



Town of Chino Valley

MEETING NOTICE TOWN COUNCIL

REGULAR MEETING
Tuesday, October 10, 2017
6:00 P.M.

Council Chambers
202 N. State Route 89
Chino Valley, Arizona

A majority of the Councilmembers may attend a private invocation in the Council Conference Room immediately prior to the Council meeting. No Town business will be discussed.

AGENDA

- 1. CALL TO ORDER, PLEDGE OF ALLEGIANCE; ROLL CALL**
- 2. INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS**
 - a. Proclamation declaring October 15-21, 2017 as "Arizona Cities and Towns Week," sponsored by the League of Arizona Cities and Towns and fellow Arizona municipalities.
 - b. Proclamation declaring September 28, 2017 as "Rural Communities of Arizona Day," sponsored by Douglas J. Nicholls, Mayor, City of Yuma, and other Arizona rural communities.
 - c. Proclamation declaring October 22-28, 2017 as "Bullying Awareness Week," sponsored by Beth Vicory, Lead Ambassador, The Million Misfit Sock March.
 - d. Presentation by Larry Green, CEO, West Yavapai Guidance Clinic, regarding the clinic's new Crisis Stabilization Unit, located in Prescott Valley.
 - e. Presentation by Juliana Goswick, President and CEO, Yavapai Big Brothers Big Sisters, regarding the Chino Valley Tax Proclamation.
 - f. Presentation by Dr. Ron Liss, Vice President for Instruction and Student Development, regarding Yavapai College.
 - g. Presentation by Gary Kellogg, Interim Director, regarding Greater Prescott Regional Economic Partnership (GPREP) activities.

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. Concerns regarding the small density of the proposed West Meadows development.

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.
- b. Status report by Town Manager Cecilia Grittman and/or Town staff members regarding Town accomplishments, and current or upcoming projects.
- c. Report by Town Manager Cecilia Grittman regarding Customer Service.

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.

- a. Consideration and possible action to approve purchase of a John Deere Tractor from RDO Agriculture Equipment Co. for the Police Training Facility. (Chuck Wynn, Police Chief)
- b. Consideration and possible action to accept the September 19, 2017 study session minutes. (Jami Lewis, Town Clerk)
- c. Consideration and possible action to accept the September 26, 2017 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 the Third Amendment to Wireless Communications Site Lease with SunState Towers III, L.L.C. (Phyllis Smiley, Town Attorney)

Recommended Action: Approve the Third Amendment to Wireless Communications Site Lease with SunState Towers III, L.L.C.

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.

9. ACTION ITEMS RESUMED

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

10. ADJOURNMENT

Dated this 5th day of October, 2017.

By: **Jami C. Lewis, Town Clerk**

The Town of Chino Valley endeavors to make all public meetings accessible to persons with disabilities. Please call 636-2646 (voice) or 711 (Telecommunications Arizona Relay Service) 48 hours prior to the meeting to request a reasonable accommodation to participate in this meeting.

Supporting documentation and staff reports furnished to the Council with this agenda are available for review on the Town website at <http://www.chinoaz.net/agendacenter> and in the Public Library and Town Clerk's Office.

CERTIFICATION OF POSTING

The undersigned hereby certifies that a copy of this notice was duly posted at Chino Valley South Campus, Chino Valley Post Office, and Chino Valley North Campus in accordance with the statement filed by the Town Council with the Town Clerk.

Date: _____ Time: _____ By: _____
Jami C. Lewis, Town Clerk

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

2.a.

Meeting Date: 10/10/2017
Contact Person: Jami Lewis, Town Clerk
Phone: 928-636-2646 x-1208
Department: Council
Estimated length 5 minutes
of Staff Presentation:
Physical location of item: N/A

AGENDA ITEM TITLE:

Proclamation declaring October 15-21, 2017 as "Arizona Cities and Towns Week," sponsored by the League of Arizona Cities and Towns and fellow Arizona municipalities.

SITUATION & ANALYSIS:

N/A

Attachments

Proclamation-Cities and Towns Week



PROCLAMATION

Arizona Cities and Towns Week – October 15-21, 2017



Whereas, the citizens of Chino Valley, Arizona rely on the town to experience a high quality of life in our community; and

Whereas, cities and towns in Arizona work 24 hours a day, seven days a week to deliver vital city services such as fire, police and emergency medical response to ensure safe communities; and

Whereas, cities and towns in Arizona also provide services and programs that enhance the quality of life for residents such as parks, utilities, street maintenance, sanitation and recycling services, libraries, community centers and recreational programs; and

Whereas, it is important for the Town of Chino Valley to continue to provide the excellent delivery of services and programs that our citizens have come to expect in our community; and

Whereas, it is one of the responsibilities of town officials to ensure open and accessible government through frequent communication with citizens using various avenues and means; and

Whereas, through participation and cooperation; citizens, community leaders, local businesses and municipal staff can work together to ensure that services provided by Chino Valley can remain exceptional elements of the quality of life of our community; and

*Now, Therefore, I, Darryl Croft, Mayor of the Town of Chino Valley, join with the League of Arizona Cities and Towns and fellow municipalities across the State of Arizona in declaring **October 15-21, 2017** as “Arizona Cities and Towns Week.”*

In Witness Whereof, I have hereunto set my hand and caused the Seal of the Town of Chino Valley to be affixed this 10th day of October, 2017.

Darryl L. Croft, Mayor

ATTEST: Jami C. Lewis, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

2.b.

Meeting Date: 10/10/2017
Contact Person: Jami Lewis, Town Clerk
 Phone: 928-636-2646 x-1208
Department: Council
Estimated length of Staff Presentation: 5 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Proclamation declaring September 28, 2017 as "Rural Communities of Arizona Day," sponsored by Douglas J. Nicholls, Mayor, City of Yuma, and other Arizona rural communities.

SITUATION & ANALYSIS:

Douglas J. Nicholls, Mayor of the City of Yuma, invites the Town to join him in promoting the importance of rural Arizona. As most of rural Arizona has the area code 928, he selected September 28th (also 9/28) as a great opportunity to continue the promotion of rural Arizona. He has asked Mayor Croft, as the mayor of a rural city in Arizona, to join him in issuing a similar proclamation, promote his signing locally, and send a copy to Governor Ducey, and our state and federal legislators.

Attachments

Proclamation-Rural Communities Day



PROCLAMATION

Rural Communities of Arizona Day - September 28, 2017



Whereas, the Town of Chino Valley is proud to be a rural community in the State of Arizona offering our unique rural way of life to the fabric of the State; and

Whereas, rural Arizona communities represent 25% of the state's 6.4 million population with a wide variety of cultures, traditions, and histories; and

Whereas, rural Arizona contributes \$29 billion dollars to the overall State of Arizona's Gross Domestic Product; and

Whereas, the topography of Arizona is enriched by the diversity in landscape from the Grand Canyon to the Saguaro National Park, from the agricultural fields to snow-capped peaks; and

Whereas, the people of rural Arizona are proud to perform key leadership roles throughout the State, benefiting not only the rural communities, but the state as a whole; and

Whereas, from statehood, Arizona's economy has benefitted through specific economic development opportunities, unique tourism attractions, and connections to higher education through our three State Universities; and

Whereas, the majority of Rural Arizona utilizes the area code 928;

Now, Therefore, I, Darryl Croft, Mayor of the Town of Chino Valley, do hereby proclaim the 28th day of the ninth month (in other words 928) of 2017 as "*Rural Communities of Arizona Day in Chino Valley, Arizona*" and urge the people of the Chino Valley community, as well as throughout the State, to reflect upon the contributions of the people from rural Arizona and the importance rural Arizona plays in the quality and characteristics that make the State of Arizona great.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the Town of Chino Valley to be affixed this 10th day of *October*, 2017.

Darryl L. Croft, Mayor

ATTEST: Jami C. Lewis, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

2.c.

Meeting Date: 10/10/2017
Contact Person: Jami Lewis, Town Clerk
Phone: 928-636-2646 x-1208
Department: Council
Estimated length 5 minutes
of Staff Presentation:
Physical location of item: N/A

AGENDA ITEM TITLE:

Proclamation declaring October 22-28, 2017 as "Bullying Awareness Week," sponsored by Beth Vicory, Lead Ambassador, The Million Misfit Sock March.

Attachments

Proclamation-Bullying Awareness



PROCLAMATION

Bullying Awareness Week - October 22-28, 2017



Whereas, aggressive behavior patterns have been around since the beginning of recorded history and have adversely affected civilizations since society began; and

Whereas, bullying occurs not only in the schools, but in the workplace as well (albeit in more socially acceptable forms); and

Whereas, bullying is not restricted to any specific race, gender, or physical size, but rather transcends all three; and

Whereas, aggressive behavior patterns, if left unchecked, can lead to disastrous consequences; and

Whereas, recognizing that such behaviors are most easily discouraged during early childhood years; and

Whereas, recognizing that the parents (not the schools, the government, or society) have the most profound effect on discouraging such behaviors during childhood years;

Now, Therefore, I, Darryl Croft, Mayor of the Town of Chino Valley, do hereby proclaim *October 22-28, 2017* as "*Bullying Awareness Week*" in Chino Valley, Arizona, and call upon the parents and guardians of the children of Chino Valley to set an example for their children and to teach their children to respect the basic rights of those around them, and to discourage bullying behavior both in the school and in the workplace.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the Town of Chino Valley to be affixed this *24th* day of *October*, 2017.

Darryl L. Croft, Mayor

ATTEST: Jami C. Lewis, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6.a.

Meeting Date: 10/10/2017
Contact Person: Chuck Wynn, Police Chief
 Phone: 928-636-2646 x-1258
Department: Police
Item Type: Consent
Estimated length of staff presentation: None
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to approve purchase of a John Deere Tractor from RDO Agriculture Equipment Co. for the Police Training Facility.

RECOMMENDED ACTION:

Approve purchase of a John Deere Tractor from RDO Agriculture Equipment Co. for the Police Training Facility.

SITUATION AND ANALYSIS:

Issue Statement

Through the 1033 Program, which grants excess military equipment to Police Departments at no charge, the Chino Valley Police Department acquired a backhoe, a bulldozer and a front end loader. Per the 1033 Program rules, the Police Department is able to sell these items one year after receiving them. The 1033 Program requires that any money received for selling this equipment go directly to the Police Department that had been granted the equipment. These three pieces of equipment were auctioned off in September, 2017. With proceeds from auctioning off the backhoe, bulldozer and front end loader, the Police Department would like to purchase a new 2015 John Deere tractor and 3 attachments (see attached quote). This tractor will be used mainly at the Police Department Training Facility to maintain the facility. The tractor may also be used by other Town departments as needed.

Applicable "Policy"

N/A

Satisfaction of "Policy"

N/A

Summary of Issues and Staff Rationale

The backhoe, bulldozer and front end loader required a lot of maintenance and were expensive to maintain. After auctioning them off, the Police Department has funds available, at no cost to the Town, to

purchase a new 2015 John Deere tractor plus attachments. This tractor will be more practical for the needs of maintaining the training facility.

Findings of Fact

Same as above

Fiscal Impact

Fiscal Impact?: Yes

If Yes, Budget Code: 07-60-5212

Available: 28875.10

Funding Source:

Funds will be accounted for in the Police Grant Fund.

Attachments

Tractor Purchase Quote

Purchase Order Contract


JOHN DEERE
ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):

Deere & Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580; DUNS#: 60-7690989

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:

RDO Agriculture Equipment Co.
1091 Commerce Drive
Prescott, AZ 86305
928-776-8300
act-pre@rdoequipment.com

Quote Summary
Prepared For:

Town Of Chino Valley Chino Valley Police Dept
1950 N Voss Dr
Chino Valley, AZ 86323

Delivering Dealer:

RDO Agriculture Equipment Co.
Sherry Smith
1091 Commerce Drive
Prescott, AZ 86305
Phone: 928-776-8300
sherry.smith@rdoequipment.com

Quote ID: 16135859
Created On: 27 September 2017
Last Modified On: 02 October 2017
Expiration Date: 30 October 2017

Equipment Summary	Selling Price	Qty	Extended
JOHN DEERE 4044M Compact Utility Tractor (33 PTO hp) Contract: AZ Landscape & UVs, Trailers & Equip ADSP013-035803 (PG 4Z) Price Effective Date: January 14, 2015	\$ 21,496.40 X	1 =	\$ 21,496.40
JOHN DEERE D170 Loader Contract: AZ Landscape & UVs, Trailers & Equip ADSP013-035803 (PG 4Z) Price Effective Date: February 26, 2015	\$ 4,491.13 X	1 =	\$ 4,491.13
Frontier BB5072 Standard Duty Box Blade Contract: AZ Landscape & UVs, Trailers & Equip ADSP013-035803 (PG 4Z) Price Effective Date: January 1, 2016	\$ 888.10 X	1 =	\$ 888.10
Frontier RC2072 Lift-Type Rotary Cutter Contract: AZ Landscape & UVs, Trailers & Equip ADSP013-035803 (PG 4Z) Price Effective Date: January 1, 2016	\$ 1,999.47 X	1 =	\$ 1,999.47
Equipment Total			\$ 28,875.10

* Includes Fees and Non-contract items

Quote Summary

Equipment Total

\$ 28,875.10

Salesperson : X

Accepted By : X



**ALL PURCHASE ORDERS MUST BE MADE OUT
TO (VENDOR):**

Deere & Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580; DUNS#: 60-7690989

**ALL PURCHASE ORDERS MUST BE SENT
TO DELIVERING DEALER:**

RDO Agriculture Equipment Co.
1091 Commerce Drive
Prescott, AZ 86305
928-776-8300
act-pre@rdoequipment.com

Trade In	
SubTotal	\$ 28,875.10
Local Tax - (8.35%)	\$ 2,411.07
Total	\$ 31,286.17
Down Payment	(0.00)
Rental Applied	(0.00)
Balance Due	\$ 31,286.17

Salesperson : X

Accepted By : X

A handwritten signature in black ink, appearing to be "T. H. C.", written over a horizontal line.

**JOHN DEERE**

Selling Equipment

Quote Id: 16135859 **Customer Name:** TOWN OF CHINO VALLEY CHINO VALLEY POLICE DEPT

ALL PURCHASE ORDERS MUST BE MADE OUT

TO (VENDOR):

Deere & Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580; DUNS#: 60-7690989

ALL PURCHASE ORDERS MUST BE SENT

TO DELIVERING DEALER:

RDO Agriculture Equipment Co.
1091 Commerce Drive
Prescott, AZ 86305
928-776-8300
act-pre@rdoequipment.com

JOHN DEERE 4044M Compact Utility Tractor (33 PTO hp)

Hours: 0000

Stock Number:

Contract: AZ Landscape & UVs, Trailers & Equip
ADSP013-035803 (PG 4Z)

Selling Price *

\$ 21,496.40

Price Effective Date: January 14, 2015

* Price per item - includes Fees and Non-contract items

Code	Description	Qty	List Price	Discount%	Discount Amount	Contract Price	Extended Contract Price
0310LV	4044M OS HST 2SCV PR	1	\$ 25,260.00	17.00	\$ 4,294.20	\$ 20,965.80	\$ 20,965.80
Standard Options - Per Unit							
V0409	ENGLISH OPERATOR MANUAL	1	\$ 0.00	17.00	\$ 0.00	\$ 0.00	\$ 0.00
V1381	POWER REVERSER TRANSMISSION	1	\$ 0.00	17.00	\$ 0.00	\$ 0.00	\$ 0.00
V2000	OPEN STATION W/ STANDARD SEAT	1	\$ 0.00	17.00	\$ 0.00	\$ 0.00	\$ 0.00
V5221	13.6-28 4PR REAR R1	1	\$ 0.00	17.00	\$ 0.00	\$ 0.00	\$ 0.00
V6221	8-16 6PR FRONT R1	1	\$ 0.00	17.00	\$ 0.00	\$ 0.00	\$ 0.00
V9001	DRAWBAR	1	\$ 0.00	17.00	\$ 0.00	\$ 0.00	\$ 0.00
Standard Options Total			\$ 0.00		\$ 0.00	\$ 0.00	\$ 0.00
Dealer Attachments/Non-Contract/Open Market							
LVB25334	Canopy - KIT, CANOPY	1	\$ 552.51	17.00	\$ 93.93	\$ 458.58	\$ 458.58
LVB25332	Mounting Parts - KIT, CANOPY MOUNTING	1	\$ 86.77	17.00	\$ 14.75	\$ 72.02	\$ 72.02
Dealer Attachments Total			\$ 639.28		\$ 108.68	\$ 530.60	\$ 530.60
Suggested Price							\$ 21,496.40
Total Selling Price			\$ 25,899.28		\$ 4,402.88	\$ 21,496.40	\$ 21,496.40

JOHN DEERE D170 Loader

**JOHN DEERE**

Selling Equipment

Quote Id: 16135859 Customer Name: TOWN OF CHINO VALLEY CHINO VALLEY POLICE DEPT

ALL PURCHASE ORDERS MUST BE MADE OUT
TO (VENDOR):

Deere & Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580; DUNS#: 60-7690989

ALL PURCHASE ORDERS MUST BE SENT
TO DELIVERING DEALER:

RDO Agriculture Equipment Co.
1091 Commerce Drive
Prescott, AZ 86305
928-776-8300
act-pre@rdoequipment.com

Equipment Notes:

Hours: 0000

Stock Number:

Contract: AZ Landscape & UVs, Trailers & Equip

ADSP013-035803 (PG 4Z)

Price Effective Date: February 26, 2015

Selling Price *

\$ 4,491.13

* Price per item - includes Fees and Non-contract items

Code	Description	Qty	List Price	Discount%	Discount Amount	Contract Price	Extended Contract Price
1401P	D170 LOADER BOOM-CP	1	\$ 5,411.00	17.00	\$ 919.87	\$ 4,491.13	\$ 4,491.13
Standard Options - Per Unit							
0409	ENGLISH OPERATOR MANUAL	1	\$ 0.00	17.00	\$ 0.00	\$ 0.00	\$ 0.00
1400	MOUNTING FRAME	1	\$ 0.00	17.00	\$ 0.00	\$ 0.00	\$ 0.00
4405	4M COMPATIBILITY KIT	1	\$ 0.00	17.00	\$ 0.00	\$ 0.00	\$ 0.00
6995	LESS BALLAST BOX	1	\$ 0.00	17.00	\$ 0.00	\$ 0.00	\$ 0.00
8000	1850MM 73IN MATERIALS BUCKET	1	\$ 0.00	17.00	\$ 0.00	\$ 0.00	\$ 0.00
Standard Options Total			\$ 0.00		\$ 0.00	\$ 0.00	\$ 0.00
Suggested Price							\$ 4,491.13
Total Selling Price			\$ 5,411.00		\$ 919.87	\$ 4,491.13	\$ 4,491.13

Frontier BB5072 Standard Duty Box Blade

Equipment Notes:

Hours:

Stock Number:

Contract: AZ Landscape & UVs, Trailers & Equip

ADSP013-035803 (PG 4Z)

Price Effective Date: January 1, 2016

Selling Price *

\$ 888.10

* Price per item - includes Fees and Non-contract items

**JOHN DEERE**

Selling Equipment

Quote Id: 16135859 Customer Name: TOWN OF CHINO VALLEY CHINO VALLEY POLICE DEPT

ALL PURCHASE ORDERS MUST BE MADE OUT
TO (VENDOR):

Deere & Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580; DUNS#: 60-7690989

ALL PURCHASE ORDERS MUST BE SENT
TO DELIVERING DEALER:

RDO Agriculture Equipment Co.
1091 Commerce Drive
Prescott, AZ 86305
928-776-8300
act-pre@rdoequipment.com

Code	Description	Qty	List Price	Discount%	Discount Amount	Contract Price	Extended Contract Price
1642XF	BB5072 Standard Duty Box Blade	1	\$ 1,070.00	17.00	\$ 181.90	\$ 888.10	\$ 888.10
Suggested Price							\$ 888.10
Total Selling Price			\$ 1,070.00		\$ 181.90	\$ 888.10	\$ 888.10

Frontier RC2072 Lift-Type Rotary Cutter

Equipment Notes:

Hours:

Stock Number:

Selling Price *

Contract: AZ Landscape & UVs, Trailers & Equip
ADSP013-035803 (PG 4Z)

\$ 1,999.47

Price Effective Date: January 1, 2016

* Price per item - includes Fees and Non-contract items

Code	Description	Qty	List Price	Discount%	Discount Amount	Contract Price	Extended Contract Price
0513XF	RC2072 Lift-Type Rotary Cutter	1	\$ 1,942.00	17.00	\$ 330.14	\$ 1,611.86	\$ 1,611.86
Standard Options - Per Unit							
1000	Driveline with Slip Clutch	1	\$ 143.00	17.00	\$ 24.31	\$ 118.69	\$ 118.69
2000	Front and Rear Chain Enclosure	1	\$ 324.00	17.00	\$ 55.08	\$ 268.92	\$ 268.92
Standard Options Total			\$ 467.00		\$ 79.39	\$ 387.61	\$ 387.61
Suggested Price							\$ 1,999.47
Total Selling Price			\$ 2,409.00		\$ 409.53	\$ 1,999.47	\$ 1,999.47

PURCHASE ORDER CONTRACT
(State of Arizona Bid List)
Contract No. ADSP013-035803

This Purchase Order Contract is made and entered into by and between the Town of Chino Valley, Arizona, a municipal corporation, hereinafter designated as "Town" and RDO Agriculture Equipment Co., hereinafter designated as "Contractor."

RECITALS:

A. Contractor has contracted with the State of Arizona to provide agricultural equipment services or supplies pursuant to State Contract No. ADSP013-035803 (the "State Contract") and any amendments approved by the State; and

B. Pursuant to A.R.S. § 41-2631, *et seq.* and the Chino Valley Town Code § 32.08, Town has authority to utilize state cooperative purchasing contracts and engage contractors under the terms thereof.

CONTRACTOR AND TOWN, FOR THE CONSIDERATION HEREINAFTER SET FORTH, PROMISE, COVENANT AND AGREE AS FOLLOWS:

1. Scope of Work. Contractor shall provide the items listed in the Purchase Order(s) submitted by Town in accordance with the State Contract #ADSP013-035803 documents as set forth on the State Procurement website, <https://procure.az.gov> as may be amended from time to time, which is incorporated herein by reference.
2. Specific Requirements of Town. Contractor shall comply with all specific purchase and delivery requirements and/or options of Town, as specified in Deer & Company Quote ID 16135859, dated October 2, 2017
3. Payment. Payment to the Contractor for the services or supplies provided shall be made in accordance with the price list and terms set forth in the State Contract.
4. Terms of State Contract Apply. All provisions of the State Contract documents, including any amendments, are incorporated in and shall apply to this Contract as though fully set forth herein.
5. Certificates of Insurance. All insurance provisions of the State Contract shall apply, including without limitation, the requirement to name all agencies eligible to use the State Contract as an additional insured. Prior to commencing work under this Contract, Contractor shall furnish Town with a copy of the current Certificates of Insurance required by the State Contract.
6. Term; Renewal. If funds for this Contract are not appropriated or budgeted by July 1, 2018, Town may terminate this contract by giving written notice to Contractor. Otherwise, this Purchase Order Contract shall commence upon approval and continue through

June 30, 2018. All Purchase Orders must be issued by Town prior to expiration or termination of the underlying State Contract.

7. Non-Boycott of Israel. Vendor hereby certifies that it is not currently engaged in, and agrees that for the duration of this Agreement it will not engage in, a boycott of Israel, as that term is defined in A.R.S. § 35-393.

IN WITNESS WHEREOF, the parties have hereunto subscribed their names this _____ day of _____, 2017.

TOWN OF CHINO VALLEY:

Darryl Croft, Mayor

ATTEST:

Jami Lewis, Town Clerk

APPROVED AS TO FORM:

Phyllis Smiley, Town Attorney
Gust Rosenfeld, PLC

CONTRACTOR:

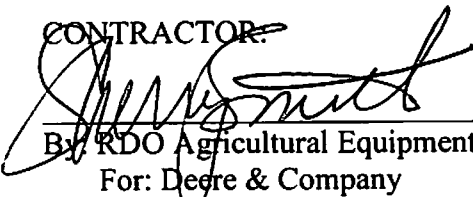

By: RDO Agricultural Equipment Co.
For: Deere & Company
Title: Sherry Smith, Sales Person

EXHIBIT A
SPECIFIC REQUIREMENTS/OPTIONS OF TOWN

Specifications: Per Quote Summary

Schedule of performance: Per Quote Summary

Delivery location: Chino Valley Police Dept. will arrange pick up with dealer

Notices: All notices to Town shall be sent to: Town Manager, 202 North State Route 89, Chino Valley, Arizona 86323



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6.b.

Meeting Date: 10/10/2017

Contact Person: Jami Lewis, Town Clerk
Phone: 928-636-2646 x-1208

Department: Town Clerk

Item Type: Consent

AGENDA ITEM TITLE:

Consideration and possible action to accept the September 19, 2017 study session minutes. (Jami Lewis, Town Clerk)

RECOMMENDED ACTION:

Accept the September 19, 2017 study session minutes.

Attachments

September 19, 2017 minutes

DRAFT

MINUTES OF THE STUDY SESSION OF THE TOWN COUNCIL OF THE TOWN OF CHINO VALLEY

**TUESDAY, SEPTEMBER 19, 2017
6:00 P.M.**

The Town Council of the Town of Chino Valley, Arizona, met for a Study Session in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on Tuesday, September 19, 2017.

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

Staff Present: Town Manager Cecilia Grittman; Finance Director Joe Duffy; Public Works Director/Town Engineer Frank Marbury; Acting Development Services Director Jason Sanks; Associate Planner Alex Lerma; Deputy Town Clerk Michelle Greenstreet; Deputy Town Clerk Vickie Nipper; Town Clerk Jami Lewis (recorder)

1) CALL TO ORDER; ROLL CALL

Mayor Croft called the meeting to order at 6:00 p.m.

2) Presentation and discussion regarding an agreement between the Town and Holliday Development relative to sewer connection and buy-in fees. (Joe Duffy, Finance Director)

Mr. Duffy reported that:

- When the Holliday Development was built in 2005, the Town required that infrastructure for future sewer connection be installed in the northeast corner of the property.
- This year, when the Town extended sewer down Road 1 West to Mountain Home Mobile Home Park, Holliday opted to pay to connect his 27 units behind the mobile home park to sewer; however, the Town was now requiring the owner to connect on the west side of the property.
- As the new location would require the owner to abandon a portion of his current infrastructure, reconfigure it, and install new material, he was asking for a credit of \$17,000 to apply against the \$38,000 in buy-in fees.
- Staff recommended approval.

Council asked for the reasoning behind the location change. Mr. Duffy related that due to conflicts with utilities and the mobile home park, staff found that it would be cheaper to run the sewer through raw undeveloped land.

Council generally supported the request due to the Town changing location, not the owner.

- 3) Presentation and discussion regarding Chino Valley Food Truck Food Court, located approximately 875 feet north of the northeast corner of West Road 1 North and State Route 89 at 694 North State Route 89, Chino Valley. (Jason Sanks, Acting Development Service Director)

Mr. Sanks reported that:

- No application had yet been filed for this proposed use. This type of use was not specifically defined in the Unified Development Ordinance (UDO). The closest thing was a temporary use, similar to a swap meet, but this would be an ongoing operation; or it could be turned into a conditional use. Either use could fit within the context of the General Plan and CL zoning district.
- The proposed location was off SR 89 behind Sunshine Vapors and the proposed site plan would allow up to six trucks at one time, small restrooms, and an onsite commissary.
- Potential benefits were: The concept provided a centralized location for food trucks with a variety of food products; nearly direct access to SR 89; and outdoor seating and potential entertainment, all resulting in greater consumer spending.
- Staff considerations included: More odors near adjacent properties; additional outdoor noise; trash management; impacts of this type of business on those who invested in brick and mortar restaurants; and designated eating areas, restrooms, spacing between trucks, and parking.

Council and staff discussed the following:

- *Impacts to other food trucks:* Current trucks could continue in their current locations, if desired.
- *Hours of operation:* 10:00 a.m. to 5:00 p.m., tentatively.
- *Ingress/egress:* As such trucks would create lots of circulation and turning radii, staff might need a site plan for the entire property. ADOT had concern about the pre-existing driveway, as well.
- *Parking:* The site plan included shared parking. Staff would recommend that the applicant and owners of the shared parking areas execute a shared parking agreement.
- *Licensing:* Food trucks had to obtain a license to operate.
- *Ownership:* The requestor was the owner of Sunshine Vapors.
- *Land use request:* The Council could amend the UDO to define this use, or, in theory, the applicant could ask for a temporary or conditional use. The benefit of a conditional use was being able to identify challenges and levy specific conditions of approval.
- *ADA requirements:* These would still be required.

Dan Thomas, food truck owner who was promoting this venture, and Raymond Zota, commercial real estate broker related that:

- *Location:* The site plan being presented was for a different property than the one where Sunshine Vapors was currently located. There were no nearby residential uses.
- *Site plan:* Access to the back would be through a gate off the Sunshine Vapors

building. The Fire District would need access at the back, as well. With an area identified for overflow, there should be enough parking. The area will be fenced. They were discussing appropriate sewer with Yavapai County for the commissary.

- *Operations:* The food trucks would be set up on the property on a monthly basis, rather than daily; the hours were not set in stone. The shared commissary may allow the trucks to lower their prices.
- *Land use request:* Due to the cost of the investment, the applicant would prefer at least a five-year timeframe for any use permit.
- *Business plan:* Once they got some answers from the county, Mr. Thomas related that they would have one.
- *Business concept:* As some current food trucks were in isolated locations, they hoped this concept would overcome that and provide more customers.
- *Traffic control:* They did not believe the daily use would be a problem, but special events would create a challenge, so they were contacting neighbors and adjacent land owners. Events would be during daytime,

Council comments:

- There was some concern about traffic, especially during events.
- The developer and truck owners should consider keeping the trucks open after 5:00 p.m.
- Several councilmembers expressed support for the concept.

- 4) Discussion regarding establishing an ad hoc Council subcommittee to work with a staff working group to update property maintenance-related provisions of the Unified Development Ordinance (UDO). (Councilmember Corey Mendoza; Councilmember Lon Turner)

Town Manager Gritman reported that:

- She, two councilmembers, and staff members met to discuss code compliance issues related to conflicts between the UDO and Building Code and Town Code, and vague or overly specific language that was complicating enforcement.
- Staff was proposing that they work on amendments to the UDO with the town attorney, then present recommended changes to a Council subcommittee, who could then forward said amendments to the Council. This could take many months or even years to complete and would involve different departments.

Councilmember Turner, Councilmember Mendoza, and Councilmember Kelly volunteered to serve on the subcommittee. Councilmember Turner agreed to chair the subcommittee.

5) ADJOURNMENT

MOVED by Councilmember Jack Miller, seconded by Councilmember Annie Lane to adjourn the meeting at 6:51 p.m.

Vote: 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 Study Session of the Town Council of the Town of Chino Valley, Arizona held on the 19th day of September, 2017. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 10th day of October, 2017.

Jami C. Lewis, Town Clerk

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6.c.

Meeting Date: 10/10/2017

Contact Person: Jami Lewis, Town Clerk
Phone: 928-636-2646 x-1208

Department: Town Clerk

Item Type: Consent

AGENDA ITEM TITLE:

Consideration and possible action to accept the September 26, 2017 regular meeting minutes. (Jami Lewis, Town Clerk)

RECOMMENDED ACTION:

Accept the September 26, 2017 regular meeting minutes.

Attachments

September 26, 2017 minutes

DRAFT

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

**TUESDAY, SEPTEMBER 26, 2017
6:00 P.M.**

The Town Council of the Town of Chino Valley, Arizona, met for a Regular Meeting in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on Tuesday, September 26, 2017.

Present: Mayor Darryl Croft; Councilmember Cloyce Kelly; Councilmember Annie Lane; Councilmember Corey Mendoza; Councilmember Jack Miller; Councilmember Lon Turner

Absent: Vice-Mayor Mike Best

Staff Present: Town Manager Cecilia Grittmann; Town Attorney Phyllis Smiley (via Skype); Public Works Director/Town Engineer Frank Marbury; Assistant Public Works Director/Town Engineer Richard Straub; Associate Planner Alex Lerma; Community Services Director Scott Bruner; Deputy Town Clerk Michelle Greenstreet (Videographer); Town Clerk Jami Lewis (recorder)

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

Mayor Croft called the meeting to order at 6:00 p.m.

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.

Craig Brown, Yavapai County Supervisor, spoke about an upcoming County Town Hall at the Senior Center and a free flu shot clinic at the Fire District station.

Haryashka Knauer, resident, spoke about maintaining safe yield, sustainability, and sensible growth; and using imaginative development to retain the Town's quality of life and rural feel.

Darren Mahoney spoke about the September 12 meeting, one public speaker not getting his five minutes for comment, and many citizens feeling that they weren't listened to.

Mayor Croft commented that the speaker in question did get five minutes and some of his concerns were valid.

Wayne Moyer, resident, spoke in opposition to the proposed park model development, preferring 2- to 2.5-acre lots, and asked how the park model units would be anchored.

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 reported on a project to develop a possible youth council or ambassador to council program; and how the Town came together during tragedies, including the recent the deaths of two local youths and a house fire.

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

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 Lon Turner, seconded by Councilmember Jack Miller to approve the consent agenda as read.

Vote: 6 - 0 PASSED - Unanimously

- a)** Consideration and possible action to approve amendment to the final plat for North Chino Business Park Condominium, located at 2700 N. State Route 89. (Richard Straub, Assistant Public Works Director/Town Engineer)
- b)** Consideration and possible action to approve Sewer Connection Agreement with Thomas M. Holliday and Sara Holliday pertaining to sewer connection fees. (Joe Duffy, Finance Director)

- c) Consideration and possible action to establish an Ad Hoc Council UDO Update Subcommittee, consisting of Councilmember Turner (Chair), and Councilmembers Mendoza and Kelly, to work with a staff working group to update conflicting provisions in the Unified Development Ordinance (UDO). (Jami Lewis, Town Clerk)
- d) Consideration and possible action to accept the September 12, 2017 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 Lease Agreement between the Town of Chino Valley and Boys and Girls Club of Central Arizona, for use of the Community Center for after-school and summer youth programs. (Scott Bruner, Community Services Director)

Recommended Action: Approve Lease Agreement between the Town and Boys and Girls Club of Central Arizona, for use of the Community Center for after-school and summer youth programs.

Mr. Bruner reported that Council reviewed this lease agreement during the September 19 study session and introduced Gerald Szostak, the Club's Executive Director, who reported on community partnering, meetings with high school students, Community Center improvements, Quad-Cities teen program, and opportunities for participation.

Town Manager Gritman reported that the Community Center improvements should be complete in two to three weeks.

MOVED by Councilmember Lon Turner, seconded by Councilmember Annie Lane to approve Lease Agreement between the Town and Boys and Girls Club of Central Arizona, for use of the Community Center for after-school and summer youth programs.

Vote: 6 - 0 PASSED - Unanimously

- b) Consideration and possible action to approve Ordinance No. 17-838, approving a zone change from AR-5 (Agricultural Residential-5 Acre Minimum) to SR-2.5 (Single Family Residential- 2.5 Acre Minimum) for approximately 7 acres of real property generally located on the northeast corner of Bacon Lane and West Road 4 North at 3065 Bacon Lane, and identified as Yavapai County Assessor's Parcel Number 306-04-009R. (Owner/Applicant Carol Osterman) (Alex Lerma, Associate Planner)

Recommended Action: Approve Ordinance No. 17-838, approving a zone change from AR-5 to SR-2.5 zoning district for approximately 7 acres of real property at 3065 Bacon Lane.

Councilmember Miller declared a conflict of interest and recused himself at 6:22 p.m.

Mr. Lerma presented on this item:

- *Purpose of request:* To split the property into two 3.5 acre parcels.
- *Current condition:* A barn, home, and shop existed on the property. Surrounding zoning districts included Single Family Residential-7,000 square foot minimum, Agricultural Residential-5 acre minimum (AR-5), Commercial Light/AR-5, Commercial Heavy and Commercial Light.
- *Conformance:* The request conformed to the General Plan designation of Commercial/Multi-Family Residential, as well as the surrounding zoning districts; and would conform to the lot split regulations.
- *Public comment:* No public comments had been received.
- *Recommendations:* Staff recommended approval, as the proposed zoning district was still considered low density and would serve as a transition from low density to that of less density. The Planning and Zoning Commission expressed no concerns and voted 6-0 to recommend approval.

MOVED by Councilmember Lon Turner, seconded by Councilmember Cloyce Kelly to approve Ordinance No. 17-838, approving a zone change from AR-5 to SR-2.5 zoning district for approximately 7 acres of real property at 3065 Bacon Lane.

Vote: 6 - 0 PASSED - Unanimously

Councilmember Miller returned to the dais at 6:30 p.m.

- c) Consideration and possible action to approve Change Order No. 2 to the Agreement with CivilTec Engineering, Inc. for Old Home Manor Industrial Park improvements for additional engineering and contract administration services in the amount of \$12,850.00. (Richard Straub, Assistant Public Works Director/Town Engineer)

Recommended Action: Approve Change Order No. 2 to the Agreement with CivilTec Engineering, Inc. for Old Home Manor Industrial Park improvements for additional engineering services and contract administration in the amount of \$12,850.00.

Mr. Straub reported that:

- During the past seven months of this road and utility project, the Town had asked CivilTec to perform considerable extra work related to federal documentation with regard to the Santa Cruz Wash, retests, and additional construction administration. Through all this, CivilTec performed well.
- After negotiating this price down, staff felt it was reasonable, and they anticipated that the project should be done in the next month or so.

Councilmember Mendoza stated that he was familiar with some of the extra work involved and believed the amount was completely justified.

MOVED by Councilmember Lon Turner, seconded by Councilmember Jack Miller to approve Change Order No. 2 to the Agreement with CivilTec Engineering, Inc. for Old Home Manor Industrial Park improvements for additional engineering services and contract administration in the amount of \$12,850.00.

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.

9) ACTION ITEMS RESUMED

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

10) ADJOURNMENT

MOVED by Councilmember Annie Lane, seconded by Councilmember Cloyce Kelly to adjourn the meeting at 6:33 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 26th day of September, 2017. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 10th day of October, 2017.

Jami C. Lewis, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

7.a.

Meeting Date: 10/10/2017
Contact Person: Phyllis Smiley, Town Attorney
Department: Town Attorney
Item Type: Action Item
Estimated length of staff presentation: 5 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to approve the Third Amendment to Wireless Communications Site Lease with SunState Towers III, L.L.C. (Phyllis Smiley, Town Attorney)

RECOMMENDED ACTION:

Approve the Third Amendment to Wireless Communications Site Lease with SunState Towers III, L.L.C.

SITUATION AND ANALYSIS:

Issue Statement

Sun State Towers III, LLC has requested an amendment to the Lease to clarify that the triggering event for the \$700 rent on the Town Hall site was intended to be the location of a wireless service provider such as Verizon, T-Mobile, or Sprint and that the location of a wireless internet service provider will not trigger the \$700 per month rent requirement.

Summary of Issues and Staff Rationale

The Lease Agreement with SunState, Section 2.2 provides that rent at the Town Hall (TH Site) of \$700 per month will begin within 15 days of completion of the the installation of the "first wireless service provider" ("WSP") on the TH Site. It was anticipated and intended that the WSP would be one of the major carriers, such as Sprint, Verizon, or AT&T. These types of carriers generally would be expected to pay rents to SunState (who constructed the towers at Town Hall and the Recreation Buildings at no charge to the Town) of \$2500-\$3000 per month. Payment of these rents would allow SunState to recoup its cost of constructing the towers while sharing some of the revenue with the Town. To date, no WSP has expressed any interest in locating on the TH Site.

SunState has been approached by Speedconnect, a wireless internet service provider ("WIP") from Michigan wanting to co-locate on both the TH Site and the Recreation Building Site ("RB Site") towers. WIPs pay less rent to the tower provider and install different types of equipment from the WSPs. Because of the decreased revenue, SunState is proposing an amendment to the Lease to provide for a different class of service providers (WIPs) on the towers at a lower rent to the Town for co-location than what is set forth in the Lease for WSPs.

The proposed amendment will do the following:

1. Continue to postpone the commencement of the \$700 per month rent on the TH Site until such time as a WSP installs its facilities on the tower and specifically state that the installation of a WIP (specifically SpeedConnect) will not be considered a WSP installation on the TH Site.
2. Amend Section 2 to clarify that "wireless service provider" and "wireless communications service provider" as used in the Lease shall mean one of the major wireless carriers such as Sprint, Verizon, and T-Mobile.
3. Add new Section 2.3.2 to provide that rent for WIPs who co-locate on either the TH Site and the RB Site will be \$150 per month, beginning on the first day of the month following the completion of the installation of the WIP co-locating on the Site.

The result of the amendment will be that upon installation of the Speedconnect facilities at each of the Town's towers, monthly rents of \$150 per month for each site will be added to the Town's revenue.

Fiscal Impact

Fiscal Impact?: yes

If Yes, Budget Code: NS

Available:

Funding Source:

Attachments

SunState Lease - Amendment No. 3

THIRD AMENDMENT TO WIRELESS COMMUNICATIONS SITE LEASE

This Third Amendment to Wireless Communications Site Lease ("Third Amendment") is entered into this ____ day of October, 2017, by and between the Town of Chino Valley, a municipal corporation and political subdivision of the State of Arizona ("Chino Valley") and Sun State Towers III, LLC, a Delaware limited liability company ("Lessee").

WHEREAS, Chino Valley and Sun State Towers, LLC ("Original Lessee") entered into a Wireless Communications Site Lease dated May 12, 2015 (the "Original Lease"), whereby Chino Valley leased to Original Lessee certain Premises, therein described, that are a portion of the real property known as the Chino Valley Town Hall Site, located at 202 North State Route 89, Chino Valley, Arizona (the "TH Site") and a portion of the real property known as the Chino Valley Recreation Building Site located at 1615 North Road 1 East, Chino Valley, Arizona (the "RB Site"); and

WHEREAS, the Original Lease was amended by Chino Valley and Original Lessee on August 25, 2015, when the Parties approved the First Amendment to Wireless Communications Site Lease (the "First Amendment"), revising the legal description and location of the utility easement necessary for Lessee's use of the RB Site under the Lease; and

WHEREAS, with the consent of Chino Valley, the Lease was assigned by Original Lessee to Lessee by Assignment and Assumption of Real Property Lease dated December 30, 2016 recorded December 30, 2016 as Record No. 2016-0066129 in the Office of the Yavapai County Recorder, specifically with regard to the RB Site; and

WHEREAS, by Amended and Restated Assignment and Assumption of Real Property Lease, the Lease was assigned by Original Lessee to Lessee with regard to both the RB Site and the TH Site; and

WHEREAS, pursuant to Second Amendment to Wireless Communications Site Lease dated May 18, 2017 between Chino Valley and Lessee (the "Second Amendment", and together with the Original Lease and the First Amendment referred to herein as the "Lease"), the locations of the lease area, the access easement and the utility easement at the TH Site were revised; and

WHEREAS, Lessee is entering into a tower space lease with a provider of internet service, Speedconnect LLC, a Michigan limited liability company ("Speedconnect") and Lessee has requested and, Chino Valley has agreed, to provide for an additional level of rent as compensation to Chino Valley for wireless internet providers ("WIP") who co-locate on Chino Valley's towers, subject to the terms and conditions of this Amendment.

NOW THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Chino Valley and Lessee agree as follows:

1. Postponement of Start of TH Site Rent Lessee and Chino Valley hereby agree that, notwithstanding Section 2.2 of the Lease, TH Site Rent of \$700 per month will not commence upon installation of Speedconnect because Speedconnect is not the kind of wireless service provider ("WSP") contemplated by the parties. Speedconnect will not be considered the first WSP and TH Site Rent for the first WSP and subsequent WSPs who co-locate on the TH Site will commence in accordance with Section 2.2 after the first WSP (as that term is newly defined in Section 2 of this Amendment) installs its equipment.

2. Amendment of Section 2.

A. Section 2 of the Lease is hereby amended to add the following sentence after the heading "Consideration; Rent" as follows: "As used in this Section 2 and elsewhere in this Lease, the terms "wireless service provider", "wireless communications service provider" and "WSP" shall mean one of the major wireless communications service providers such as Verizon, T-Mobile, Sprint and other future companies that provide full service wireless communications, including cellular phone service, but shall not include paging companies or wireless internet service providers. "Wireless internet service provider" ("WIP") shall mean an internet service provider that allows subscribers to connect to a server at designated hot spots (access points) using a wireless connection such as Wi-Fi".

B. Section 2.3.1. and Section 2.3.2. are each hereby amended to insert the term "WSP" (i) in front of the phrase "service provider" in the second line of 2.3.1 and 2.3.2 and (ii) in front of the word "co-locator" in the second and fourth lines of both 2.3.1 and 2.3.2 to read as follows:

2.3.1 RB Site. Lessee shall pay Chino Valley three hundred dollars (\$300.00) in additional Rent – RB Site for each subsequent WSP co-locator to the site after the first, initial WSP service provider locates on the RB Site. Additional Rent – RB Site shall begin with the first monthly rent payment after installation of a WSP co-locator's facilities on the RB Site Tower.

2.3.2 TH Site. Lessee shall pay Chino Valley three hundred dollars (\$300.00) in additional Rent – TH Site for each subsequent WSP co-locator to the site after the first, initial WSP service provider locates on the TH Site. Additional Rent – TH Site shall begin with the first monthly rent payment after installation of a WSP co-locator's facilities on the RB Site Tower.

C. New Section 2.3.3 shall be added to read as follows:

2.3.3 WIP – TH Site and RB Site. Lessee shall pay Chino Valley \$150.00 per month rent for each WIP co-locating on either the TH Site or the RB Site, commencing the first day of the month following the completion of the installation of the WIP co-locating on the Site (the "WIP Install Date").

3. Confirmation of Chino Valley's Rights. Lessee confirms that Lessee will continue to reserve space for Chino Valley on its communication tower at the TH Site at the 80-foot centerline as required by Section 2 of Exhibit B to the Lease. In addition, Lessee will not

permit its wireless service providers to install equipment that will cause interference with or disruption to Chino Valley's future use.

IN WITNESS WHEREOF, the parties have caused their properly authorized representatives to execute and seal this Second Amendment on the dates set forth below.

TOWN OF CHINO VALLEY, a municipal corporation and political subdivision of the State of Arizona

SUN STATE TOWERS III, LLC, a Delaware limited liability company

By: _____
Darryl Croft, Mayor

By: _____
Chad A. Ward, Chief Executive Officer

Date: _____

Date: _____

Tax ID: _____

Tax ID: _____

Attest:

Jami Lewis, Town Clerk

Approved as to Form:

Phyllis Smiley, Town Attorney

STATE OF ARIZONA)
) ss:
COUNTY OF MARICOPA)

Subscribed and sworn to before me this ____ day of _____, 2017, by Chad A. Ward, Chief Executive Officer of Sun State Towers III, LLC, a Delaware limited liability company.

Notary Public

My Commission Expires:
