

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

**TUESDAY, JUNE 23, 2020
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, June 23, 2020.

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

Absent: Councilmember Cloyce Kelly

Staff Present: Town Manager Cecilia Gritman; Town Attorney Andrew McGuire (remotely); Finance Director Joe Duffy; Public Works Director/Town Engineer Frank Marbury; Development Services Director Joshua Cook; Assistant Planner Will Dingee; Utilities Maintenance Technician Roger Strader; Officer Sophia Newton (Sergeant at Arms); IT Manager Spencer Guest (videographer); Administrative Technician Kathy Frohock (videographer); Deputy Town Clerk Erin Deskins

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

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

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

3) CALL TO THE PUBLIC

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

Bright Star subdivision residents, Jim Milligan, Bob Blackmore, Morris Dumont, and Anthony Mazzella, spoke about dust and pavement issues with East Meridian Parkway. Key points were:

- They had a petition with 61 signatures asking the Town to fix the road.
- The road had deteriorated after a bad storm. After patching no longer worked, it was ripped up about six months ago. Per an email, that portion of the road was only supposed to last a few years and it had exceeded its lifetime. Due to prevailing winds and dust, residents could not be outside and the dust was posing problems for residents with health issues. The conditions had devalued their homes.
- Also, even though the speed limit was 15 mph, drivers went through at 50 mph. Weight limits were exceeded by local trucks coming through. Councilmembers had been invited to witness this, but residents did not hear from them.
- Residents had asked for a four-way stop, speed bumps, and speed traps. The Road Department had told them the four-way would result in more excessive speeding and more accidents; speed bumps would result in lawsuits against the Town; and only one officer for

20 minutes parked in the area.

Mayor Croft asked Staff and Town Manager to look at the issue and come up with a solution or a resolution to the problem. It would also be brought to the Roads and Streets Committee.

4) RESPONSE TO THE PUBLIC

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

- a) Request for Council approval of amendments to Unified Development Ordinance (UDO) Section 154 related to guest houses.

Mayor Croft reported that this was on tonight's agenda and would be discussed at that time.

- b) Comments and concerns with regard to lot split regulations.

Mayor Croft stated that there would be a study session devoted to lot splits in the upcoming week and citizens were invited to come and provide input.

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.

Councilmember Perkins recognized community sponsors, local alumni, and parents for their participation with the Class of 2020 senior ball.

Mayor Croft reported on the latest COVID-19 pandemic recommendations with regard to social distancing, face coverings, and hand washing. Although he had received requests from citizens that face masks be mandated, as well as many more who preferred personal choice, the bottom line was that a mandate would have little effect because it could not be enforced.

Mayor Croft also announced that he purchased the first burger from the newly-opened Burger King.

- b) Reading of letter in support of our local Police Department by Mayor Darryl Croft.

Mayor Croft read a letter that expressed support for the Town's police personnel and volunteers, and other police departments around the country in light of the current climate around the nation. The letter provided an overview of the department's personnel; its responsibility to the community; training in cultural diversity, de-escalation tactics and crisis intervention; core values; oversight and review of officers' use of force; diligence to earn the community's and council's respect; and horrible situations they often faced. The Council did not support defunding the police department.

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

Ms. Gritman reported on:

- Write-in candidates for Mayor and Council seats having until June 25th to file.
- Proposition 450 “Home Rule Option” on the August 4 Primary Ballot.
- The Chamber of Commerce and League of Women Voters sponsoring a virtual Town Council Candidates forum on June 29th.
- The July 4th celebration being cancelled because of weather concerns and several vendors pulling out of the event; the pool being open for free swimming; and the fireworks show being moved to the 50th Anniversary celebration in September.

- d) Status report by Public Works Director/Town Engineer Frank Marbury regarding upcoming Capital Improvements.

Mr. Marbury reported on several capital projects:

- *Road 3 North flood control project* had been awarded and easements on certain properties were needed before the project could begin.
- *School bus lane project* was on tonight’s agenda.
- *Rodeo Drive improvement project 60% design* – Submittals were completed and comments made during a meeting were being implemented into the design revisions.
- *Old Home Manor Master Water Plan* – A meeting was scheduled for the current week and an update will be provided to the Utility Subcommittee in July.
- *Septage receiving study* was in the final draft with a few minor comments and will be presented to the Utility Subcommittee.
- *Utility shop and park bathrooms project* – Bathroom walls had been erected and roof was to start soon, but was dependent on the delivery of the bathroom fixtures. The contractor was working hard to have it ready for the Labor Day weekend celebrations.

- e) Report regarding upcoming Alternative Expenditure Limitation (Home Rule) option. (Joe Duffy, Finance Director)

Mr. Duffy presented on this item:

- The newspaper had done a good job on the recent Home Rule article.
- In 1980, Arizona voters approved a constitutional amendment prescribing that each city, county, town, and community college district set an expenditure limitation that would allow them to increase budgets per population and inflation increases.
- In reality, small towns like Chino had outgrown the inflation limitations. Because of this, since 1985 citizens had chosen the home rule option. The current option expires in June of 2021.
- The alternative expenditure limit gave voters three options: (i) State limit, which used the state formula; (ii) permanent base adjustment, which allowed an adjustment to one of the factors in the state formula; or (iii) Home Rule, which allowed the Council to set the budget based on how much money was brought in every year to provide services.
- The Town currently had a \$24 million budget. The state limit would allow the Town a budget of \$9.8 million, which would mean \$14 million in revenues could not be used.
- A “yes” vote will allow the Town to set their own budget limit based on revenues, and a “no” vote will require the Town to set a spending cap based on the state formula for at least two years.
- Information was available to the public through media, brochures, Town website, and

mailers. Staff was also personally available if people wanted to call.

6) CONSENT AGENDA

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

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Mike Best to accept consent agenda items (a) through (e).

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

6 - 0 PASSED - Unanimously

- a) Consideration and possible action to adopt Resolution No. 2020-1169, declaring that the Town Council deems the granting of a certain franchise beneficial for the Town, and ordering an election to be held on November 3, 2020, for the purpose of submitting to the voters the question as to whether or not a franchise shall be granted to Chino Meadows II Water Company. (Andrew McGuire, Town Attorney)
- b) Consideration and possible action to adopt Resolution No. 2020-1170, declaring that the Town Council deems the granting of a certain franchise beneficial for the Town, and ordering an election to be held on November 3, 2020, for the purpose of submitting to the voters the question as to whether or not a franchise shall be granted to UNS Gas, Inc. (aka Unisource Energy Services). (Andrew McGuire, Town Attorney)
- c) Consideration and possible action to adopt Resolution No. 2020-1168, amending Resolution No. 2020-1156, Call of Election for Fall 2020, designating election date, purposes of election, deadline for voter registration, and location and deadline for candidates to file nomination papers. (Jami Lewis, Town Clerk)
- d) Consideration and possible action to acknowledge scrivener's correction on Council minutes dated May 12, 2020, pursuant to Town Code § 10.20 Authority to Correct Scrivener's Errors. (Jami Lewis, Town Clerk)
- e) Consideration and possible action to approve the June 9, 2020, regular meeting minutes. (Jami Lewis, Town Clerk)

7) ACTION ITEMS

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

- a) Consideration and possible action to approve a construction contract with Asphalt Paving & Supply, Inc. for the Chino Valley Unified School District Improvement Project in the amount of \$266,126.66 contingent upon approval by the Chino Valley Unified School District Facilities Board. (Frank Marbury, Public Works Director/Town Engineer)

Recommended Action: Approve a construction contract with Asphalt Paving & Supply, Inc. for the Chino Valley Unified School District Improvement Project in the amount of \$266,126.66 contingent upon approval by the Chino Valley Unified School District Facilities Board.

Mr. Marbury reported that:

- This project was for the school district and used Adjacent Ways Funds (AWF), which originated with the school district. Such funds come through the Town because of how AWF monies were handled.
- The project was for bus lanes to separate passenger vehicles from the buses on the Del Rio campus. The Town put out the bid for the school district and received two bids. The low bid was from Asphalt Paving and Supply for \$266,126.66.
- The Facilities Board needed to approve the bid at their meeting on June 24th. In order to save time, Staff recommended approving the project contingent on the Facilities Board's approval.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Annie Perkins to approve a construction contract with Asphalt Paving & Supply, Inc. for the Chino Valley Unified School District Improvement Project in the amount of \$266,126.66, contingent upon approval by the Chino Valley Unified School District Facilities Board.

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

6 - 0 PASSED - Unanimously

- b) Consideration and possible action to adopt Ordinance 2020-881 to amend the Town of Chino Valley Unified Development Ordinance, Chapter 154, by amending the following Sections: Section 3.6 (AR-5 Agricultural/Residential), Section 3.7 (AR-4 Agricultural Residential), Section 3.8 (SR-2.5 Single Family Residential), 3.9 (SR-2 Single Family Residential), 3.10 (SR-1.6 Single Family Residential and 3.11 (SR-1 Single Family Residential) by modifying the guesthouse requirements and removing Section 3.5 (AR-36 Agricultural/Residential) in its entirety. (Joshua Cook, Development Services Director)

Recommended Action: Adopt Ordinance 2020-881 to amend the Town of Chino Valley Unified Development Ordinance, Chapter 154, certain sections related to guesthouse requirements.

Assistant Planner Will Dingee presented this item:

AR-36 Zone

Staff was requesting the removal of the AR-36 zoning district because it was no longer relevant within the Town. There were currently no properties within the Town limits that held the zoning classification and the entitlements for AR-36 were an exact match with the AR-5 zoning district. It was Staff's opinion that no property owner would want to up-zone their property from an AR-5 to AR-36.

Guesthouse Regulations

- The Town Code defined a guesthouse as a living or sleeping quarters for the sole use of occupants of the premises, guests of occupants, or persons employed on the premises. Such quarters could not be rented and or otherwise listed for income purposes. Staff was proposing to amend guesthouse size restrictions to give property owners more freedom to develop their properties as they saw fit.
- Under the current regulations, and depending on zoning district, property owners were limited to a maximum of either 800 square feet or 1,200 square feet, which was calculated under roof and not separated by livable or non-livable.
- Staff was recommending a 1,200-foot livable maximum or a percentage of the primary residence, whichever was bigger. This would apply to all zoning districts, but only on properties of one acre or more, with the only caveat being the percentage of the primary residence. Non-livable space would not count towards the total square footage of the guesthouse.
- In AR-4 and AR-5, the percentage was proposed at 75% square footage of the total primary residence or the 1,200 square feet, whichever was larger. In the SR-1 and SR-2 zones, the percentage started at 50% of the primary residence.
- Common questions Staff received pertained to renting guesthouses, using tiny homes or manufactured homes, and constructing two guest homes on a property. Guest homes could not be used for any income purposes. Tiny homes, park trailers, park models, mobile homes, travel trailers, and recreational vehicles could not be utilized as a guesthouse because they were built to separate standards. A manufactured home could be used as a guesthouse if it met building code requirements. Only one guesthouse per property was allowed.

Staff provided further details per Council questions:

- There was no minimum size for guesthouses.
- If the criteria were met, a larger home could be built and used as a primary, while an existing smaller home could ultimately be used as the guesthouse.
- Staff summarized the percentages and explained that Council could change the percentages or square footages.

Public Comment

Jay Bates asked about renting, as it would generate income for the Town. Staff explained that allowing a rental would turn the property into a multi-family property and this zoning was for single-family residences.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Mike Best to adopt Ordinance 2020-881 to amend the Town of Chino Valley Unified Development Ordinance, Chapter 154, certain sections related to guesthouse requirements.

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

6 - 0 PASSED - Unanimously

- c) Public Hearing regarding Resolution No. 2020-1161, relating to the Town's Final Budget for Fiscal Year 2020/2021 and the proposed expenditure limitation for the same year, in the amount of \$24,407,900. (Joe Duffy, Finance Director)

Recommended Action: Hold the Public Hearing.

Mr. Duffy presented the final budget. Highlights included:

- The *current budget* was down by \$3.5 million, primarily because moving \$2 million from the general fund to capital improvement fund in the previous fiscal year was not done in this fiscal year.
- *HURF* transfers were increased from \$100,000 to \$675,000.
- *Reserve balance* – The current fiscal year's was projected to be 44% of total expenditures, which was \$5 million. The Town was only required to have 25% of expenditures.
- *Revenues* – With the pandemic, there would be some sort of decrease, most likely of State Shared Revenues, but thus far, the Town's sales taxes were going well. To prepare for such possible cuts from the pandemic, no projects would be started until the Town was sure it was over the hump. Staff was not worried because the rainy-day fund was in good shape.
- *Police radio upgrades* – \$60,000 was earmarked, but they were waiting on a federal grant that would pay a significant portion.
- *Projects* included refreshing certain park areas, pool plastering, HVAC replacements, Memory Park restrooms, drainage project, Road 1 North signal, master plan, gas line to Old Home Manor, police building design, crash trailer and message board, \$1 million for road maintenance, utility building, pickup truck, maintenance on sewer plant, septage receiving study, and a couple new vehicles. Many capital projects will be stalled until revenues were certain.
- After the public hearings on this agenda, a special meeting will be convened and the budget adopted.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Mike Best to open the public hearing.

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

6 - 0 PASSED - Unanimously

no one from the public spoke.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Mike Best to close the public hearing.

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

6 - 0 PASSED - Unanimously

- d) Public Hearing regarding (i) Resolution No. 2020-1162, relating to the Statements and Estimates of Expenses of the Town of Chino Valley Street Lighting Improvement Districts for Fiscal Year 2020/2021, which shall constitute the budgets of the Districts for fiscal year 2020/2021 and (ii) the tax levy anticipated in conjunction with the budgets of the Districts. (Joe Duffy, Finance Director)

Recommended Action: Hold the Public Hearing.

Mr. Duffy reported that:

- The street lighting improvement district was a district made of three different areas in the Bright Star Subdivision. Bright Star residents paid for the street lighting through their property taxes. Upon receiving an electric bill, the Town paid the bill from the residents' tax monies.
- On May 26th, Council adopted Resolution 2020-1160 adopting the preliminary estimates of expenditures. The subject resolution was for adopting the statements of estimates and expenses. On July 14th, the tax rate for the district will be set based on what the County determined.

The numbers were simple and consistent. The Town collected just enough to cover the expenses. Since more homes had been built in the subdivision, the Town had not collected enough money to cover one section, so the tax levy would be increased to cover the shortage.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Mike Best to open the public hearing.

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

6 - 0 PASSED - Unanimously

no one from the public spoke.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Mike Best to close the public hearing.

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

6 - 0 PASSED - Unanimously

8) **ADJOURNMENT**

MOVED by Councilmember Lon Turner, seconded by Vice-Mayor Jack Miller to adjourn the regular meeting at 6:57 p.m.

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

6 - 0 PASSED - Unanimously

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

**TUESDAY, JUNE 23, 2020
6:05 P.M.**

1) CALL TO ORDER; ROLL CALL

Mayor Croft called the Special Meeting to order at 6:58 p.m.

- 2)** Consideration and possible action to adopt Resolution No. 2020-1161, relating to the Town's Final Budget for Fiscal Year 2020/2021 and the proposed expenditure limitation for the same year, in the amount of \$24,407,900. (Joe Duffy, Finance Director)

Recommended Action: Adopt Resolution 2020-1161, adopting the FY 2020-21 Final Budget and establishing the FY 2020-21 expenditure limitation.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Mike Best to Adopt Resolution 2020-1161, adopting the FY 2020-21 Final Budget and establishing the FY 2020-21 expenditure limitation.

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

6 - 0 PASSED - Unanimously

- 3)** Consideration and possible action to adopt Resolution No. 2020-1162, relating to the Statements and Estimates of Expenses of the Town of Chino Valley Street Lighting Improvement Districts for Fiscal Year 2020/2021, which shall constitute and are approved as the final budgets of the Districts for fiscal year 2020/2021. (Joe Duffy, Finance Director)

Recommended Action: Adopt Resolution No. 2020-1162, relating to the Statements and Estimates of Expenses of the Town of Chino Valley Street Lighting Improvement Districts for Fiscal Year 2020/2021, which shall constitute and are approved as the final budgets of the Districts for fiscal year 2020/2021.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Mike Best to adopt Resolution No. 2020-1162, relating to the Statements and Estimates of Expenses of the Town of Chino Valley Street Lighting Improvement Districts for Fiscal Year 2020/2021, which shall constitute and are approved as the final budgets of the Districts for fiscal year 2020/2021.

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

6 - 0 PASSED - Unanimously

4) ADJOURNMENT

MOVED by Councilmember Lon Turner, seconded by Councilmember Annie Perkins to adjourn the special meeting at 7:00 p.m.

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

6 - 0 PASSED - Unanimously

MOVED by Councilmember Annie Perkins, seconded by Vice-Mayor Jack Miller to move into executive session after a 15-minute recess.

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

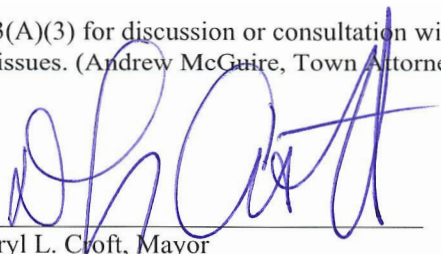
6 - 0 PASSED - Unanimously

**EXECUTIVE SESSION
OF THE TOWN COUNCIL OF THE TOWN OF CHINO VALLEY**

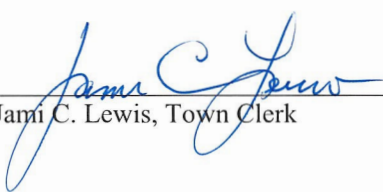
**TUESDAY, JUNE 23, 2020
6:30 P.M.**

The Town Council held an Executive Session that was not open to the public for the purpose below. Minutes of Executive Sessions are retained separately.

- 1) An executive session pursuant to A.R.S. § 38-431.03(A)(3) for discussion or consultation with the Town Attorney for legal advice relating to lot splits issues. (Andrew McGuire, Town Attorney)
- 2) **ADJOURNMENT**


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 23rd day of June, 2020. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 14th day of July, 2020.


Jami C. Lewis, Town Clerk