In 2015, more units were purchased outside, but installed within, the Town limits, so the Town did not receive the sales tax on those units. After the tax reduction, more units were bought within the Town limits than those exported outside the Town limits, which brought more tax dollars to the Town.

He then reviewed the process if Council were to proceed.

Council and Staff discussed the following:

- The positive effect of the two percent tax rate.
- The importance of increased jobs for the Town from the manufactured home businesses, although there were no specific numbers for those statistics.

MOVED by Vice-Mayor Miller to: (i) Set a public hearing for June 11, 2019, on the proposed modification to the Town's Tax Code to increase the transaction privilege tax rate for manufactured housing sales, (ii) Adopt the Notice of Intent, and (iii) Direct staff to take all steps necessary related to the Council's action.

Due to lack of a second, the motion FAILED.

- c) *Continued from March 26, 2019:* Consideration and possible action to approve a Conditional Use Permit (CUP19-001) for 12.35 acres (approximately 535,788 sq. ft.) of real property located approximately 0.25 miles east of the southeast corner of North Road 1 West and West Road 4 North at 683 West Road 4 North, Assessor's Parcel Number 306-14-003S, to allow the existing single family residential use within the CL (Commercial Light) zoning district. (Owner of Record: Donald K. Cox and Catherine Cox) (Alex Lerma, Planner)

*RECOMMENDED ACTION: REMOVE ITEM AND TAKE NO ACTION.

Mr. Lerma requested that Item 7c be withdrawn.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Mike Best to remove item and take no action.

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

PASSED - Unanimously

8) EXECUTIVE SESSION

Council may vote to recess the Regular Meeting and hold an executive session, which will not be open to the public, for the following purposes.

9) ACTION ITEMS RESUMED

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

10) ADJOURNMENT

MOVED by Councilmember Lon Turner, seconded by Councilmember Mike Best to adjourn the meeting at 6:35 p.m.

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

PASSED - Unanimously

Darryl L. Croft, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Chino Valley, Arizona held on the 9th day of April, 2019. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 23rd day of April, 2019.

Jami C. Lewis, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

7.a.

Meeting Date: 04/23/2019
Contact Person: Cecilia Grittman, Town Manager
Department: Town Manager
Estimated length of Staff Presentation: 5 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Presentation by Mackenzie Rodgers, APS Northwest Division Manager, and possible discussion regarding an overview of APS' Firewise/Fire Mitigation Program. (Cecilia Grittman, Town Manager)

SITUATION & ANALYSIS:

Arizona faces a heightened wildfire threat due in part to more residential developments in the forest or continued build out of the wildland-urban interface (WUI). APS NW Division Manager Mackenzie Rodgers will share with Council what APS is doing to support public safety in coordination with the first responders and forest management agencies both year round, as well as, during the high fire risk season.

Attachments

No file(s) attached.