

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

**TUESDAY, MAY 10, 2022
6:00 P.M.**

**CHINO VALLEY COUNCIL CHAMBERS
202 N. STATE ROUTE 89, CHINO VALLEY, AZ**

Present: Mayor Jack Miller; Vice-Mayor Annie Perkins; Councilmember Tom Armstrong; Councilmember Eric Granillo (remotely); Councilmember Cloyce Kelly; Councilmember John McCafferty

Absent: Councilmember Lon Turner

Staff Present: Town Manager Cindy Blackmore; Town Attorney Andrew McGuire (remotely); Assistant to the Town Manager Terri Denemy; Development Services Director Laurie Lineberry; Administrative Services Director Joe Duffy; Community Services Manager Cyndi Thomas; Recreation Coordinator Hailey Byrd; Police Chief Chuck Wynn; Officer Todd Hyslip (Sgt at Arms); Public Works Director/Town Engineer Frank Marbury; Senior Planner Will Dingee; Economic Development Project Manager Maggie Tidaback; Audio Visual Technician Lawrence Digges; Deputy Town Clerk Sara Burchill; Town Clerk Erin N. Deskins

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

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

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

- a) Presentation of Life Saving Awards to Officer Mitea, Officer Herrera, Lt. McIntire, Lt. Chapman, Sgt. Johnson, SRO Pizzi, FTO Szymanski, Officer Hyslip, and Officer Murray. (Chuck Wynn, Police Chief)

Police Chief Wynn presented the following:

- There were three separate lifesaving incidents.
- The first incident was the Perkinsville auto accident involving students. The police were the first on the scene and triaged the victims and they helped lead the fire department to the scene. The officers recognized for their lifesaving efforts were Officers McIntire, Pizzi, Hyslip, Murray, Lt. Chapman, and Sgt. Johnson.
- The second incident involved a motorcycle accident. The police arrived first and were able to treat the person's injury before the fire department arrived. The officers recognized for their lifesaving efforts were Officers Mitea and Herrera.
- The third incident involved an individual who was choking. An officer was able to clear the person's airway and stabilize the person until the fire department arrived. The officer recognized for his lifesaving efforts was Officer Mitea.

- Officers were presented with an award for their efforts and their pictures were taken.
- Council recognized the officers' efforts in saving the lives of students that were not expected to make it but did.

b) Presentation and update regarding the 2022 aquatics calendar. (Cyndi Thomas, Community Services Manager)

Community Services Manager Thomas presented the following:

- There had been challenges getting the pool open for the season.
- They had been waiting on parts and specialists. They had difficulty finding staff.
- They were proposing two different options.
- The first was open on Memorial Day, as historically done.
- The second option was to open on June 4, 2022.
- Staff was pushing for the Memorial Day opening. Currently the pool was empty and being worked on.
- Staff was waiting for the work to be completed so the seasonal staff could be trained.
- Realistically, it would be the June 4th opening.
- They had added a Sunday open swim to the schedule. They were also not offering aquafit on a daily basis, but instead as a drop-in Saturday class. Everything else was the same as past schedules.
- The fees had not been increased from the previous year.

3) CALL TO THE PUBLIC- Individuals requesting to speak, please complete a Speaker Comment Card and return to the Clerk.

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.

- Larry Holt – He was a member of the Parks and Recreation advisory board and he explained the pool cost a lot of money and they wanted to make money with it, which was hard to do in their Town. He understood the Town was exploring the option of impact fees, and he strongly encouraged them to do it because he, like many others in Town, did not want to pay a Town property tax. That was the only other way the Town could get the money to do what they needed to do. They were the only Town in Yavapai County that did not have impact fees. He also wanted to address the Council. He thought they had been getting beat-up and he did not think they deserved it. There had been accusations regarding the Council that were false, outright lies, and it was disrespectful. He thought it was the best group of Councilmembers since he had been in Town. They listened and talked to people. People only needed to make an effort to contact the Council and sit down and talk to them. He thanked them for the job they did and hoped for the best for their future.
- Dr. Armaiti May – She wanted to bring up the safety risks related to 5G, which had been largely misunderstood about the harmful effects the infrastructure already had on children, adults, and bees, which were essential for pollenating the crops and

providing food necessary to survive. She had noticed the towers throughout the area, and she urged the Council to have a conversation about why it was a concern and problem for the community. The Town had an opportunity to be leaders in safe technology and there were ample opportunities for safe technology. Fiber optics was an example and had faster internet connectivity compared to wireless. She cited an historic decision by the 9th Circuit Court that ruled in August 2021 that the FCC failed to respond to record evidence that exposure to radio frequency radiation at levels below the FCC's current limits may cause negative health effects unrelated to cancer. There had been over 10,000 studies in a landmark \$30 million US National toxicology program which found clear evidence of cancer and DNA damage. It included thousands of peer reviewed studies that proved that electromagnetic frequency radiation causes biological damage including heart, cancer, increased blood pressure, diabetes, neurological disorders, learning and memory deficit, reproductive issues, increase the risk for autism, and more. To learn more about the ruling, information could be found on the Children's Health Defense and AZforsafetech.org. She was a practicing veterinarian and she looked forward to continuing the conversation.

4) 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.
 - Councilmember Armstrong attended the Republican Women of Prescott luncheon where they honored law enforcement. They recognized Chief Wynn. Also, Madison Foster from Chino Valley High School, had a 4.0 grade point average, and she was one of their scholarship award winners. She would be going to Dixie State to study dental hygiene.
 - Councilmember Granillo thanked the Police for the Employee Appreciation Lunch and the police officers deserved the awards they had received.

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

Town Manager Blackmore thanked the local Safeway. They had given the Police Foundation a \$5,000 donation. They also had a great grand opening and the store looked nice. They also gave \$2,500 to each school.

5) CONSENT AGENDA

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

MOVED by Vice-Mayor Annie Perkins, seconded by Councilmember Cloyce Kelly to accept Consent Agenda Items a, b, c, d, e, and f as written.

AYE: Mayor Jack Miller, Vice-Mayor Annie Perkins, Councilmember Tom Armstrong, Councilmember Eric Granillo (remotely), Councilmember Cloyce Kelly, Councilmember John McCafferty

6 - 0 PASSED - Unanimously

- a) Consideration and possible action regarding Resolution No. 2022-1205, Authorization to Submit Applications, Implement CDBG Project, and accept funds from the Arizona Department of Housing for the Town of Chino Valley's four-year rotational Community Development Block Grant funding, and approve Resolution No. 2022-1211, Commitment of Local Leveraged Funds as part of Application; and authorizing the Mayor to sign said application upon completion by NACOG and Town staff. (Terri Denemy, Assistant to the Town Manager)
- b) Consideration and possible action regarding Resolution No. 2022-1206, declaring that the Town Council deems the granting of a certain franchise beneficial for the Town, and ordering an election to be held on August 2, 2022, for the purpose of submitting to the voters the question as to whether or not a franchise shall be granted to Arizona Public Service Company (APS). (Erin N. Deskins, Town Clerk)
- c) Consideration and possible action to accept the resignation of Todd League from the Parks and Recreation Advisory Board. (Cindy Blackmore, Town Manager)
- d) Consideration and possible action to approve the April 12, 2022, study session minutes. (Erin N. Deskins, Town Clerk)
- e) Consideration and possible action to approve the April 12, 2022, regular meeting minutes. (Erin N. Deskins, Town Clerk)
- f) Consideration and possible action to approve the April 26, 2022, regular meeting minutes. (Erin N. Deskins, Town Clerk)

6) 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 award the construction of FY 2022 Street Improvements to Asphalt Paving & Supply, Inc. in the amount of \$1,848,318. (Frank Marbury, Public Works Director / Town Engineer)

Recommended Action: Award the construction of FY 2022 Street Improvements to Asphalt Paving & Supply, Inc. in the amount of \$1,848,318.

Public Works Director/Town Engineer Marbury presented the following:

- This was for the budgeted street projects for Fiscal Year 2022.
- They had put out a bid with concerns of price increases and the inability to complete the entire project. The engineer's estimate was \$2.5 million. Staff had split up the bid and did the Road 1 West portion as an alternate bid.
- The low bid was from Asphalt Paving and Supply at \$1,848,318 million. Staff thought that within the budget there was enough money to do the entire project.
- Staff recommended awarding the bid to Asphalt Paving and Supply for the entire project.
- Roads included in the bid: Road 4 ½ North from Reed to Road 1 West; Road 2 South from State Route 89 to Road 1 East; Road 1 West from Road 1 North to Road 2 North; one cul-de-sac of the west side of Perkinsville (all the cul-de-sacs needed to be done).

Council and staff discussed the following:

- The bid included Alternate 1, which was Road 1 West.
- It had been through the Roads and Streets Committee, and Members were glad it was going to be done.
- If awarded, the project would start the next day.

MOVED by Vice-Mayor Annie Perkins, seconded by Councilmember Tom Armstrong to award the construction of FY 2022 Street Improvements to Asphalt Paving & Supply, Inc. in the amount of \$1,848,318.

AYE: Mayor Jack Miller, Vice-Mayor Annie Perkins, Councilmember Tom Armstrong, Councilmember Eric Granillo (remotely), Councilmember Cloyce Kelly, Councilmember John McCafferty

6 - 0 PASSED - Unanimously

- b) Consideration and possible action to approve the Hawksnest Village Minor Subdivision Final Plat to divide approximately 90 acres into a 2.35 acre parcel, a 13.58 acre parcel, and a 72.77 acre parcel located West of State Route 89 and Road 2 North and East of Road 1 West. (Will Dingee, Senior Planner)

Recommended Action: Approve the Hawksnest Village Minor Subdivision Final Plat.

Senior Planner Will Dingee presented the following:

- The 90-acre property location and surrounding properties were overviewed.
- The property was mostly vacant and used for grazing land, with the exception of three buildings located on the southwest side of the property that were assessed as salvaged buildings.
- The property was originally entitled as SR0.16 Planned Area Development (PAD) in 2006, with lots averaging in size at 13,000 square feet. In 2017 the PAD was amended to rezone the southwest portion as multi-family to include an apartment complex. In May 2020, the applicant purchased the subject property. In April 2021, the applicant received the site plan approval for Hawksnest Village Apartments. In 2021 the applicant began the process for permitting, which was still ongoing. In April 2022 the

applicant applied for a minor subdivision to divide the property for the associated projects.

- There were three primary parcels. Parcel one was reserved for the Hawknest Apartments at 13.58 acres; parcel two was a single family residential, would be a final platted subdivision and was almost 73 acres; parcel three was reserved for a drainage basin that will help cache water from parcel one development.
- There were utility easements contained within parcel one for sewer and water.
- Staff was forwarding a recommendation of approval subject to the staff report provided.

Council and staff discussed the following:

- It was currently a double entry and exit on the southern end of the apartment complex and via Hawksnest Trail. Both exited on to Road 2 North. As the proposal developed within the single family, there were prior stipulations from 2007 rezone that they were to connect to the other 90 acres to the west.
- The SR 0.16 would not be implemented on any future development, but the property that had already been entitled to the SR 0.16 would be developed.
- The proposal was not about entitlements but about splitting the 90 acres into three parcels for prospective projects.
- The existing single-family portion had 13,000 square foot lots, which put it close to ¼ acre lots with the current entitlements.
- It would have Town sewer and water.

MOVED by Vice-Mayor Annie Perkins, seconded by Councilmember Tom Armstrong to approve the Hawknest Village Minor Subdivision Final Plat.

AYE: Mayor Jack Miller, Vice-Mayor Annie Perkins, Councilmember Tom Armstrong, Councilmember Eric Granillo (remotely), Councilmember Cloyce Kelly, Councilmember John McCafferty

6 - 0 PASSED - Unanimously

- c) Consideration and possible action to approve the Financial Report for the nine-month period ending March 31, 2022. (Joe Duffy, Administrative Services Director)

Recommended Action: Approve Financial Report for the nine-month period ending March 31, 2022.

Administrative Services Director Duffy presented the following:

- It was the beginning of the budget season, and he would be providing more detailed information at their next meeting.
- They were 75% through the fiscal year, and overall the Town's revenue had been very strong with steady growth and were up 3% overall.
- The sales tax revenue had been up 12% or \$600,000 from the previous year. They were seeing strength in retail sales. Construction was also up slightly, and the bed tax sales were up.
- Intergovernment revenues were down as suspected and were in line with budget projections. However, the coming year's projections for intergovernmental revenue (including State income tax, sales tax, HURF, and vehicle license tax) were up

significantly. One reason was that the population had increased and the collections for the State overall were up. The Town would see a nice increase.

- As of June 30th, staff expected the General Revenue Funds to be up 8%.
- Expenditures were up slightly over the previous fiscal year. Departments should be at 75% or under on their budgets. Most departments would be under budget except for the Senior Center, which was due to increased food costs.
- For the General Fund adopted budget projection after expenses, staff had thought they would end the year with \$8.4 million. The Town started the year \$600,000 short of what they thought they were going to, but the revenues were going to be approximately \$1 million higher and the expenses about \$600,000 less. Because of that, the Town would start the year with an additional \$1 million.
- HURF (highway revenue fund – had to be used exclusively for road work in the Town) revenues were up 7% from the previous year, and road maintenance expenses were down slightly. This was the operating budget for employees, equipment, etc.
- Total expenses were up due to transfers made to the capital improvement road budget.
- The HURF fund balance projection had been \$1.8 million and ended up being \$2.2 million. Revenues were up \$155,000 more than projected and expenses were \$108,000 less. They were starting the year with an extra \$650,000.
- The water enterprise revenue funds were down 16%, but staff expected to see an increase in building activity and thought by the end of the year they would be fine.
- Water service fees were up 10% and the fill station receipts were doing well. Overall, the department was down 21% on expenses.
- They had approximately a half million dollars more than projected in the water fund.
- The sewer enterprise fund revenues were up, and the buy-in fees were up slightly. Service fees were up, and operating expenses were down. But since they were doing so much maintenance work, the expenses were up. Staff recommended doing a rate study for water and sewer in next year's budget. It had been five years since they last did a study.
- The police building was ongoing, and they would be presenting a change order at the next council meeting.
- Staff had to transfer an extra \$500,000 for the general fund Capital Improvements Projects, but they had planned to transfer that money July 1st.
- They had started the Head Start water line and the work at the sewer plant would be completed by June 30th. WIFA was okay with the Town using the reserve money for the projects.
- All major revenues were up and there was good growth.

Council and Staff discussed the following:

- Reserves were required to be 25% of how much the Town budgeted to spend in a fund. In the proposed budget, the reserves would be \$4.6 million. They were almost double what the Town policy required.
- The Town could consider an option of paying off some of the unfunded Public Safety Personal Retirement System debts. Infrastructure was another consideration.

MOVED by Vice-Mayor Annie Perkins, seconded by Councilmember Cloyce Kelly to approve Financial Report for the nine-month period ending March 31, 2022.

AYE: Mayor Jack Miller, Vice-Mayor Annie Perkins, Councilmember Tom Armstrong, Councilmember Eric Granillo (remotely), Councilmember Cloyce Kelly, Councilmember John McCafferty

6 - 0 PASSED - Unanimously

7) ADJOURNMENT

MOVED by Councilmember Cloyce Kelly, seconded by Councilmember Tom Armstrong to adjourn the meeting at 6:48 p.m.

AYE: Mayor Jack Miller, Vice-Mayor Annie Perkins, Councilmember Tom Armstrong, Councilmember Eric Granillo (remotely), Councilmember Cloyce Kelly, Councilmember John McCafferty

6 - 0 PASSED - Unanimously



Jack W. Miller, Mayor

ATTEST:



Erin N. Deskins

Erin N. Deskins, 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 10th day of May, 2022. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 28th day of June, 2022.

Erin N. Deskins

Erin N. Deskins, Town Clerk