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

## TUESDAY, JULY 24, 2018
## 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, July 24, 2018.

Present: Mayor Darryl Croft; Councilmember Mike Best; Councilmember Cloyce Kelly; Councilmember Annie Lane; Councilmember Corey Mendoza; Councilmember Jack Miller

Absent: Vice-Mayor Lon Turner

Staff Present: Town Manager Cecilia Grittman; Town Attorney Andrew McGuire (electronically); Economic Development Project Manager John Coomer; Police Lieutenant Vince Schaan; Public Works Director/Town Engineer Frank Marbury; Development Services Director Jason Sanks; Planner Alex Lerma; Administrative Technician Kathy Frohock (videographer); Customer Service Manager JoAnn Brookins (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 August 7, 2018 as "Purple Heart Day." (Mayor Croft)

Mayor Croft 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.*

Bud Hanen with the Chino Valley Morning Lions requested that the Town have a float in the parade, the Council be the grand marshal, and the Town Manager and employees be on the float as well.

Wayne Moyer, resident near the JC Ranch development, requested that Council reconsider the block wall from Road 4 North to Bumblebee, as landscaping alone would not be sufficient to avoid liability issues with new residents and horses in his neighborhood.

Jeff Champ, Farmers Insurance owner, spoke about being willing to pay half the cost to extend the sidewalk flags flown along SR89 on holidays to Perkinsville Road, and requested that the Town consider paying other half.

Mitch Padilla, candidate for Justice of the Peace, spoke about a recent ride-along he took with a Chino Valley police officer.

Richard Straub, former Acting Public Works Director/Town Engineer, commended staff for job well done on the small police range planning, design, and construction.

Robert Schoon, resident near JC Ranch development, asked Council to reconsider the six-foot wall between JC Ranch and their properties, as sidewalks will promote more pedestrian use in their neighborhood.

John Garden spoke about the Big Chino project's public meetings, statistics, the ITC's website, and an informational brochure.

**4) RESPONSE TO THE PUBLIC**

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

**5) CURRENT EVENT SUMMARIES AND REPORTS**

*This item is for information only. The Mayor, any Councilmember, or Town Manager may present a brief summary or report of current events, or ask a staff member to provide the same. Presentation on information requested by the Mayor and Council will be made and questions answered. No action will be taken.*

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

Councilmember Lane spoke about recognizing school safety zones when school was back in session.

Councilmember Best reported on an upcoming planning meeting for the Town's birthday, as well as an upcoming Upper Verde River Watershed Protection Coalition meeting, at which ITC will make a presentation.

Mayor Croft reported that YRMC Physician Care was relocating to the Chino Valley Medical Center urgent care facility on SR89 and West Road 1 North in August.

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

Ms. Grittman reported on an addition to the Yellow Ribbon Honor Tree: Curtis Shelton, Marine Corps, deployed to the Pacific.

**c)** Quarterly status report on residential and commercial building permits, code compliance matters, and UDO rewrite. (Jason Sanks, Development Services Director)

Mr. Sanks reported on:

- *Permits and plan review statistics:* Permits dropped off a little this quarter; builders were running out of finished lots; and growth pressures were still there.
- *Current development reviews included:* 62 new lots in Colonial Villas and 172 one-acre lots in Century Ranch.
- *Code compliance statistics:* Cases were up due to rain and weeds. Interviews for a second Code Compliance Officer were scheduled. The new officer will focus on proactive actions and keeping businesses along SR89 in compliance with a soft approach.

**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 Councilmember Mike Best, seconded by Councilmember Cloyce Kelly to accept consent agenda items.

**Vote:** 6 - 0 PASSED - Unanimously

**a)** Consideration and possible action to approve the Intergovernmental Agreement (IGA) between the Town of Chino Valley and the Yavapai County Flood Control District for Fiscal Year 2018-2019 financial contribution from the District to the Town for flood control improvements. (Frank Marbury, Public Works Director/Town Engineer)

**b)** Consideration and possible action to approve the 2018 Town of Chino Valley Strategic Plan. (Cecilia Grittman, Town Manager)

**c)** Consideration and possible action to adopt a Pension Funding Policy for the Town of Chino Valley Public Safety Personnel Retirement System. (Joe Duffy, Finance Director)

**d)** Consideration and possible action to approve the Amended and Restated Agreement for Professional Consulting Services between the Town of Chino Valley and Mark Holmes, LLC for the purpose of providing professional water consultation in an amount not to exceed $39,500. (Laura Kyriakakis, Human Resources Director)

**e)** Consideration and possible action to approve the Covenant of Purpose and Use by the Town of Chino Valley for the benefit of the United States Department of Commerce, Economic Development Administration related to the Old Home Manor Industrial Park. (Joe Duffy, Finance Director)

**f)** Consideration and possible action to accept the June 26, 2018 regular meeting minutes. (Jami Lewis, Town Clerk)

## 7) ACTION ITEMS

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

**a)** WITHDRAWN REQUEST - (Brook Apartments) Rezone of 6.85 acres of real property generally located approximately 1,400 feet west of State Route 89 and 620 feet south of West Road 2 North at 740 West Road 1 North, from MR-1 (Multiple Family Residential-1 acre minimum) zoning district to MR-1 PAD (Multiple Family Residential-1 acre minimum) zoning district with a Planned Area Development Overlay zoning district to modify the density development standard in the MR-1 zoning district. (Jason Sanks, Development Service Director)

Recommended Action: Take no action.

Mr. Sanks reported that this item had been withdrawn at the applicant's request.

**b)** Consideration and possible action to adopt Ordinance No. 18-851, rezoning 8.7 acres of 15.8 acres of real property, Assessor's Parcel No. 306-18-013C, located approximately 0.75 miles east of the southeast corner of North Road 1 East and East Perkinsville Road at 1821 East Perkinsville Road, from AR-5 (Agricultural Residential-5 acre minimum) to SR-1 (Single Family Residential-1 acre minimum). Owner/Applicant: David and Candy Rotering. (Alex Lerma, Planner)

Recommended Action: Adopt Ordinance No. 18-851 to rezone 8.7 acres of a 15.8 acre site from AR-5 to SR-1.

Mr. Lerma presented on this item:

- *Request:* The applicants desired to rezone a portion of their property and divide the lot. They intended to continue current uses in the AR-5 portion and divide the SR-1 portion in the future.
- *Current condition:* The current lot was being used for animal rescue and hay sales. The General Plan designation was medium density residential. Surrounding uses were residential to the north, south and west.
- *Public comment:* No one from the public attended the neighborhood meeting or contacted staff with comments.
- *Recommendation:* The Planning and Zoning Commission and staff recommended approval.

Council asked if the applicants were aware of the restrictions for further subdividing the SR-1 portion of the property. Mr. Lerma stated that they knew they could only divide it into three parcels.

MOVED by Councilmember Jack Miller, seconded by Councilmember Mike Best to adopt Ordinance No. 18-851 to rezone 8.7 acres of a 15.8-acre site from AR-5 to SR-1.

**Vote:** 6 - 0 PASSED - Unanimously

**c)** Consideration and possible action to approve a Conditional Use Permit (CUP18-005) to allow a food truck court on CL (Commercial Light) zoned property, 1.38 acres of real property, Assessor's Parcel No. 306-23-057, located approximately 0.25 miles north of the northwest corner of Center Street and State Route 89 intersection at 246 North State Route 89. Owner: 246 Holdings, LLC; Applicant: Bruce Eldredge. (Jason Sanks, Development Service Director)

Recommended Action: Approve a Conditional Use Permit (CUP18-004) for APN 306-23-057 to allow a food truck court on a CL (Commercial Light) zoned property, subject to the four (4) conditions recommended by staff and the Planning and Zoning Commission.

Mr. Sanks reported that staff had received a request to postpone this item to the next regular meeting.

MOVED by Councilmember Mike Best, seconded by Councilmember Jack Miller to postpone this item to the next meeting.

**Vote:** 6 - 0 PASSED - Unanimously

**d)** Consideration and possible action to approve a Conditional Use Permit (CUP18-005) to allow the existing single family residential use within the CL (Commercial Light) zoning district for 0.55 acres of real property, Assessor's Parcel No. 306-20-127B, located on the southwest corner of North Road 1 East and East Road 3 North at 985 East Road 3 North. Owners/Applicants: Nathan Peabody and Ana Hurtado. (Alex Lerma, Planner)

Recommended Action: Approve a Conditional Use Permit (CUP18-005) for APN 306-20-127B to allow the existing single family residential use within the CL (Commercial Light) zoning district.

Mr. Lerma presented on this item:

- *Request:* Approval would place the home in conformance within the commercial zoning district and allow it to be expanded.
- *Current condition:* A single-family residential home and garage were located on the property. The parcel was surrounded by single-family residential to the north and west.
- *History:* In 2000, the home was constructed on a 2.20-acre parcel. In December 2005, the property owner recorded a lot split into two 1.20-acre lots. In April 2016, Council adopted an Ordinance to rezone the property to Commercial Light, creating a legal non-conforming use and a condition under which the home could not be expanded. The applicant could have applied for a CUP, or a rezone, which would require a general plan amendment. As the area was commercial, staff supported the CUP option.
- *Public comment:* One citizen contacted staff with a concern that the property owners would establish a commercial use on the site. While the CL zoning permitted some types of commercial uses, the property owners had no plans to convert to commercial use.
- *Recommendation:* The Planning and Zoning Commission and staff recommended approval.

Council asked how the CUP would affect the property, as the home was now for sale. Mr. Lerma stated that the CUP would be attached to the property regardless of who owned it.

MOVED by Councilmember Jack Miller, seconded by Councilmember Mike Best to approve a Conditional Use Permit (CUP18-005) for APN 306-20-127B to allow the existing single family residential use within the CL (Commercial Light) zoning district.

**Vote:** 6 - 0 PASSED - Unanimously

**e)** Consideration and possible action to award a construction contract to Sunland Asphalt in an amount not to exceed $375,579.41 for the Road 1 East Construction Project. (Frank Marbury, Public Works Director/Town Engineer)

Recommended Action: Award construction contract to Sunland Asphalt in an amount not to exceed $375,579.41 for the Road 1 East Construction Project.

Mr. Marbury on this item:

- *Request:* Staff proposed to use a cooperative contract through Buckeye to hire Sunland to complete Road 1 East.
- *Millings:* Staff had hoped to recycle some existing millings for the project, but found it to be cost prohibitive. As an alternative, Sunland will crush the millings into road base, thus saving $200,000. It was not ideal, but for the cost involved, this was the best way to go.
- *Timeframe:* Staff hoped to complete the project in mid-September.

Council asked if this will complete ADOT's requirements. Mr. Marbury stated that it would.

MOVED by Councilmember Jack Miller, seconded by Councilmember Mike Best to award construction contract to Sunland Asphalt in an amount not to exceed $375,579.41 for the Road 1 East Construction Project.

**Vote:** 6 - 0 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)(3) for discussion or consultation for legal advice with the Town Attorney regarding the acquisition of a portion of the Prescott water system and pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation with the Town Attorney in order to consider the Towns position and instruct the Town Attorney regarding the Towns position regarding a contract with the City of Prescott related to the Town purchasing a portion of its water distribution system that is the subject of negotiations. (Cecilia Grittman, Town Manager)

## 9) ACTION ITEMS RESUMED

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

## 10) ADJOURNMENT

MOVED by Councilmember Jack Miller, seconded by Councilmember Cloyce Kelly to adjourn the meeting at 6:49 p.m.

**Vote:** 6 - 0 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 24th day of July, 2018. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 14th day of August, 2018.

Jami C. Lewis, Town Clerk