

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

**TUESDAY SEPTEMBER 10, 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, September 10, 2019.

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

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 Trish Stuhan (electronically); Economic Development Project Manager Maggie Tidaback; Police Chief Chuck Wynn; Public Works Director/Town Engineer Frank Marbury; Planner Alex Lerma; Administrative Technician Kathy Frohock (videographer); Town Clerk Jami Lewis (recorder)

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

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

- a) Presentation of Outstanding Citizen Award by Chino Valley Police Department. (Chuck Wynn, Police Chief)

Chief Wynn expressed his appreciation for the support the Chino Police Department had throughout the community, particularly from resident and business owner Dave Mazy, who had supported the department in numerous ways. Chief Wynn presented the Outstanding Citizen Award to Mr. Mazy, who spoke about his history in Chino Valley and his commitment to reinvesting in the community. He thanked the police department for their dedication.

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) Concern expressed on social media pages regarding possible criminal activity on a certain property. (Chuck Wynn, Police Chief)

Chief Wynn reported that 95% of what was on social media was not true. The subject property, which was next to the Chamber of Commerce, had pending criminal and civil matters regarding an eviction, but since it was an ongoing matter, the Police Department could not comment.

- b) Two complaints by certain property owners unable to develop due to issues with utility connections. (Frank Marbury, Public Works Director/Town Engineer)

Mr. Marbury reported on a certain parcel on Perkinsville Road had been rezoned and subsequently split several times, providing a brief history of the parcel permitting and communication regarding utility connection with the property owners. He stated that Mr. Roberts had misinterpreted the Town Code, and he read a letter provided by legal counsel that explained the Town Code's purpose and intention in regards to water and sewer extensions with new development. The Town Code recognized the difficulties that a single developer faced in constructing facilities that were at a distance from Town utilities and allowed property developers to get reimbursement for the cost as other properties were developed and benefitted from the development. The cost could be fairly allocated. The Town could also develop the utilities and each property owner would be assessed the cost at a significant savings.

Mr. Marbury reviewed the process of the Town's role in the capital improvement of utility lines and cost per acre for property development. The lines could be completed as early as the end of October of the current year. He could present the actual contractor's cost at the next Council meeting for review and possible action.

- c) Concern by medical marijuana farmer about hemp growing near marijuana farms and possible issues with cross pollination. (Mayor Croft)

Mayor Croft reported that staff met with concerned citizens but had determined that hemp was an agricultural product and the Town should not adopt regulations that placed additional burdens on this product above what was required of other similar agricultural products. Further, no legal precedent had been set with regards to regulations passed to protect marijuana from hemp. Staff advised property owners to do what they could to protect their marijuana crops instead of asking the Town to develop laws that would restrict the growth of another agricultural product. Ultimately, it was staff's opinion that the legality of any such regulation would be questionable and they considered the matter closed unless advised otherwise by Town Council.

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 thanked everyone involved with the Territorial Days celebration.

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

Town Manager Gritman reported on:

- The upcoming Council study session.
- The September 19 Mayor/Manager community outreach, featuring Town employees Joshua Cook and Maggie Tidaback.
- A September 24 Economic Development Subcommittee meeting.
- Attending a session at the League of Cities regarding “first amendment auditors,” a movement across the country in which people filmed government employees and pressured them to respond in an inappropriate fashion. The Town will be providing training at no cost to employees, Councilmembers, and Board/Committee members on appropriate ways to respond to these inquiries.

6) **CONSENT AGENDA**

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

Council set down Items 6(b) and 6(c) from the Consent Agenda.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Mike Best to approve the Consent Agenda Items 6(a), (d) and (e) 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

7 - 0 PASSED - Unanimously

- a) Consideration and possible action to approve the purchase of a 2020 Chevy Silverado 3500HD Utility Truck from Midway Cheverolet, in the amount of \$43,585.66, to be used by the Fleet Division. (Frank Marbury, Public Works Director)
- b) Consideration and possible action to designate the customer service manager as the person authorized to take the following actions pursuant A.R.S. Title 4 related to liquor licensing: (i) approve or deny applications for special event licenses (including extension of premises/patio permits), farm winery festival or fair licenses and craft distillery festival or fair licenses; (ii) make recommendations to the Arizona Department of Liquor Licenses and Control regarding applications for control; and, if the customer service manager is not available, to designate the business/liquor license technician, town clerk, and police chief, in that order, to exercise such authority. (Jami Lewis, Town Clerk)

Town Clerk Lewis reported that:

- In the past, the Town Council reviewed every type of liquor license application that came to the Town, including special event licenses. More recently, councils in many municipalities had begun to delegate the approval process for acquisitions of control and non-permanent liquor licenses to their staff to approve. Last year, after the legislature codified that action, the Town Council approved giving the Clerk’s Office the authority to approve those liquor license applications.
- Through recent staff meetings, it was determined that because liquor licenses were often tied to business licenses, it made sense for the Customer Service Department to take over

administration of the liquor licensing process.

Council asked about an appeal process for an applicant should Council deny an application, and the legality of making this change. Ms. Lewis explained that the State Liquor Board had the final say in an application. An applicant could appeal the Town's recommendation before that board. Town Attorney Trish Stuhan advised that this was an appropriate delegation of duties.

MOVED by Councilmember Corey Mendoza, seconded by Councilmember Cloyce Kelly to approve Consent Agenda Item 6(b) 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

7 - 0 PASSED - Unanimously

- c) Consideration and possible action to remove Gary Warren from the Board of Adjustment; appoint Billie James to the Board of Adjustment to complete a three-year term that started August 1, 2019; and appoint Billie James to the Parks and Recreation Advisory Board, for two-year term that started July 1, 2019. (Jami Lewis, Town Clerk)

Council asked how it was determined Mr. Warren did not have time to commit to the Board. Town Clerk Lewis explained that Mr. Warren had told Customer Service staff that he was busy with work, was out of town a lot, and could not make the various meetings, but he did not submit a resignation. Mayor Croft added that Mr. Warren was busy with multiple businesses, and he had contacted Mr. Warren about staff's recommendation. He also expressed gratitude for Mr. Warren's service.

MOVED by Councilmember Lon Turner, seconded by Vice-Mayor Jack Miller to approve the Consent Agenda Item 6(c) 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

7 - 0 PASSED - Unanimously

- d) Consideration and possible action to approve the July 23, 2019, regular meeting minutes. (Jami Lewis, Town Clerk)
- e) Consideration and possible action to approve the August 13, 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) Consideration and possible action to approve Heritage Point preliminary plat to subdivide approximately 89.9 acres into 75 one (1) acre lots developed in four (4) phases. The property is located 0.25 miles west of the southwest corner of North Road 1 West and West Road 4 North and north of the Chino Lakes Unit 2 subdivision. Assessor Parcel Nos. 306-13-004X, 306-13-120, and 306-13-004Z. (Joshua Cook, Development Services Director)

Recommended Action: Approve the Heritage Point preliminary plat, subdividing approximately 89.9 acres into 75 one (1) acre lots developed in four (4) phases.

Town Planner Lerma presented on this item:

- *Background:* The Heritage Point final plat for 75 one-acre lots was originally approved by Council in 2005, but was never recorded and subsequently expired. The applicant was beginning at square one and was requesting approval of the preliminary plat to subdivide three lots consisting of 89.9 acres into 75 single family residential zone one-acre minimum lots.
- *Current condition:* The property was vacant. Its General Plan designation was medium density residential two acres or less. The surrounding properties consisted of medium to low density residential.
- *Plat features:* The project would be developed in four phases. There would be five drainage tracts and one right-of-way tract. Minimum lot size was one acre and maximum lot size was 1.15 acres. The total roadway dedication was 11.5 acres. Open space was 2.81 acres or 3.19%. Secondary emergency access was at Talia Place.
- *Staff assessment:* All lots met the one acre minimum. All lots with the exception of lots 1, 2, 13, 16, 17 and 18 met the minimum 100-foot lot frontage requirement. Since the applicant was not requesting a Planned Area Development (PAD) overlay to deviate from the requirements, the lots would need to be modified to meet the 100-foot lot frontage requirement.
- *Planning Commission review:* The Commission reviewed the application on August 6. The review and approval process had been explained to the Commission. Members questioned if the homes would be two stories and the applicant explained the houses would be one story with an RV garage.
- *Staff recommendation:* Staff had recommended approval to the Commission, subject to four conditions related to rights-of-way, property lines, drainage, and setbacks being completed before the item could go before Council for consideration. As all conditions had been met, staff recommended approval.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Lon Turner to approve the Heritage Point preliminary plat, subdividing approximately 89.9 acres into 75 one (1) acre lots developed in four (4) phases.

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

7 - 0 PASSED - Unanimously

- b) Consideration and possible action to award a construction contract to Sunland Asphalt in an amount not to exceed \$666,834.17 for the FY 2020 street reconstruction projects. (Frank Marbury, Public Works Director/Town Engineer)

Recommended Action: Award construction Contract to Sunland Asphalt in an amount not to exceed \$666,834.17 for the FY 2020 street reconstruction projects.

Director/Engineer Marbury presented the recommendation of the Roads and Streets Committee for the road projects:

- Road 1 North between State Route 89 and Road 1 East – 4” of asphalt at \$165,000.
- Reed Road between Road 1 North and Center Street – 3” of asphalt at \$259,315.
- Horizon Way between Palomino Road and Butterfield Road – 3” of asphalt at \$29,677.
- Peppertree Place between Road 2 North and Juniper Drive – 3” asphalt at \$86,418.
- Jerome Junction between Perkinsville Road and Road 4 North, which had been realigned by staff – 3” asphalt at \$67,209.
- Additional \$17,000 added in by the contractor for traffic control.
- The total project cost was \$666,834.17 and would be utilizing a cooperative agreement with the City of Buckeye.
- Funding would come from multiple sources including HURF, CIP funds, and additional HURF funds from the state in the amount of \$198,000.

Council and Mr. Marbury discussed further points:

- *Peppertree Lane:* The dogleg on Peppertree would be softened a bit and ultimately would be straightened out when Road 2 was widened to three lanes.
- *Road 1 North/SR 89 streetlight:* This was an ADOT project and would be bid out in June of 2020 with construction in the fall. The Town’s project would start where this project stopped.
- *Cooperative agreement process:* Mr. Marbury provided examples of how cooperative agreements saved the Town money compared to the competitive bid process. Each project was looked at on a case by case basis. In this particular case, the contractor was assuming the risk by not having a set of engineered plans as was necessary with a competitive bid. The prices were guaranteed maximum prices. There was typically a warranty but the contract would need to be reviewed. Councilmember Turner explained that state contractor law required a two-year warranty.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Annie Perkins to award construction Contract to Sunland Asphalt in an amount not to exceed \$666,834.17 for the FY 2020 street reconstruction projects.

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

7 - 0 PASSED - Unanimously

- c) Consideration and possible action to approve the professional services agreement between the Town of Chino Valley and Civiltec Engineering, in an amount not to exceed \$36,500, for research and planning relating to submitting a Wayfinding Sign Plan with ADOT. (Maggie Tidaback, Economic Development Project Manager)

Recommended Action: Approve professional services agreement between the Town of Chino Valley and Civiltec, in an amount not to exceed \$36,500, regarding the Wayfinding Sign Program.

Project Manager Tidaback presented on this item:

- Wayfinding signs were used as guide signs to aid travelers and locals in identifying and locating major civic, cultural, visitor and recreational destinations within a specified region. She showed examples of wayfinding signs and related that wayfinding signs were on ADOT highways through encroachment permits.
- Wayfinding signs were important to economic development in that they helped to develop Town identities; navigated visitors and locals to public and private businesses and spaces; developed a net benefit through a shared approach to attract business and captured tourist and local dollars; and made the environment legible and enhanced a visitor's experience by aiding people to discover unique events, attractions and destinations in Town.
- Under the subject agreement, Civiltec would design where the signs were to be located and work directly with ADOT for approval of the plans, which would include detailed maps of the locations, engineering standards, representations of sign formats, sign design, color, sizes, spacing, and other requirements and details such as foundation, posts, and enhancement markers (logo).
- Wayfinding signs were proposed in 14 locations:
 - Welcome to Chino Valley with population, elevation, and founded date at both ends of Town.
 - Williamson Valley, Peavine Trail.
 - Town Hall, Chino Valley recreation complex, Community Center/Aquatic Center, Gun Range, Municipal Center, Library, and Memory Park.
 - Old Home Manor, winery, and Yavapai College.
 - Historic attraction at Del Rio Springs.

Council, Attorney Stuhan, and Ms. Tidaback further discussed the following topics:

- *Signs for other businesses:* Council expressed concern about possibly showing favoritism, in that a winery sign was included but not signage for other businesses. Ms. Tidaback explained that a winery was considered an attraction, but its name would not be identified. Suggestions for other attractions were welcome.
- *Business off-site signage:* Council asked about previous discussions regarding off-site signage for off-highway businesses. Ms. Tidaback explained that this was a different project than off-site signage, but these signs would still guide travelers off the highway. Staff believed private businesses could no longer be advertised on the highway. Attorney Stuhan advised that, in general, ADOT prohibited advertising for specific businesses. Attractions were different than advertising a private business, which had an economic development benefit. There was a fine line between advertising a business and advertising what was considered an attraction. Further legal prohibitions would have to be researched. Staff further explained that signs that had specific businesses listed required businesses to go in together to buy space on the sign and were done through a contract. Town Manager Gritman stated that it needed to be determined if the Town could assist coordination with businesses in pursuing advertising with ADOT.

- *Cost of study:* Some Councilmembers expressed concern about the expense and asked what the company would be paid for and why this could not be handled internally. Ms. Tidaback explained that time was an issue and there were many more details than just the regulations for the signs. She reviewed some of the issues that needed to be considered.

Council desired to discuss wayfinding signs further at a study session and asked staff to provide more details, specific costs of the signs, and if would there be a charge from ADOT for attractions.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Lon Turner to move Item 7(c) to the October study session.

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

7 - 0 PASSED - Unanimously

- d) Consideration and possible action to adopt Resolution No. 2019-1142 vacating, abandoning, and terminating the Town's interest in the 50' roadway easement known as Yavapai County Assessor's Parcel No. 800-13-034F, which is perpendicular to Granite Creek Lane. (Frank Marbury, Public Works Director/Town Engineer)

Recommended Action: Adopt Resolution No. 2019-1142 vacating, abandoning, and terminating the Town's interest in the 50' roadway easement known as Yavapai County Assessor's Parcel No. 800-13-034F, which is perpendicular to Granite Creek Lane.

Director/Engineer Marbury reported that the subject property, created from a lot split, was supposed to be an easement with a perpetual offer of dedication, but at the County level was recorded as a right-of-way. Passing the resolution will make it clear to the County that the property was private with an easement, not a Town right-of-way. The homeowners were aware of this situation and had signed the easement.

Council asked about a sewer extension along this property. Mr. Marbury stated that the sewer line would go along Granite Creek Lane, but this property was off that street, not part of it.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Cloyce Kelly to Adopt Resolution No. 2019-1142 vacating, abandoning, and terminating the Town's interest in the 50' roadway easement known as Yavapai County Assessor's Parcel No. 800-13-034F, which is perpendicular to Granite Creek Lane.

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

7 - 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.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Cloyce Kelly to adjourn to Executive Session at 7:13 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

7 - 0 PASSED - Unanimously

- a) An executive session pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation with attorneys for the Town regarding a potential intergovernmental agreement with the City of Prescott relating to water service. (Cecilia Gritman, Town Manager)

9) ACTION ITEMS RESUMED

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

Mayor Croft reconvened the regular meeting at 7:26 p.m.

10) ADJOURNMENT

MOVED by Councilmember Lon Turner, seconded by Councilmember Annie Perkins to adjourn the meeting at 7:26 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

7 - 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 10th day of September, 2019. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 24th day of September, 2019.

Jami C. Lewis, Town Clerk