

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

**TUESDAY, SEPTEMBER 26, 2023
6:00 P.M.**

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

Present: Vice-Mayor Eric Granillo; Councilmember Annie Perkins; Councilmember Tom Armstrong; Councilmember John McCafferty; Councilmember Sherri Phillips; Councilmember Robert Schacherer

Absent: Mayor Jack Miller

Staff Present: Town Manager Cindy Blackmore; Town Attorney Andrew McGuire; Officer Douglas Hawk (Sgt at Arms); Administrative Services Director Joe Duffy; Public Works Director/Town Engineer Frank Marbury; Development Services Director Laurie Lineberry; Assistant Development Services Director Will Dingee; Senior Planner Jessica Barragan; Community Services Director Cyndi Thomas; IT Manager Spencer Guest; Town Clerk Erin N. Deskins

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

Vice-Mayor Granillo 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- 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 at the discretion of the Council and not required by law. Individuals are limited to speak for three (3) minutes, yielding of time will not be permitted. 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. Disrespectful behavior will not be tolerated; this includes loud outbursts, profanity and disruptive discussions among our audience.

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 presented the following:

- He was invited to attend the Town of Kingman's 53rd Annual Andy Devine Days Celebration. It was a great event. He was honored to attend.

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

Cindy Blackmore, Town Manager, presented the following:

- Tuesday, October 3rd would be the Town's annual National Night Out event which would include a concert from a national country artist.

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.

Councilmember Armstrong requested to pull item 5(a) from the Consent Agenda.

MOVED by Vice-Mayor Eric Granillo, seconded by Councilmember Tom Armstrong to approve Consent Agenda items b and c.

AYE: Vice-Mayor Eric Granillo, Councilmember Annie Perkins, Councilmember Tom Armstrong, Councilmember John McCafferty, Councilmember Sherri Phillips, Councilmember Robert Schacherer

6 - 0 PASSED - Unanimously

- a) Consideration and possible action to adopt the Notice of Intention and set a public hearing to consider adding or increasing water and wastewater fees pursuant to A.R.S. § 9-499.15.

Erin Deskins, Town Clerk, presented the following:

- After reviewing the calendar on this item staff realized that the proposed date for the public hearing was close to the Thanksgiving holiday, so staff was recommending it be set for Tuesday, December 12, 2023, at 6:00 p.m. rather than the date recommended in the packet.

MOVED by Councilmember Tom Armstrong, seconded by Councilmember John McCafferty to set a public hearing on the Notice of Intention to increase water and wastewater fees for December 12, 2023, at 6:00 p.m.

AYE: Vice-Mayor Eric Granillo, Councilmember Annie Perkins, Councilmember Tom Armstrong, Councilmember John McCafferty, Councilmember Sherri Phillips, Councilmember Robert Schacherer

6 - 0 PASSED - Unanimously

- b) Consideration and possible action to approve the December 8, 2020, special meeting minutes.
- c) Consideration and possible action to approve the August 22, 2023, regular meeting minutes.

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) Public hearing, consideration, and possible action to approve Ordinance No. 2023-935 to rezone approximately five acres of land from Agricultural Residential 5-Acre (AR-5) to Single Family Residential 2-Acre (SR-2) located at 833 W Road 1 South, Chino Valley, Arizona.

Recommended Action: i) Hold a Public Hearing ii) Approve Ordinance No. 2023-935

Will Dingee, Assistant Development Services Director, presented the following:

- This was a requested rezone from AR-5 to SR-2. The applicant was in attendance to answer questions.
- The property had SR-1 and SR-2 parcels to the north, AR-5 parcels to the south and east, and SR-2 parcels to the west.
- The property directly to the west was rezoned from AR-5 to SR-2 at the beginning of the year.
- The applicant intended to retain at least two acres and sell off two to three acres to her northern neighbor to be absorbed into his acreage.
- The request was in conformance with the 2014 General Plan.
- The Planning Commission forwarded a recommendation of approval subject to the conditions in attachment A.

Council and staff discussed the following:

- Councilmember Perkins recused herself from this item.

Vice-Mayor Granillo opened the Public Hearing.

Erin Deskins, Town Clerk, stated that there were no requests to speak on this item.

Vice-Mayor Granillo closed the Public Hearing.

MOVED by Councilmember Tom Armstrong, seconded by Vice-Mayor Eric Granillo to approve Ordinance No. 2023-935.

AYE: Vice-Mayor Eric Granillo, Councilmember Tom Armstrong, Councilmember John McCafferty, Councilmember Sherri Phillips, Councilmember Robert Schacherer

5 - 0 PASSED

- b) Public hearing, consideration, and possible action to rezone approximately 4.52 acres of land from Commercial Light (CL) to Multiple Family Residential (MR) for an existing apartment complex located at 1555 S State Route 89, Chino Valley, Arizona.

Recommended Action: i) Hold a Public Hearing ii) Approve Ordinance No. 2023-936

Will Dingee, Assistant Development Services Director, presented the following:

- This was a request to rezone the already established Antelope Valley Apartments.
- The property was currently zoned Commercial Light. When they were constructed the CL zoning allowed for apartments, but that was no longer the case. Under the current zoning code they would need a conditional use permit (CUP) or hard zoning to multi-family. Staff recommended MR over a CUP because financing could get difficult with CUPs.
- The property was 4.5 acres in size with 64 apartment units on site and no proposal for expansion and surrounded by Commercial Heavy and residential zoning.
- The 2014 General Plan designated the area as commercial/multi-family.
- The Planning Commission forwarded a recommendation of approval subject to the Conditions in Attachment A.

Council and staff discussed the following:

- Council inquired if this was just a housekeeping matter.
 - Staff stated that it was as the property was currently considered a non-conforming use.

Vice-Mayor Granillo opened the Public Hearing.

Erin Deskins, Town Clerk, indicated that there were no requests to speak on this item.

Vice-Mayor Granillo closed the Public Hearing.

MOVED by Councilmember Tom Armstrong, seconded by Councilmember Sherri Phillips to approve Ordinance No. 2023-936.

AYE: Vice-Mayor Eric Granillo, Councilmember Annie Perkins, Councilmember Tom Armstrong, Councilmember John McCafferty, Councilmember Sherri Phillips, Councilmember Robert Schacherer

6 - 0 PASSED - Unanimously

- c) Public hearing, consideration, and possible action to rezone approximately 14 acres of land from Agricultural Residential 5-Acre (AR-5) to Single Family Residential 1-Acre (SR-1) located approximately 1,000 feet north of the intersection of N Road 1 West and W Road 4 North on the west side.

Recommended Action: i) Hold a Public Hearing ii) Approve Ordinance No. 2023-937

Will Dingee, Assistant Development Services Director, presented the following:

- This was a request to rezone a property located between North Road 4 ½ West and Road 4 North. The applicant was in attendance to answer questions.
- The property was 14 acres with the intent of developing a subdivision with 12 one-acre lots.
- The property was surrounded by different zoning districts, including AR-5, SR-1, CL, and SR-0.16.
- The property was designated medium density/residential two acres or less and SR-1 was in conformance per the 2014 General Plan.
- Staff provided a conceptual lot layout proposed by the applicant for 12 site-built homes. Each home would have its own well and septic as the closest water and sewer was on the east side of the highway near Perkinsville and North Road 1 East.
- The applicant would construct a new east/west road terminating in a cul-de-sac and would be responsible for proportional road improvements to North Road 1 West.
- The Planning Commission forwarded a recommendation of approval subject to the Conditions of Approval in Attachment A.

Council and staff discussed the following:

- Council inquired about the northernmost water from Appaloosa Meadows.
 - Staff had not looked into it as they were a private water provider.
- Council requested clarification on the proposed road.
 - Staff stated the easement would be 50' in width and the improvements would be 24' width.
 - Council hoped the applicant would look into improving the single ingress/egress.
- Council inquired as to when condition number seven regarding the 5-year development timeline would start.
 - Staff stated it would start when zoning was approved.

Vice-Mayor Granillo opened the Public Hearing.

Carol Webber presented the following:

- She lived off Road 5 downstream of the proposed development. Her property was rated at a 4/10 for flood risk and was now at 7/10. She attributed the change to the development of Heritage Pointe and she was afraid that this subdivision would add to it. She believed that Town's needed to grow or would die, but worried that the growth was not measured enough.

Rose Miserentino presented the following:

- She had been a resident for 30 years and was just down the street from the planned subdivision. She was an equestrian and wondered how the Town was going to stay rural on one-acre lots. She felt a subdivision like this should go somewhere that was not zoned five-acre minimums.

Vice-Mayor Granillo closed the Public Hearing.

Council and staff discussed the following:

- Council inquired about the concern about flooding and what the Town does to mitigate flow to properties downstream.
 - Staff stated that the rate of flow should be the same post-development as it was pre-development per Town code. Rate of flow would be restricted to historic levels. The water might not be fully retained, but detained.
- Council inquired if staff had seen an increase in rate of flow heading north.
 - Staff stated there was a significant storm in the spring where they saw some overland flow and the Appaloosa detention pond filled and overflowed. They were fairly uncommon events, but staff could not quantify whether it was a 50-year or 100-year storm.
- Council inquired if detention ponds would be more efficient than drainage tracks.
 - Staff stated those issues would be looked at during the technical portion of the review between preliminary and final plats.
- One councilmember hoped that the applicant would take into effect some of the statements that had been made during the meeting.

MOVED by Councilmember Tom Armstrong, seconded by Councilmember John McCafferty to approve Ordinance No. 2023-937

AYE: Councilmember Annie Perkins, Councilmember Tom Armstrong, Councilmember John McCafferty, Councilmember Sherri Phillips

NAY: Vice-Mayor Eric Granillo, Councilmember Robert Schacherer

4 - 2 PASSED

- d) Consideration and possible action to approve a Cooperative Purchasing Agreement with Sunland Asphalt and Construction, LLC., for job order contracting services on public works/horizontal construction projects for an amount not to exceed \$500,000.

Recommended Action: Approve the Cooperative Purchasing Agreement with Sunland Asphalt and Construction, LLC, for job order contracting services on public works/horizontal construction projects for an amount not to exceed \$500,000.

Frank Marbury, Town Engineer, presented the following:

- Although there were nine separate contracts it was really one consideration.
- These were job order contracts that the City of Prescott had put through the procurement process and approved. The Town was able to utilize the cooperative language for the Town's own contracts.
- The contracts were with four vertical contractors and five horizontal contractors. Mr. Marbury was on the committee that helped review the horizontal contracts.
- Andrew McGuire, Town Attorney, stated that a job order contract was defined as a qualifications based indefinite delivery contract. The selection was not based on the low-bid, but rather qualifications. Job orders would then come back under the main contract.
- The Town had already used this process with Shasta Pools.
- Council would be considering the master contracts today and any job order over

\$50,000 would come back to Council for approval. This would save staff months in the competitive bidding-process.

- Staff would choose a contractor, negotiate price, and, once acceptable to staff, would bring the item to Council for review and approval. If staff was unable to agree on a price with the vendor they could break off negotiations and move to the next vendor or move to a standard bid process.
- The term of the contracts was a two-year initial contract with annual renewals for three more years. Staff was looking for a limit amount of \$500,000 per job order, however, state statute allowed up to \$1 million per job order. The City of Prescott set a \$3 million fiscal year limit on horizontal job order contracts and no limit on vertical.
- Some potential contracts included remodeling the old police building (including construction and drawings), remodeling Town Hall, the new parks shop building, parking lot projects, etc.

MOVED by Councilmember Tom Armstrong, seconded by Councilmember John McCafferty to approve Cooperative Purchasing Agreement items d through l, with a \$1 million cap per agreement.

AYE: Vice-Mayor Eric Granillo, Councilmember Annie Perkins, Councilmember Tom Armstrong, Councilmember John McCafferty, Councilmember Sherri Phillips, Councilmember Robert Schacherer

6 - 0 PASSED - Unanimously

- e) Consideration and possible action to approve a Cooperative Purchasing Agreement with J. Banicki Construction, Inc., for job order contracting services on public works/horizontal construction projects for an amount not to exceed \$500,000.

Recommended Action: Approve the Cooperative Purchasing Agreement with J. Banicki Construction, Inc., for job order contracting services on public works/horizontal construction projects for an amount not to exceed \$500,000.

- f) Consideration and possible action to approve a Cooperative Purchasing Agreement with Combs Construction Company, Inc., for job order contracting services on public works/horizontal construction projects for an amount not to exceed \$500,000.

Recommended Action: Approve the Cooperative Purchasing Agreement with Combs Construction Company, Inc., for job order contracting services on public works/horizontal construction projects for an amount not to exceed \$500,000.

- g) Consideration and possible action to approve a Cooperative Purchasing Agreement with Fann Contracting, Inc., for job order contracting services on public works/horizontal construction projects for an amount not to exceed \$500,000.

Recommended Action: Approve the Cooperative Purchasing Agreement with Fann Contracting, Inc., for job order contracting services on public works/horizontal construction projects for an amount not to exceed \$500,000.

- h) Consideration and possible action to approve a Cooperative Purchasing Agreement with Cactus Asphalt, a division of Cactus Transport, Inc., for job order contracting services on public works/horizontal construction projects for an amount not to exceed \$500,000.

Recommended Action: Approve the Cooperative Purchasing Agreement with Cactus Asphalt, a division of Cactus Transport, Inc., for job order contracting services on public works/horizontal construction projects for an amount not to exceed \$500,000.

- i) Consideration and possible action to approve a Cooperative Purchasing Agreement with Ridgeline Builders, LLC, for job order contracting townwide construction services for an amount not to exceed \$500,000.

Recommended Action: Approve the Cooperative Purchasing Agreement with Ridgeline Builders, LLC, for job order contracting townwide construction services for an amount not to exceed \$500,000.

- j) Consideration and possible action to approve a Cooperative Purchasing Agreement with Kinney Construction, LLC, for job order contracting townwide construction services for an amount not to exceed \$500,000.

Recommended Action: Approve the Cooperative Purchasing Agreement with Kinney Construction, LLC, for job order contracting townwide construction services for an amount not to exceed \$500,000.

- k) Consideration and possible action to approve a Cooperative Purchasing Agreement with Haley Construction Company for job order contracting townwide construction services for an amount not to exceed \$500,000.

Recommended Action: Approve the Cooperative Purchasing Agreement with Haley Construction Company for job order contracting townwide construction services for an amount not to exceed \$500,000.

- l) Consideration and possible action to approve a Cooperative Purchasing Agreement with Fann Contracting, Inc., for job order contracting townwide construction services for an amount not to exceed \$500,000.

Recommended Action: Approve the Cooperative Purchasing Agreement with Fann Contracting, Inc., for job order contracting townwide construction services for an amount not to exceed \$500,000.

7) **ADJOURNMENT**

MOVED by Councilmember Sherri Phillips, seconded by Councilmember Tom Armstrong to adjourn the meeting at 6:33 p.m.

AYE: Vice-Mayor Eric Granillo, Councilmember Annie Perkins, Councilmember Tom Armstrong, Councilmember John McCafferty, Councilmember Sherri Phillips, Councilmember Robert Schacherer

6 - 0 PASSED - Unanimously

Eric Granillo, Vice-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 26th day of September, 2023. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 14th day of November, 2023.

Erin N. Deskins

Erin N. Deskins, Town Clerk