

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

**TUESDAY SEPTEMBER 24, 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 24, 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 Andrew McGuire (electronically); Human Resources Director Laura Kyriakakis; Public Works Director/Town Engineer Frank Marbury; Development Services Director Joshua Cook; Planner Alex Lerma; Police Lieutenant Randy Chapman; IT Manager Spencer Guest (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

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.

Cindy Daniels, Assistant Superintendent, Chino Valley Unified School District, spoke about the Chino Valley Education Foundation, which was founded one year ago to support the students, staff and families of Chino Valley Unified School District. Support included weekend meal bags for the Hungry Kids Project, extracurricular activities for students unable to pay for Pay to Play, field trips, college application fees, college sports recruiting fees, sports trip equipment, etc.. Public donations to the foundation were tax-credit eligible.

Larry Holt, Homestead Mesa resident, spoke about a zoning application for the Grove Apartments and expressed concern about its size, additional population, incompatibility with surrounding zoning, increased traffic, increased crime, and high cost of the units.

Beth Vicory, Eagle Level Frontier Girl, spoke about her commitment to raised funds to provide a bronze plaque for the Town's 911 Memorial.

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.

Town Manager Grittmann reported that as the Mayor had asked that the temporary sign language discussion be expedited, it would be discussed during Council's study session on October 15.

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 item 6b for discussion.

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

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 authorize staff to pay off the remaining balance of the lease purchase agreement with Zions Bank related to the purchase of various pieces of equipment in 2017, in the amount of \$503,820.18. (Joe Duffy, Finance Director)
- b) Consideration and possible action to approve expenditure of GOHS Grant Funds in the amount of ~~\$24,300~~ \$15,900 for STEP enforcement overtime, related materials, and supplies. (Chuck Wynn, Police Chief)
- c) Consideration and possible action to approve Letter of Engagement for Legal Services from Brandon J. Kavanagh with Mangum Wall Stoops & Warden (MWSW) to represent the Town of Chino Valley Board of Adjustment with general matters. (Jami Lewis, Town Clerk)

- d) Consideration and possible action to appoint Michael Pereda to fill the vacancy on the Public Safety Retirement Board (PSRB) created by the resignation of Vince Schaan, with term ending June 30, 2022. (Laura Kyriakakis, Human Resources Director)
- e) Consideration and possible action to approve the September 10, 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 adopt Ordinance 2019-872, rezoning approximately 2.05 acres of real property from the AR-5 (Agricultural Residential 5-Acre Minimum) zoning district to the SR-1 (Single Family Residential 1-Acre Minimum) zoning district. The property is located 460 feet east of the northeast corner of West Center Street and Sycamore Vista Drive at 1370 West Center Street, Assessor's Parcel Number 306-21-010T. (Alex Lerma, Planner)

Recommended Action: Adopt Ordinance 2019-872 to rezone approximately 2.05 acres of real property from AR-5 zoning district to SR-1 zoning district with the conditions recommended by staff.

Town Planner Lerma presented the following:

- The applicants were requesting a rezone to the closest zoning classification to fit their property conditions, which was SR-1. The property was considered legal non-conforming based on the zoning classification. It was currently zoned Agriculture Residential 5 acre minimum, but the lot size of the property was only 2.05 acres.
- The property was surrounded by medium and low-density residential properties and subdivisions.
- There was a 12-inch sewer line abutting the property on Center Street.
- There were no attendees at the neighborhood meeting.
- At the Planning and Zoning Commission hearing, commissioners questioned the proposed conditions related to sewer connection and right-of-way. Public Works Director Marbury had explained that the sewer connection conditions were modeled after the County's and the third condition required an additional 25-foot right-of-way along Center Street. Commissioners wanted to ensure that the fence located in the front yard could remain through a revocable permit and not be removed until the road was widened.
- Staff and Commission recommended approval with the following stipulations:
 - Any new construction shall be required to hook up to Town sewer.
 - Any modification or expansion to existing buildings that would require the replacement of a septic tank must hook up to Town sewer.
 - Property owner shall provide an additional 25' of right-of-way along Center Street.

Council, Town Attorney, staff, and property owners Barbara and Duane Laster further discussed the item:

- *Sewer connection:* The Lasters asked if the old mobile home that had its own septic on the property that would be removed and replaced by a new home could hook up to the

existing septic or would be required to hook up to sewer. Mr. Marbury explained that hooking up to the sewer would depend where the new lot lines were, but generally new construction that had frontage to a sewer line required sewer connection. With this property, if the County allowed a septic, they could use septic or hook to Town sewer at their expense if they wished. The stipulations attached to the rezone of the property were developed before the last Council study session, where this subject was discussed. He suggested removing stipulations one and two and let the code take care of itself. The Lasters did not have an issue with hooking to Town sewer. Town Attorney McGuire clarified that the best time to ask for stipulations for property was during a rezone request, but staff was correct in that the code would handle some issues. Council thought the intent of the Commission with the sewer lines was clear and that the sewer could be put down the easement to the new property and the conditions should remain.

- *Zone change purpose:* The Lasters explained that they wanted to split the property so family could build and be near them, and since the surrounding properties were one acre, they thought it would be possible.
- *Right-of-Way:* Staff explained that the revocable permit would allow the fence to remain until the Town improved the roadway. When a property was split, a 50-foot ingress/egress and utility easement, called a public way, was required. If this property had an east-west lot split, the easement would be required.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Mike Best to adopt Ordinance 2019-872 to rezone approximately 2.05 acres of real property from AR-5 zoning district to SR-1 zoning district with the conditions recommended by staff.

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 approve the Town of Chino Valley Personnel Policy and Administrative Guideline Manual, Town Vehicle Use Policy #465, revisions dated September 24, 2019. (Laura Kyriakakis, Human Resources Director) (Laura Kyriakakis, Human Resources Director)

Recommended Action: Approve the revised Town Vehicle Use Policy #465, dated September 24, 2019, in the Town of Chino Valley Personnel Policy and Administrative Guideline Manual.

Human Resource Director Laura Kyriakakis presented the following:

- The Town's vehicle use policy had not been updated for 17 years. Staff researched other entities to ensure the Town's was in line.
- The proposed provisions applied to all employees and elected officials. The assignment of all department vehicles was based upon job description and department need. The department heads who had vehicles could assign the vehicles in a manner consistent with workload and employee function. Town vehicles and equipment could only be used for official Town business and personal use was prohibited.
- Changes to the policy included:
 - Driver's license requirements and experience.
 - The Town reserving the right to utilize a GPS tracking system on all Town vehicles to ensure the vehicles were used efficiently.

- Employees' responsibility of following all traffic laws when driving a Town vehicle.
- Clarification on the requirements for take home vehicles.
- The IRS code for the use of business vehicles as a taxable fringe benefit outlined.
- New state and local law pertaining to the use of cell phones.

Council and Staff discussed authorship. Ms. Kyriakakis explained that the policy was revised by the HR department and not by a committee which was the reason the HR Network was utilized.

Mayor Croft recessed the meeting at 6:43 p.m. to address a medical issue. He reconvened the meeting at 7:36 p.m. without Councilmember Perkins, who did not return, and Vice-Mayor Miller, who returned later.

Council and Staff further discussed employee vehicle use. Ms. Kyriakakis clarified the language regarding vehicle use during commute to and from work or the job site, and when an employee was officially on the clock. The policy language had been used in practice, but had not officially been part of the policy. The Town allowed de minimis use of vehicles when an employee was officially off work or on an official break.

Vice-Mayor Miller returned to the meeting at 7:42 p.m.

MOVED by Councilmember Lon Turner, seconded by Councilmember Cloyce Kelly to approve the revised Town Vehicle Use Policy #465, dated September 24, 2019, in the Town of Chino Valley Personnel Policy and Administrative Guideline Manual.

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

6 - 0 PASSED - Unanimously

- c) Consideration and possible action to approve the Town of Chino Valley Personnel Policy and Administrative Guideline Manual, Grievances and Appeals Policy # 805, revisions dated September 24, 2019. (Laura Kyriakakis, Human Resources Director)

Recommended Action: Approve the revised Grievances and Appeals Policy #805, dated September 24, 2019, in the Town of Chino Valley Personnel Policy and Administrative Guideline Manual.

Human Resource Director Laura Kyriakakis presented the following:

- The current grievance and appeal process was established for regular employees to provide just and equitable methods for resolution of complaints and problems, but it had proved to be inefficient and cumbersome, requiring regular active staff to participate in judging personnel issues of coworkers if a grievance was appealed to a certain level.
- The new process would continue to provide employees with a just and equitable method for resolving complaints and problems, but would be done in a more effective and efficient manner and provide a harmonious relationship between employees and supervisors.
- Changes included:
 - Grievance and appeals processes were distinct and separate mechanisms. The grievance would resolve less severe problems and the appeals procedure would be

- used for more serious matters.
- o The grievance process would begin with the immediate supervisor. If not resolved, it would move to the department head, followed by final review to be done by the Town Manager through the HR director. The Town Manager would render the final decision and the grievance may not be appealed to a grievance officer.
- o The appeal method would be submitted to the HR director and the Town Manager and an independent hearing officer would be notified. The Town would have a list of at least three licensed and experienced attorneys. The independent hearing officer would have prehearing duties and would preside over the closed door hearing, unless the appellant requested an open hearing.
- o The appeal process required the independent hearing officer to submit findings to the Town Manager. The Town Manager or designee would review the findings and recommendations and inform the appellant of the decision and it would be final.
- o In both the appeals and grievance process, the Town Manager had the final decision.

Council asked about a grievance against a Town Manager. Town Attorney McGuire explained that a grievance would still end up with the Town Manager, but the employee could seek a different avenue if unhappy with the decision. It was difficult to have the Town Council involved with personnel and grievance matters because of their lack of authority over employees. If the Town Manager chose to hear an appeal or grievance without asking a third party to hear the grievance, the Town Council could consider that during their evaluation of the Town Manager. The aggrieved employee could then file with the Superior Court.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Mike Best to approve the revised Grievances an Appeals Policy #805, dated September 24, 2019, in the Town of Chino Valley Personnel Policy and Administrative Guideline Manual.

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

6 - 0 PASSED - Unanimously

- d) Consideration and possible action to adopt Resolution No. 2019-~~1176~~ 1146, approving the Intergovernmental Agreement (IGA) between the Town of Chino Valley and the Yavapai County Flood Control District for Fiscal Year 2019-2020 financial contribution of \$145,000 from the District to the Town for flood control improvements. (Frank Marbury, Public Works Director/Town Engineer)

Recommended Action: Adopt Resolution No. 2019-1176, approving the IGA between the Town of Chino Valley and the Yavapai County Flood Control District for Fiscal Year 2019-2020 financial contribution of \$145,000 from the District to the Town for flood control improvements.

(Scrivener's note: The resolution number on the agenda was incorrect; the resolution number in the packet, no. 2019-1146, was correct.)

Public Works Director Frank Marbury presented the following:

- This was an annual item pertaining to flood control. The town normally received \$110,000 per year, but they were rolling some over for the current year. The funds would be used for two projects.

- One was a Road 3 North drainage ditch wherein the erosion mats had failed. This project had been on a council priority list, had already been designed, and was ready to go to bid.
- The other project would be to reroute water that went through the Chino Meadows II subdivision to alleviate flooding. The design process on this multi-year project was just beginning and the work would be done in phases.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Mike Best to adopt Resolution No. 2019-1146, approving the IGA between the Town of Chino Valley and the Yavapai County Flood Control District for Fiscal Year 2019-2020 financial contribution of \$145,000 from the District to the Town for flood control improvements.

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

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.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Cloyce Kelly to adjourn to Executive Session at 8:04 p.m.

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

6 - 0 PASSED - Unanimously

- a) An executive session pursuant to A.R.S. & 38-431.03(A)(1) for discussion or consideration of employment, assignment, appointment, or salary of Town Manager, Cecilia Grittmann. (Mayor and Council)

9) ACTION ITEMS RESUMED

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

Mayor Croft reconvened the regular meeting at 8:46 p.m. and stated no decision had been made.

10) ADJOURNMENT

MOVED by Councilmember Lon Turner, seconded by Councilmember Mike Best to adjourn the meeting at 8:46 p.m.

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

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 September, 2019. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 8th day of October, 2019.

Jami C. Lewis, Town Clerk