

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

**TUESDAY, OCTOBER 8, 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, October 8, 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 Grittmann; Town Attorney Andrew McGuire (electronically); Finance Director Joe Duffy; Public Works Director/Town Engineer Frank Marbury; Development Services Director Joshua Cook; Community Services Director Scott Bruner; Economic Development Project Manager Maggie Tidaback; Utilities Manager Mike Bovee; Water Consultant Mark Holmes; 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

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.

Jean McKadzen spoke about her opposition to the Brook Apartments, which had gone from 99 to 152 units with three stories and three to four bedrooms. It was an awkward place for the development and would negatively affect her neighborhood. Before the October Planning and Zoning Commission meeting, she came across a website for Brook Apartments that offered tours and solicited potential tenants. After the meeting, the website was changed to reflect they were under the PAD review. She thought it was unethical to be advertising for tenants before the project was approved. Also, during the Commission meeting, staff had stated that some of the conditions were still being negotiated and she objected to something being brought forward that had not been completely negotiated.

Tom Payne spoke about receiving a notice about the upcoming temporary signage meeting and appreciated the opportunity to listen to the Council. In 2016, community members were invited to participate in the development of an ordinance and now people were only being invited to listen. Town Manager Grittmann apologized for releasing the wording of the notice that had

invited the public to listen before she knew if the Mayor would invite people to participate. The Mayor stated he would let people speak at the upcoming Council study session. Mr. Payne stated he wanted to ensure that the work done previously was not completely tossed because they had worked hard on it and the past staff's work outlined the history of the signage code.

Tina Harmon spoke in opposition to rezoning the Brook Apartments parcel to allow for 152 units, which was a 52% increase from the 99 units currently allowed. The previous plan of one- to two-bedroom units allowed for 288 bedrooms, but the updated one to four-bedroom units allowed for 316 bedrooms, which was a 10% increase. A study she read stated that if a population density income was high, the people density would be low, but if the population density income was low, the people density would be high. The density was 22 units per acre or 46 people per acre. She challenged staff's quoted number of units mentioned at the meeting because she came up with a different number. The developer's plan stated only 20% lot coverage, but they were not including asphalt in that number, and she thought that was part of the build, not just where the building was placed. It was not an improvement.

Dee Nixon spoke about a previous experience. Nearby her home was a beautiful one-story building for disabled seniors. When young, substance-addicted, disabled persons were allowed to stay, the area became full of drugs and theft. No one could sell their homes because of the neighborhood. If the new development was not maintained, her neighborhood stood a chance of going downhill.

Larry Holt spoke about improving the Town's 9/11 memorial at the Shooting Range. He met with the lessee of the facility and spoke with some staff members about getting a group of citizens together to clean up the memorial, making it something the community could be proud to share. He requested Council approval to go forward with a memorial plaque, landscape cleanup, benches and sunshades, and a level parking area. The group supported Beth Vicory's efforts to fundraise for the plaque. They would work with Police Chief Wynn for the improvements and major modifications would not be done without Council approval.

Cindy Cole expressed concern with the one exit and one entry at the proposed Brook Apartments development. There were several types of natural disasters that could hit the area and if first responders used the exit, it would be blocked leaving no other way out for residents. She was also concerned with lack of a playground, nowhere for animals to walk, and stench from dog waste and apartment trash. Road 2 North was dangerous and had a high volume of accidents and there was no justification for 300 more cars from the apartments. There was no visitor parking allocated in the apartment complex parking lot. Water was also an issue that needed to be considered.

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) Comments regarding a project to make improvements to the 9/11 monument at the entrance to the Town's shooting range.

Mayor Croft read a statement from Police Chief Wynn: The Police Department (PD) had long sought to improve the 9/11 monument at the entrance to the shooting range, but unfortunately, time and resources had not allowed that to happen. It was very exciting that several citizens and groups were interested in taking this on as a project. Ms. Beth Vicory, who successfully led the summer kids' program at the Library, had offered to collect donations to purchase and install a plaque at the location, which will provide information about the monument. Mr. Larry Holt and Compass Training Center were also interested in helping with improvements as well as seeing it maintained in the manner it deserved. The PD will coordinate the efforts as well as review and approve the planned improvements. Council will be updated as the project progressed.

- b) Comments regarding a proposed apartment complex project application that was to go before the Planning and Zoning Commission on October 1, 2019.

Development Services Director Joshua Cook reported on items brought up during the previous Call to the Public:

- The previous application was not brought to the Council for a vote, as it was withdrawn after the Planning Commission meeting.
- General zoning surrounding and in the near vicinity of the subject property was: Commercial Light, Agricultural, Multifamily, and Commercial Heavy to the north; SR-1 to the south; Commercial Light, Agricultural, and Commercial Heavy to the east; and SR-2, Commercial, and Agricultural to the west.
- No data could be found to corroborate the statistic of 334 vehicles. Single family developments were required to provide a minimum of two spaces per house. Multifamily developments, not just in this community, but many around the nation, calculated 1.5 vehicles per unit, which placed the number of vehicles closer to 228.
- There was no fire safety issue with regard to a single entrance. The Fire District had stated in previous comments that multifamily developments that will utilize sprinklers need one entrance if there are less than 199 units. Also of note, the fire district has at least two apparatus that can accommodate structures greater than 35-feet in height.
- Bicycle lanes and sidewalks on Road 2 North were not this developer's sole responsibility. In order to place an exaction on a property/developer, there had to be a rational nexus for such cost. This will be evaluated and the amount of improvements required of this developer will be set accordingly.
- The developer of the project has made zero claims as to what price point the development will target nor whether it will or will not be Section 8. This was not relevant with regard to the zoning aspect of the property and could not be placed as a stipulation of approval.

The relevant arguments for the PAD zoning revolved around whether the applicant had exceeded the development standards and provided amenities enough to warrant an increase in density. This property already had the zoning necessary for apartments, including three stories. As the site had the entitlements for multifamily currently, the best course of action in staff's professional opinion was to work with the applicant to minimize the impact through increased landscaping, setbacks, screening, and amenities as part of the PAD process.

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 on:

- New pickleball courts at the basketball courts behind the Community Center.
 - Fann Construction agreeing to pave the Community Center parking lot through employee salary donations matched by Fann, and Councilmember Mendoza providing the millings.
 - The 5:00 p.m. October 15 study session to include the temporary signage discussion, as well as other items.
- c) Presentation of Key to the Town to Chino Valley resident Jordan Ownby, 2019 Miss Rodeo AZ. (Mayor Croft)

Town Manager Grittmann read Ms. Ownby's biography and reported that Ms. Ownby will be competing at the national level for the title of Miss Rodeo America 2020 in Las Vegas, Nevada. Mayor Croft presented Ms. Ownby with a Key to the Town. Ms. Ownby spoke about her background, her pride in Chino Valley, and an upcoming fundraiser for her Miss Rodeo America competition.

- d) Report regarding water fill station upgrades. (Mike Bovée, Utilities Manager)

Utilities Manager Bovee reported that:

- The Town's public water fill station, located behind Walgreens on Road 2 North, needed an upgrade. The current system was bought used, had been experiencing intermittent software issues, and required monthly billing that burdened the Finance Department.
 - The fill station's software limit was 200 customers. It currently had 138 customers, with 32 Town residents, 70 County residents, and 36 other accounts that were made up of construction companies, water haul companies, and other areas around the state.
 - Upon researching the matter, staff had chosen an AquaFlow International System, produced in Flagstaff, for the system upgrade, which would happen in late October. The system was internet cloud-based, which would allow an unlimited number of customers. The customers would prepay using a credit card, which would eliminate the need for billing.
 - The upgrade had been budgeted, came in under budget, and would cost less than a complete overhaul of the system.
- e) Report regarding the 2020 General Election and candidate packets. (Jami Lewis, Town Clerk)

Town Clerk Lewis reported that:

- Candidate packets for the Town's 2020 Primary Election will be available November 1. The open positions were the mayor's and three councilmember's seats.
- Interested persons will need to complete a Statement of Interest and make an appointment with the Clerk's Office to receive the paperwork. Nomination papers must be filed from March 9 through April 6 to get on the ballot.

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 Cloyce Kelly to approve the Consent Agenda Items 6(a), (b), and(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

- a) Consideration and possible action to grant a utility easement to Arizona Public Service Company (APS) for the installation of underground electrical service to the cell tower site at Town Hall. (Frank Marbury, Public Works Director/Town Engineer)
- b) Consideration and possible action to approve the September 17, 2019, study session minutes. (Jami Lewis, Town Clerk)
- c) Consideration and possible action to approve the September 24, 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 provide direction to staff regarding proposed improvements at the Old Home Manor Business Park. (Frank Marbury, Public Works Director/Town Engineer)

Recommended Action: Direct staff regarding proposed improvements at the Old Home Manor Business Park.

Frank Marbury reviewed the conceptual plan for Old Home Manor (OHM):

- Water and sewer were available up to Rodeo Drive. Power and fiber optics were also available at the site, but no natural gas was available.
- The Utilities Subcommittee recommended road improvements at Rodeo Drive and water and sewer extensions to the first intersection to allow more opportunity for development in the future.
- Staff wanted to come back to Council with firmer numbers but estimated the cost at approximately \$2 million. A large part of the cost was getting natural gas to the site.

Council and Staff discussed the following:

- Utilities Subcommittee members explained that these improvements would limit restrictions to certain sized lots, provide an entrance to OHM, and provide the utilities. If a business was interested in coming in, they could be accommodated.
- Councilmember Mendoza gave an overview of why the Council wanted to develop OHM and protect the development and zoning of the Town in the future.
- Councilmembers related that the improvements would give businesses an opportunity and the Town would be ready for the development.
- Mayor Croft explained that one of the reasons for the OHM development was to bring in jobs to the Town.

Council directed staff to research the numbers and bring them back for further review.

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)(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)

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Cloyce Kelly to adjourn to Executive Session at 6:53 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

9) ACTION ITEMS RESUMED

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

Mayor Croft reconvened the Regular Meeting at 7:40 p.m.

10) ADJOURNMENT

MOVED by Councilmember Lon Turner, seconded by Vice-Mayor Jack Miller to adjourn the meeting at 7:40 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 8th day of October, 2019. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 22nd day of October, 2019.

Jami C. Lewis, Town Clerk