



Town of Chino Valley

MEETING NOTICE TOWN COUNCIL

REGULAR MEETING
Tuesday, November 14, 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.** Recognition of Officers for Meritorious Conduct.
- b.** Presentation of Mayor's Recognition Award to Sergeant Roger Strader regarding his military service in the U.S. Army and Arizona National Guard.

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.

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. Status update regarding residential and commercial building permits. (Dan Trout, Chief Building Official)
- d. Status update regarding Road 1 East extension project. (Frank Marbury, Public Works Director/Town Engineer)
- e. Status update regarding the Community Development Block Grant (CDBG) program. (Frank Marbury, Public Works Director/Town Engineer)
- f. Award of Governor's Office of Highway Safety for two grants for the Police Department. (Vince Schaan, Police Lieutenant)
- g. Award of Governor's Office of Highway Safety for two grants for the Police Department. (Vince Schaan, Police Lieutenant)

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 Ordinance No. 17-841 repealing Town Code Chapter 156 General Plan and Section 156.01 General Plan Adopted by Reference to correct a codification error and remove the 2003 General Plan from the Town Code. (Phyllis Smiley, Town Attorney)
- b. Consideration and possible action to accept the October 10, 2017 regular meeting minutes. (Jami Lewis, Town Clerk)
- c. Consideration and possible action to accept the October 17, 2017 study session minutes. (Jami Lewis, Town Clerk)
- d. Consideration and possible action to accept the October 24, 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:
 - (i) Hold a public hearing on establishment of a new Biting Dog Retrieval Fee; and
 - (ii) Approve Resolution No. 17-1114 establishing a new Biting Dog Retrieval Fee. (Phyllis Smiley, Town Attorney)

Recommended Action:

- (i) Hold the public hearing;
- (ii) Approve Resolution No. 17-1114.

- b. Consideration and possible action to approve Purchase Order Contracts with Sanderson Ford for the purchase of a 2018 Ford Explorer and a 2018 Ford Transit Connect Cargo Van; and with RDO Agriculture Equipment Co. for a 2018 John Deere Z997R Mower, both through cooperative purchase with the State bid list. (Joe Duffy, Finance Director)

Recommended Action:

- (i) Approve the Purchase Order Contract with Sanderson Ford for the purchase of a 2018 Ford Explorer in the amount of \$31,598.03 and a 2018 Ford Transit Connect Cargo Van in the amount of \$ 23,942.27; and
- (ii) Approve the Purchase Order Contract with RDO Agriculture Equipment Co. in the amount of \$20,654.13 for a 2018 John Deere Z997R Mower.

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 9th day of November, 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



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

2.b.

Meeting Date: 11/14/2017
Contact Person: Jami Lewis, Town Clerk
Phone: 928-636-2646 x-1208
Department: Town Clerk
Estimated length 5 minutes
of Staff Presentation:
Physical location of item: N/A

AGENDA ITEM TITLE:

Presentation of Mayor's Recognition Award to Sergeant Roger Strader regarding his military service in the U.S. Army and Arizona National Guard.

Attachments

Mayor's Recognition Award

**Office of the Mayor**

202 N. State Route 89
Chino Valley, AZ 86323
(928) 636-2646

Mayor's Recognition Award

Presented To

Sergeant Roger Strader

November 14, 2017



The Town of Chino Valley is proud to recognize and express our appreciation to Sergeant Roger Strader for his service to our country. Sergeant Strader was dedicated to serving and fighting for our freedoms both here and abroad during the Gulf and Afghanistan wars.

Sergeant Strader served in the regular army from 1987 to 1991 and was stationed in Germany with the 1st Armored Division and in Kuwait during the first Gulf war. He joined the Arizona National Guard in 2001 and is still serving in the Guard. During his enlistment with the Guard, Sergeant Strader served in the Afghanistan war zone and has received the following medals and commendations.

- | | |
|---------------------------------|--------------------------------|
| <i>✦ Meritorious Service</i> | <i>✦ Overseas Service</i> |
| <i>✦ Southwest Asia Service</i> | <i>✦ Cold War</i> |
| <i>✦ Kuwait Liberation</i> | <i>✦ Outstanding Volunteer</i> |
| <i>✦ Iraq Campaign</i> | <i>Service</i> |
| <i>✦ Global War on Terror</i> | <i>✦ Army Service</i> |

Today we especially want to thank Sergeant Strader for his extraordinary service to our country. His unwavering service during both wartime and peace time embody the Army Core Values of Honor, Courage, and Commitment.

On behalf of all the citizens of Chino Valley, I Darryl Croft, Mayor of the Town of Chino Valley, Arizona do hereby recognize, by this award, our deep gratitude for the dedication and service of Sergeant Roger Strader. We are most grateful!

In Witness Whereof, I have hereunto set my hand and caused the Seal of the Town of Chino Valley to be affixed this 14th day of November, 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: 11/14/2017
Contact Person: Phyllis Smiley, Town Attorney
Department: Town Attorney
Item Type: Consent
Estimated length of staff presentation: None
Physical location of item: n/a

AGENDA ITEM TITLE:

Consideration and possible action to approve Ordinance No. 17-841 repealing Town Code Chapter 156 General Plan and Section 156.01 General Plan Adopted by Reference to correct a codification error and remove the 2003 General Plan from the Town Code.

RECOMMENDED ACTION:

Approve Ordinance No. 17-841 repealing Town Code Chapter 156 General Plan and Section 156.01 General Plan Adopted by Reference.

SITUATION AND ANALYSIS:

Issue Statement

Chino Valley Town Code, Chapter 156 and Section 156.01 adopt and incorporate the Town's 2003 General Plan into the Town Code. This is a problem for 2 reasons. First, the 2003 General Plan was repealed November 4, 2014 when the voters ratified the 2014 General Plan. Second, the General Plan is adopted by resolution of the Council which is then ratified by the voters. The Town Code is a compilation of Town laws, each of which is adopted by ordinance by the Town Council. General Plans are not laws - they are guidelines to be followed when adopting zoning ordinances. Chapter 156 and Section 156.01 were, therefore, codified erroneously. Ordinance No. 17-841 corrects the error by repealing Chapter 156 and Section 156.01 in their entirety.

Applicable "Policy"

Satisfaction of "Policy"

Summary of Issues and Staff Rationale

Findings of Fact

Fiscal Impact

Fiscal Impact?: None

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Ord 17-841 Repeal Ch 156

ORDINANCE NO. 17- 841

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE TOWN CODE OF THE TOWN OF CHINO VALLEY, ARIZONA, TITLE XV LAND USAGE, BY REPEALING CHAPTER 156 GENERAL PLAN AND SECTION 156.01 GENERAL PLAN ADOPTED BY REFERENCE; RELATED TO CORRECTING A CODIFICATION ERROR AND REMOVING THE GENERAL PLAN FROM THE TOWN CODE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY

WHEREAS, the Town of Chino Valley 2003 General Plan (the “2003 General Plan”) was adopted by Resolution No. 677 in 2003, which was erroneously codified as Chapter 156, Section 156.01 of the Town Code; and

WHEREAS, on May 13, 2014, the Town of Chino Valley Town Council approved Resolution 14-1033, approving the Town of Chino Valley, Arizona General Plan 2014 (the “2014 General Plan”); and

WHEREAS, the 2014 General Plan was ratified by the voters at the election on November 4, 2014; and

WHEREAS, Resolution No. 14-1044 provided for the repeal of the 2003 General Plan upon voter ratification of the 2014 General Plan; and

WHEREAS, Chapter 156 and Section 156.01 of the Town Code were not deleted from the Town Code and the Town Council desires to ensure that the Town Code is corrected;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the Town of Chino Valley, Arizona, as follows:

Section 1. In General.

The Town Code of Chino Valley, Arizona, Title XV Land Use, Chapter 156 General Plan and Section 156.01 General Plan Adopted by Reference are hereby repealed in their entirety.

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section 3. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 14th day of November, 2017 by the following vote:

AYES:	_____	ABSENT:	_____
NAYS:	_____	ABSTAINED:	_____

APPROVED this ____ day of _____, 2017.

Darryl Croft, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

Phyllis L.N. Smiley, Town Attorney
Gust Rosenfeld, PLC



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6.b.

Meeting Date: 11/14/2017

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 October 10, 2017 regular meeting minutes. (Jami Lewis, Town Clerk)

RECOMMENDED ACTION:

Accept the October 10, 2017 regular meeting minutes.

Attachments

October 10, 2017 minutes

DRAFT

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

**TUESDAY, OCTOBER 10, 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, October 10, 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 Grittmann; Town Attorney Phyllis Smiley (via Skype); Police Chief Chuck Wynn; Police Officer Steve Sellers; Civilian Officer Marrilee Easton; Public Works Director/Town Engineer Frank Marbury; Community Services Director Scott Bruner; IT Manager Spencer Guest (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**

- 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.

Mayor Croft read the proclamation.

- 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.

Mayor Croft read the proclamation.

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

Mayor Croft read the proclamation and presented it to Miss Vicory, who spoke about bullying awareness and her involvement in 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.

Mr. Green spoke about the Crisis Stabilization Unit's jail diversion program and services provided to anyone in a crisis situation.

- e) Presentation by Juliana Goswick, President and CEO, Yavapai Big Brothers Big Sisters, regarding the Chino Valley Tax Proclamation.

Mayor Croft reported that this item will be rescheduled to the next meeting.

- f) Presentation by Dr. Ron Liss, Vice President for Instruction and Student Development, regarding Yavapai College.

Dr. Liss spoke about activities at the college, new programs, the benefits of attending a community college, and possible future expansion into four-year degrees.

- g) Presentation by Gary Kellogg, Interim Director, regarding Greater Prescott Regional Economic Partnership (GPREP) activities.

Mr. Kellogg spoke about his background and experience, GPREP activities, and assisting the Town with its economic development project.

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.

Haryaksha Knauer spoke about an upcoming presentation in Prescott by Research Scientist Patti Sheaffer on satellites, rocket engines and the Holocene.

Tom Armstrong, resident, commended Council for being available after Council meetings to meet and greet the public.

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.

Mayor Croft reported that the subject property, as well as another large neighboring property, was rezoned in compliance with the General Plan land use designation 10 years ago to high density with a 9,000 square foot minimum lot area. This entitlement gave the property owner the right to develop the property as recently requested. Per the U.S. Census, 31 percent of the Town's residents were 65 plus years old and this development will provide viable housing for those 55 years and older.

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.

Mayor Croft reported that Council will hold a study session next Tuesday and the Town will host a Chamber mixer on October 25.

Councilmember Kelly reported on an upcoming event at the American Legion to honor the U.S. Marines' 242nd birthday.

Councilmember Lane reported that today was the last day to register to vote for the next election in Yavapai County.

- 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.

Ms. Grittman reported on the Town staff's recent observance of Customer Service Week, and efforts toward customer service training, simplifying processes for citizens, and updating difficult land use related ordinances. She recognized Civilian Officer Marrilee Easton, who won the employee customer service story contest; and Police Officer Steve Sellers, who was the object of the story.

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 Mike Best, seconded by Councilmember Cloyce Kelly to approve consent agenda items a, b and c.

Vote: 7 - 0 PASSED - Unanimously

- 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.

Ms. Smiley advised that the original lease provided that a wireless services provider locating facilities on the either Town tower would pay rent starting at \$700 per month. SunState had not been successful in finding such providers, but they were approached by a wireless internet provider, which had smaller facilities and typically paid lower rents. The Town and SunState drafted a lease amendment to clarify that wireless services providers were major carriers, such as T-Mobile or Sprint and would pay the \$700 per month; and a wireless internet provider would pay \$150 per month per tower in rent to the Town. Staff recommended approval.

Town Manager Grittmann stated that staff agreed with the amendment.

Council asked Ms. Smiley about staff doing its due diligence and determining if this was fair and equitable in terms of an industry standard. Ms. Smiley confirmed that it was.

MOVED by Vice-Mayor Mike Best, seconded by Councilmember Jack Miller to approve the Third Amendment to Wireless Communications Site Lease with SunState Towers III, L.L.C.

Vote: 7 - 0 PASSED - Unanimously

8) EXECUTIVE SESSION

Council may vote to recess the Regular Meeting and hold an executive session, which will not be open to the public, for the following purposes.

9) ACTION ITEMS RESUMED

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

10) ADJOURNMENT

MOVED by Councilmember Jack Miller, seconded by Councilmember Cloyce Kelly to adjourn the meeting at 6:44 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 Regular Meeting of the Town Council of the Town of Chino Valley, Arizona held on the 10th day of October, 2017. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 14th day of November, 2017.

Jami C. Lewis, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6.c.

Meeting Date: 11/14/2017

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 October 17, 2017 study session minutes. (Jami Lewis, Town Clerk)

RECOMMENDED ACTION:

Accept the October 17, 2017 study session minutes.

Attachments

October 17, 2017 minutes

DRAFT

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

**TUESDAY, OCTOBER 17, 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, October 17, 2017.

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

Absent: Councilmember Cloyce Kelly

Staff Town Manager Cecilia Gritman; Police Chief Chuck Wynn; Police Lieutenant Vince

Present: Schaan; Deputy Town Clerk Michelle Greenstreet (videographer); Town Clerk Jami Lewis (recorder)

1) CALL TO ORDER; ROLL CALL

Mayor Croft called the meeting to order at 6:01 p.m.

(Councilmember Lane attended via conference phone.)

2) Review and discussion regarding Ordinance No. 17-834 amending the Chino Valley Town Code, Chapter 90 Animals.

Lt. Vince Schaan reported that he and the Police Chief received feedback from several councilmembers and made further alterations to Section 90.06(G) of the proposed ordinance by removing subsections (G), (H), and (I) related to emergency seizure and added new paragraph (G) related to emergency assistance. This change addressed the main point of contention from the last meeting.

Vice-Mayor Best expressed support on the definition change from “dangerous dog” to “aggressive dog.” Lt. Schaan related that under the current code, a dangerous dog was not allowed in the Town without meeting certain requirements; no warnings could be given; the Court could prosecute after one biting incident; and once on the dangerous dog list, it could not be removed. However, as any dog was capable of being dangerous, and such designation was unknown until a dog acted that way, the text change meant that the dog had to act aggressively more than once and the owner had the opportunity to get the dog removed from the aggressive dog list.

Public comment:

Debbie Pomeroy, resident, commented on several items:

- Dangerous dog was defined and it had to be aggressive.
- The “Dog at Large” provision seemed to imply that a dog loose on its owner’s property with an open gate was considered at large.
- The “Injury by Vehicle” provision appeared to put the public at risk.
- The “Stray Dogs” provision appeared to tell people to break the law
- The section heading for “Dogs at Large; Designation as Aggressive Dog” should be separated.
- “Impoundment” should be a separate heading; proving ownership was not clear; and the right to take from the pound needed to be defined. She supported the new imminent danger language and expressed concern about the Animal Control Officer (ACO) being trained for imminent danger and volatile situations
- “Nuisance Behavior” language relating to barking dogs needed to be put back in to be consistent with other local entities, and the language appeared to allow anyone, even someone just driving by, to complain.
- The “Keeping of Aggressive Dogs” provision appeared to make a small child responsible, not the dog or dog owner, for knowing if a dog was dangerous. Such dogs should be in a pen behind a fence to protect children.

Donna Armstrong, resident, commented on several items:

- She agreed with everything Ms. Pomeroy stated, and added that staff changed things without sending them to the public and there was a lot of redundancy.
- The “Dangerous Dog” definition should leave out the word “propensity” and retain the rest of the dangerous dog language; and If this was a dog only ordinance, references to other animals should be removed.
- The “Dog at Large” provision appeared to allow the ACO to deem the dog as at large if on its owner’s property and not wearing tags.
- The “Animal Cruelty” provision appeared to allow a property owner to be prosecuted for using poison for rats in her barn.
- The “Biting Dog” provision appeared to state that she could be charged fees for boarding her own dog.
- Proposed new fees should be on the website.

Tom Armstrong, resident, provided a copy of ADA requirements for service dogs and requested that staff add this information to the ordinance. He also asked what symbol would be used on signs designating a dangerous dog.

Lt. Schaan responded on the following topics:

- *ADA requirements.* State statute covered a lot of this and staff complied with those regulations. Section 90.05 in the ordinance stated that as long as a service animal was under control, it could not be considered at large.
- *Statutory provisions.* Some issues raised by Ms. Pomeroy were already in statute.
- *Dog at Large.* The new definition related only to when the dog was not on its owner’s premises.
- *Aggressive Dog.* Dogs were only deemed aggressive after the Court so ruled, and the

new provision allowed owners to remove their dog from the list. Dangerous dog signage was not in the current version. The enclosure for an aggressive dog must prevent a child from getting inside and the dog's head from protruding from the enclosure.

- *Ownership.* If owners obeyed the licensing rules, ownership was easy to prove, and staff had never had issues with it. Chief Wynn added that persons claiming a dog that was not theirs would be charged.
- *Fees.* The Town was following the statutory rules for enacting new fees. Only one new one, relating to biting dogs, was being proposed at this time. All other fees were listed on the Town's website and available at the Court. There was no fee for home quarantine and the ACO typically allowed it if the dog had its rabies shots.
- *Poison.* The reference in Section 90.16 paragraph (B) was taken from statute and was a defense for poison to be used and was not chargeable under the previous paragraph (A).
- *Definitions.* Some were relocated in the ordinance.

Councilmember Turner related that ACE Hardware and Watters sold a one-time poison that became inert after ingesting, which had worked successfully for gophers and the like.

Mayor Croft stated that this item will be back on the next agenda.

3) ADJOURNMENT

MOVED by Councilmember Jack Miller, seconded by Vice-Mayor Mike Best to adjourn the meeting at 6:36 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 Study Session of the Town Council of the Town of Chino Valley, Arizona held on the 17th day of October, 2017. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 14th day of November, 2017.



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6.d.

Meeting Date: 11/14/2017

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 October 24, 2017 regular meeting minutes. (Jami Lewis, Town Clerk)

RECOMMENDED ACTION:

Accept the October 24, 2017 regular meeting minutes.

Attachments

October 24, 2017 minutes

DRAFT

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

**TUESDAY, OCTOBER 24, 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, October 24, 2017.

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

Absent: Councilmember Annie Lane

Staff Town Manager Cecilia Gritman; Town Attorney Phyllis Smiley; Finance Director Joe Duffy;
Present: Human Resources Director Laura Kyriakakis; Police Chief Chuck Wynn; Police Lieutenant Vince Schaan; Public Works Director/Town Engineer Frank Marbury; Acting Development Services Director Jason Sanks; Associate Planner Alex Lerma; Community Services Director Scott Bruner; Deputy Town Clerk Michelle Greenstreet (videographer); Deputy Town Clerk Vickie Nipper; Town Clerk Jami Lewis (recorder)

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

Mayor Croft called the meeting to order at 6:01 p.m. and led the pledge of allegiance.

2) **INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS**

- a) Presentation by Juliana Goswick, President and CEO, Yavapai Big Brothers Big Sisters, and proclamation declaring November 2017 as "Charitable Tax Giving Month".

Ms. Goswick spoke about the organization's new "Bigs in Blue" program, school liaison program, children served in the last year, the need for more "bigs" and keeping dollars local through the tax credit process. Mayor Croft then read the proclamation and presented it to Ms. Goswick.

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.

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.

Mayor Croft eulogized the late Lee Paul, a local veteran who often offered humorous anecdotes during Call to the Public.

Councilmember Mendoza reported on the recent Arizona Rural Transportation Summit and the Town's state representatives' efforts to bring the Town's and area's needs to the State.

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

Community Services Director Scott Bruner reported that the Community Center remodel was complete, the Recreation team had moved back in to the facility, and Boys and Girls Club will start moving in next week. Staff will host an informational meeting for user groups on November 16. Manager Gritman added that staff intended to begin leasing the facility to user groups in January.

- c)** Report by Public Works Director/Town Engineer Frank Marbury regarding Old Home Manor Industrial Park improvements.

Mr. Marbury reported that the Old Home Manor improvements were nearly complete and staff hoped to open the new road in the next couple weeks.

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 Mike Best, seconded by Councilmember Jack Miller to accept consent agenda item a.

Vote: 6 - 0 PASSED - Unanimously

- a) Consideration and possible action to approve Arizona Governor's Office of Highway Safety (GOHS) Contracts No. 2018-PTS-012 and 2018-AI-001, authorizing grants to the Town of Federal 402 funds in the amounts of \$23,430 and \$5,855, respectively, to be used for (1) STEP Enforcement and Enforcement Related Material and Supplies and (2) Accident Investigation Related Material and Supplies; and to authorize Chief Charles Wynn and Town Manager Cecilia Gritman to sign the contracts on behalf of the Town of Chino Valley. (Chuck Wynn, Police Chief)

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 Agreement for Professional Consulting Services between the Town of Chino Valley and Mark A. Holmes, P.G. for the purpose of providing professional water consultation, in the amount not-to-exceed \$10,000. (Laura Kyriakakis, Human Resources Director)

Recommended Action: Approve Agreement for Professional Consulting Services between the Town and Mark A. Holmes, P.G., not to exceed \$10,000.

Staff Report Summary Only: On occasion, the Town required expert consultation with issues, negotiations, or proposals that often included water right details. Mark Holmes had previously served the Town in this capacity as an employee and consultant.

MOVED by Vice-Mayor Mike Best, seconded by Councilmember Lon Turner to approve the Agreement.

Vote: 6 - 0 PASSED - Unanimously

- b)
 - (i) Public Hearing regarding application from Hot Pizzas LLC for a new Series 12 (Restaurant) Liquor License for Pizza Hut, located at 312 Market Place Drive in Chino Valley.
 - (ii) Consideration and possible action to recommend approval for a new Series 12 Liquor License for Pizza Hut. (Jami Lewis, Town Clerk)

Recommended Action:

- (i) Hold Public Hearing.
- (ii) Move to recommend approval for a new Series 12 Liquor License for Pizza Hut.

MOVED by Vice-Mayor Mike Best, seconded by Councilmember Lon Turner to open the public hearing.

Vote: 6 - 0 PASSED - Unanimously

No one from the public spoke.

MOVED by Vice-Mayor Mike Best, seconded by Councilmember Cloyce Kelly to close the public hearing.

Vote: 6 - 0 PASSED - Unanimously

Staff Report Summary Only: Pizza Hut currently had a liquor license and had applied for a new one due to changes in ownership from a corporation to an LLC. The Police and Planning Departments reviewed the application and recommended approval with no comments. Staff received no written arguments in favor of or in opposition to the application.

MOVED by Vice-Mayor Mike Best, seconded by Councilmember Jack Miller to recommend approval for a new Series 12 Liquor License for Pizza Hut.

Vote: 6 - 0 PASSED - Unanimously

- c) Consideration and possible action to approve Financial Report for the three months ending September 30, 2017. (Joe Duffy, Finance Director)

Recommended Action: Approve Financial Report for the three months ending September 30, 2017.

Mr. Duffy presented the financial report. Highlights were:

- *Fund Balance:* Fiscal Year 2016/2017's fund balance ended higher than estimated.
- *General Fund:* Total sales tax revenues were down about 1%, but construction sales tax was up 69%. Staff will need direction on how to use these extra funds, such as for special projects, paying down debt, or paying down the PSPRS liability.
- *HURF:* Revenues were up 10% and expenditures were up 63% due to extra chip seal projects completed this fiscal year.
- *Water and Sewer:* The Town had received a large influx of cash due to new construction and utility connections, and these funds will be able to continue paying down their current \$1,250,000 debt to the General Fund.
- *Major Revenues:* All other major revenues were up as projected.

MOVED by Vice-Mayor Mike Best, seconded by Councilmember Cloyce Kelly to approve Financial Report for the three months ending September 30, 2017.

Vote: 6 - 0 PASSED - Unanimously

- d) Consideration and possible action to approve Ordinance No. 17-840, approving a zone change from AR-5 (Agricultural Residential- 5 acre minimum) to SR-2 (Single Family Residential- 2 acre minimum) zoning district for approximately 5.78 acres of real property, generally located 744 feet south of the southeast corner of East Center Street and South Road 1 East at 185 South Road 1 East, and identified as Yavapai County Assessor's Parcel Number 306-25-002S. (Owner Jeffry Wilson; Applicant Mayday Consulting, PLLC) (Alex Lerma, Associate Planner)

Recommended Action: Approve Ordinance No. 17-840, approving a zone change from AR-5 (Agricultural Residential- 5 acre minimum) to SR-2 (Single Family Residential- 2 acre minimum) zoning district for approximately 5.78 acres of real property identified as Assessor's Parcel Number 306-25-002S.

Mr. Lerma presented on this item:

- *Purpose:* The owner desired to split the property.
- *Current condition:* The existing land use was a single family residence.
- *Conformance:* The request conformed to the General Plan land use designation of medium density residential; surrounding properties, which were mostly low density residential; and lot split regulations with regard to flag lots.
- *Recommendation:* On October 3, 2017, the Planning and Zoning Commission voted to recommend approval. Staff also recommended approval.

MOVED by Vice-Mayor Mike Best, seconded by Councilmember Jack Miller to approve Ordinance No. 17-840, approving a zone change from AR-5 (Agricultural Residential- 5 acre minimum) to SR-2 (Single Family Residential- 2 acre minimum) zoning district for approximately 5.78 acres of real property identified as Assessor's Parcel Number 306-25-002S.

Vote: 6 - 0 PASSED - Unanimously

- e) Consideration and possible action to approve Ordinance No. 17-839 approving the Development Plan for the Chino Valley Town Center Planned Area Development and rezoning approximately 25.63 acres of real property generally located 450 feet east of State Route 89, adjacent to and north of Road 1 South, from CL (Commercial Light) zoning district to CL (Commercial Light) zoning district with a Planned Area Development (PAD) overlay zoning district, 13.58 acres of which will be an active adult 55+ Park Model Community. (Owner Jim Fletcher; Applicant Granite Basin Engineering, Inc.) (Jason Sanks, Acting Development Services Director)

Recommended Action: Approve Ordinance No. 17-839 approving the Development Plan for the Chino Valley Town Center Planned Area Development and rezoning approximately 25.63 acres of real property generally located 450 feet east of State Route 89, adjacent to and north of Road 1 South, from CL (Commercial Light) zoning district to CL (Commercial Light) zoning district with a Planned Area Development (PAD) overlay zoning district.

Mr. Sanks presented on this item:

- *Purpose:* The request was to add a Planned Area Development Overlay to the existing CL zoning to allow for the RV Park and Park Model portion, both allowed uses under the subject zoning.
- *History:* As part of the rezone on the property from about a decade ago, the owner received a retail tax incentive rebate for Chino Valley sewer and other right-of-way improvements. Water would be provided by the City of Prescott. The original conceptual plan included commercial uses and apartments, which the owner was not able to accomplish.
- *Proposal:* The current proposed development plan, which was more viable than the original, will provide a ‘continuum of care’, including an RV park, park model concept, and an assisted living facility, as well as amenities such as community center, pool, and tennis and/or pickle ball courts. The owner will retain ownership of the property and manage it, while those purchasing park models will rent space. The commercial lots to the west of the property will not change and will be marketed for commercial purposes.
- *Recent history:* There had been some movement on the request since the study session before Council regarding the RV and park model portions pertaining to boundaries, unit count, and initiation of a phasing plan. Site improvements had been made around the perimeter. A six-foot wall was being proposed as a buffer between the site and neighboring properties.
- *Current condition:* The property was vacant. Surrounding properties were mostly low density residential and commercial light.
- *Public comment:* At the neighborhood meeting, neighbors asked about a wall. The Commission added mitigation requirements with regard to a six-foot wall on the northeast and south property lines; reducing park model units from 240 to 200; and a small adjustment to the wall along Road 1 South to increase visibility.
- *Recommendation:* The Commission recommended unanimous approval.

Councilmember Mendoza asked about recharge credits for Prescott’s water and sales taxes on the development. Mr. Sanks and Ms. Gritman believed the Town would receive the credits. Finance Director Duffy related that the tax rate for stays under 30 days was 4% while the tax rate for long term rentals was 3%. In addition to sales taxes, the Town would receive sewer payment revenues from the development.

MOVED by Vice-Mayor Mike Best, seconded by Councilmember Corey Mendoza to approve Ordinance No. 17-839 approving the Development Plan for the Chino Valley Town Center Planned Area Development and rezoning approximately 25.63 acres of real property generally located 450 feet east of State Route 89, adjacent to and north of Road 1 South, from CL (Commercial Light) zoning district to CL (Commercial Light) zoning district with a Planned Area Development (PAD) overlay zoning district.

Vote: 6 - 0 PASSED - Unanimously

- f) Consideration and possible action to approve Ordinance No. 17-834 amending the Chino Valley Town Code, Title IX General Regulations, Chapter 90 Animals by amending the following sections: 90.02 Definitions, 90.03 Injury by Vehicle, 90.04 Stray Dogs, 90.05 Dogs at Large; Designation as Aggressive Dog, 90.06 Impoundment of Dogs; Destruction; Emergency Assistance, 90.07 Powers and Duties of the Animal Control Officer, 90.08 License Fee for Dogs; Issuance of Tags; Records; Penalties, 90.09 Anti-Rabies Vaccinations; Vaccination and License Standards, 90.10 Wearing License Tags, 90.11 Handling of Biting Dogs; Responsibility for Reporting Dog Bites, 90.12 Nuisance Barking, 90.13 Unlawful Interference with Officers, 90.14 Keeping of Aggressive Dogs, 90.15 Adequate Exercise Space for Dogs, 90.99 Violation; Penalty; and (2) by adopting new Section 90.16 Animal Cruelty, all as set forth in that document entitled the "Town of Chino Valley Animal Regulations Amendments, Dated October 24, 2017," which document is adopted and incorporated into Ordinance No. 17-834 by reference. (Chuck Wynn, Police Chief)

Recommended Action: Approve Ordinance No. 17-834 amending the Chino Valley Town Code, Title IX General Regulations, Chapter 90 Animals as set forth in the "Town of Chino Valley Animal Regulations Amendments, Dated October 24, 2017", which is adopted by reference.

Lt. Vince Schaan recounted that numerous meetings had been held on this item, including last week's study session. If any of these proposed revisions did not work out, staff will be back to Council for further amendments, and Council could amend the ordinance any time they chose to do so.

Mayor Croft reported that Council had received public input and had asked staff to consider them. He thanked staff and the citizens involved in putting the item together.

MOVED by Vice-Mayor Mike Best, seconded by Councilmember Jack Miller to approve Ordinance No. 17-834 amending the Chino Valley Town Code, Title IX General Regulations, Chapter 90 Animals as set forth in the "Town of Chino Valley Animal Regulations Amendments, Dated October 24, 2017", which is adopted by reference.

Vote: 6 - 0 PASSED - Unanimously

- g) Consideration and possible action to appoint candidates to the Board of Adjustment, Municipal Property Corporation, and Industrial Development Authority. (Jami Lewis, Town Clerk)

Recommended Action:

- (i) Re-appoint Gwen Rowitsch as Alternate to the Board of Adjustment for a one-year term starting August 1, 2017.
- (ii) Appoint Beverly Duffy to the Municipal Property Corporation for a three-year term starting July 1, 2017.
- (iii) Appoint Councilmember _____ to the Municipal Property Corporation to complete a three-year term that started July 1, 2015.

Ms. Lewis reported that these were the last public body positions to fill from this year's recruitment. The current Board of Adjustment Alternate had recently agreed to serve another year. Staff had been needing to schedule meetings for the Industrial Development Authority ("IDA") and Municipal Property Corporations ("MPC"), both of which were short on members. As the town attorneys strongly advised to have full membership for the MPC meeting, staff had approached IDA member, Beverly Duffy about serving on the MPC and the bylaws also allowed a member of the Council to be appointed.

Town Attorney Smiley explained that both the IDA and MPC were separate entities from the Town, yet related to the Town. The IDA was a funding mechanism for private industry. The MPC was a funding mechanism that could hold property, and use it, for example, to issue bonds and obtain funding from Rural Development for sewer plants or sewer infrastructure, and lease it to the Town. Both entities generally held annual meetings only.

Ms. Lewis added that the last working meeting for the MPC was in 2010 and as the bonds were retired in 2015, it had no activity since then. The IDA had been formed in 2002 to bring a pipeline from Paulden to the Town, but due to the recession, nothing ensued.

Councilmember Miller stated he was interested in serving on the MPC.

MOVED by Vice-Mayor Mike Best, seconded by Councilmember Jack Miller to re-appoint Gwen Rowitsch as Alternate to the Board of Adjustment for a one-year term starting August 1, 2017; appoint Beverly Duffy to the Municipal Property Corporation for a three-year term starting July 1, 2017; and appoint Councilmember Jack Miller to the Municipal Property Corporation to complete a three-year term that started July 1, 2015.

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.

MOVED by Vice-Mayor Mike Best, seconded by Councilmember Lon Turner to go into executive session at 6:58 p.m.

Vote: 6 - 0 PASSED - Unanimously

- a) An executive session pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation with the Town Attorney in order to consider its position and instruct the Town Attorney regarding the Town's position regarding a contract (concessionaire management agreement) with Prescott Sportsmen's Club related to management of the Chino Valley Shooting Facility that is the subject of negotiations. (Cecilia Gritman, Town Manager)

- b) An executive session pursuant to A.R.S. § 38-431.03(A)(3) and (4) for discussion or consultation with the Town Attorney for legal advice and in order to consider the Town's position and instruct the Town Attorney regarding the Town's position in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation in the matter of Demand from Jay L. Willmore for the Town to level his property. (Cecilia Gritman, Town Manager)

9) ACTION ITEMS RESUMED

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

Mayor Croft reconvened the regular meeting at 8:00 p.m. and reported that Council discussed matters with and gave direction to its attorney.

10) ADJOURNMENT

MOVED by Councilmember Cloyce Kelly, seconded by Vice-Mayor Mike Best to adjourn the meeting at 8:00 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 24th day of October, 2017. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 14th day of November, 2017.

Jami C. Lewis, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

7.a.

Meeting Date: 11/14/2017
Contact Person: Phyllis Smiley, Town Attorney
Department: Police
Item Type: Action Item
Estimated length of staff presentation: 10 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to:

- (i) Hold a public hearing on establishment of a new Biting Dog Retrieval Fee; and
- (ii) Approve Resolution No. 17-1114 establishing a new Biting Dog Retrieval Fee.

RECOMMENDED ACTION:

- (i) Hold the public hearing;
- (ii) Approve Resolution No. 17-1114.

SITUATION AND ANALYSIS:

Issue Statement

On October 24, 2017, the Town Council approved Ordinance 17-834, amending the Town Code's animal regulations. Section 90.11(G) requires an owner of a dog that has bitten a person to deliver the dog to the Chino Valley Animal Shelter if requested by the Animal Control Officer or Police Officer. If the owner refuses or does not bring the dog to the shelter and the police go and pick up the dog, the owner is required to pay the Town a biting dog retrieval fee. This fee is established by separate resolution of the Council.

Applicable "Policy"

Pursuant to ARS 9-499.15, prior to establishing a new fee, the Town is required to post a Notice of Intent for 60 days and to hold a public hearing prior to adoption.

Satisfaction of "Policy"

The Notice was posted as required and the public hearing will be held prior to approval of the resolution by Council.

Summary of Issues and Staff Rationale

Findings of Fact

Fiscal Impact

Fiscal Impact?: None

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Notice of Intent

Resolution 17-1114

**TOWN OF CHINO VALLEY, ARIZONA
PUBLIC NOTICE**

**NOTICE OF INTENT TO ESTABLISH NEW FEE
FOR ANIMAL CONTROL MATTERS
PURSUANT TO A.R.S. § 9-499.15**

The Town of Chino Valley intends to establish a new fee related to Animal Control Matters and provides this written notice of the proposed new fee pursuant to A.R.S § 9-499.15.

The following fee is proposed:

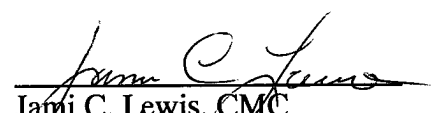
Type of Fees	Current Fee	Proposed Fee Amount
Biting Dog Retrieval Fee pursuant to Town Code § 90.11	None	\$25.00 per dog per incident

The Chino Valley Town Council will consider approving these proposed fees at its regular council meeting to be held November 14, 2017 at 6:00 p.m. in the Council Chambers, 202 N. State Route 89, Chino Valley, Arizona 86323.

THE ABOVE FEES WILL BECOME EFFECTIVE THIRTY (30) DAYS AFTER APPROVAL BY THE TOWN COUNCIL.

Dated this 5th day of September, 2017.

TOWN OF CHINO VALLEY


Jami C. Lewis, CMC
Town Clerk

RESOLUTION NO. 17-1114

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, ESTABLISHING A NEW FEE FOR BITING DOG RETRIEVAL AS AUTHORIZED BY CHAPTER 90 OF THE TOWN OF CHINO VALLEY TOWN CODE RELATED TO COVERING THE TOWN'S COSTS FOR RETRIEVING AND DELIVERING A BITING DOG TO THE ANIMAL SHELTER AND DECREASING THE LATE FEE FOR DOG LICENSES; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING FOR SEVERABILITY

WHEREAS, pursuant to the Town of Chino Valley Town Code § 90.11, the Town Council is authorized to adopt a Biting Dog Retrieval Fee; and

WHEREAS, a Notice of Intent to Establish New Fee for Animal Control Matters, in compliance with A.R.S. § 9-499.15, was posted on the homepage of the Town's website for at least sixty days before the date of approval,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the Town of Chino Valley, County of Yavapai, Arizona, that the Town's Consolidated Fee Schedule is amended to include the following Animal Control Fee (deletions shown in ~~striketrough~~):

Biting Dog Retrieval Fee	\$ 25.00 per dog per incident
Late Fee	\$ 16.00 8.00

BE IT FURTHER RESOLVED that all resolutions or parts of resolutions in conflict with the provisions of this resolution are hereby repealed.

BE IT FURTHER RESOLVED that if any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 14th day of November, 2017.

Darryl Croft, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

Phyllis L.N. Smiley, Town Attorney

I hereby certify the above foregoing Resolution No. 17-1114 was duly passed by the Council of the Town of Chino Valley, Arizona, at a regular meeting held on November 14, 2017, and that quorum was present thereat and that the vote thereon was _____ ayes and _____ nays and _____ abstentions. _____ Council members were absent or excused.

Jami C. Lewis, Town Clerk

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

7.b.

Meeting Date: 11/14/2017
Contact Person: Joe Duffy, Finance Director
 Phone: 928-636-2646 x-1211
Department: Finance
Item Type: Action
Estimated length of staff presentation: 5 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to approve Purchase Order Contracts with Sanderson Ford for the purchase of a 2018 Ford Explorer and a 2018 Ford Transit Connect Cargo Van; and with RDO Agriculture Equipment Co. for a 2018 John Deere Z997R Mower, both through cooperative purchase with the State bid list.

RECOMMENDED ACTION:

1. Approve the Purchase Order Contract with Sanderson Ford for the purchase of a 2018 Ford Explorer in the amount of \$31,598.03 and a 2018 Ford Transit Connect Cargo Van in the amount of \$ 23,942.27; and
2. Approve the Purchase Order Contract with RDO Agriculture Equipment Co. in the amount of \$20,654.13 for a 2018 John Deere Z997R Mower.

SITUATION AND ANALYSIS:

Issue Statement

In the FY 2018 budget the Town planned on buying various pieces of equipment.

Administration Vehicle

The Town's administrative vehicles is currently a 2008 Durango. The Vehicle Maintenance department recommended we buy a new vehicle that gets better mileage and is more dependable for out of town trips. The Fleet Maintenance Department will determine the best use of the Durango.

Library Van

Currently the Library drives a 2007 Econoline Ford F250 Van. The proposed Ford Transit will get better mileage and meet the demands of transporting books to and from the Prescott Library. The Econoline Van will be transitioned into building maintenance.

Parks Mower

The additional mower will aid the Parks Department in maintaining the Town's fields.

Fiscal Impact

Fiscal Impact?: Yes

If Yes, Budget Code: 05-90-5522

Available:

Funding Source:

Equipment will be paid for with Lease Purchase proceeds.

Attachments

Sanderson Ford Purch Agmt

RDO Agric Equip Purch Agmt

Capital Equipment Summary

Library Van

Ford Explorer

Parks Mower

PURCHASE ORDER CONTRACT
(State of Arizona Bid List)
Contract No. _____

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 Sanderson Ford, hereinafter designated as "Contractor" for the purchase of a 2018 Ford Explorer XLT front wheel drive (K7D) and a 2018 Ford Transit Connect XL Cargo Van LWB (S7E).

RECITALS:

A. Contractor has contracted with the State of Arizona to provide vehicle supplies pursuant to State Contract No. ADSP017-166123 (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.

C. The State of Arizona has conducted a formal bidding process for said vehicle and, in the opinion of the Town Manager, a separate bidding process by the Town is not likely to result in a lower price for the item.

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

1. Scope of Work. Contractor shall provide a 2018 Ford Explorer XLT front wheel drive (K7D) and a 2018 Ford Transit Connect XL Cargo Van LWB (S7E), as listed in the Purchase Order submitted by Town in accordance with the State Contract # ADPSO17-166123 documents, as set forth on the State Procurement website, <https://procure.az.gov> as may be amended from time to time which are 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 the Purchase Orders submitted to Contractor and attached hereto as **Exhibit A** and incorporated herein by reference.

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. Contractor hereby certifies that it is not currently engaged in, and agrees that for the duration of this Contract 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 November, 2017.

TOWN OF CHINO VALLEY:

CONTRACTOR:

Darryl Croft, Mayor

By: _____
Title: _____

ATTEST:

Jami Lewis, Town Clerk

APPROVED AS TO FORM:

Phyllis Smiley, Town Attorney
Gust Rosenfeld, PLC

EXHIBIT A
SPECIFIC REQUIREMENTS/OPTIONS OF TOWN

Specifications: Per Purchase Orders (Attached)

Schedule of performance: Per Purchase Orders

Delivery location: Per Purchase Orders

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

Attach: Certificate of Insurance

PURCHASE ORDER CONTRACT
(State of Arizona Bid List)
Contract No. _____

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," for the purchase of a John Deere Z997R Diesel W72 In. 7-Gauge Side Discharge Deck ("Park Mower").

RECITALS:

A. Contractor has contracted with the State of Arizona to provide vehicles and supplies pursuant to State Contract No. ADPSO13-035803 (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.

C. The State of Arizona has conducted a formal bidding process for said vehicle and, in the opinion of the Town Manager a separate bidding process by the Town is not likely to result in a lower price for the item.

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

1. Scope of Work. Contractor shall provide a John Deere Z997R Diesel W72 In. 7-Gauge Side Discharge Deck ("Park Mower") as listed in the Purchase Order submitted by Town in accordance with the State Contract # ADPSO13-035803 documents, as set forth on the State Procurement website, <https://procure.az.gov> as may be amended from time to time which are 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 the Purchase Order submitted to Contractor and attached hereto as **Exhibit A** and incorporated herein by reference.

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. Contractor hereby certifies that it is not currently engaged in, and agrees that for the duration of this Contract 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 November, 2017.

TOWN OF CHINO VALLEY:

CONTRACTOR:

Darryl Croft, Mayor

By: _____
Title: _____

ATTEST:

Jami Lewis, Town Clerk

APPROVED AS TO FORM:

Phyllis Smiley, Town Attorney
Gust Rosenfeld, PLC

EXHIBIT A
SPECIFIC REQUIREMENTS/OPTIONS OF TOWN

Specifications: Per Purchase Order (Attached)

Schedule of performance: Per Purchase Order

Delivery location: Per Purchase Order

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

Attach: Certificate of Insurance

Town of Chino Valley
Capital Equipment Lease Purchase Summary
Fiscal Year 2017/2018 Budget

Department	Equipment	Estimated Cost	Purchased	Balance
Police	Police Cars (up to 8)	\$ 400,000	\$ 400,000	
Roads	Backhoe	\$ 120,000		
Roads	Enclosed Mower	\$ 100,000		
Utilities	Service Truck	\$ 45,000		
Utilities	F650 Dump Truck	\$ 65,000		
Parks	Mowers	\$ 60,000	\$ 20,654	
Admin	Admin Vehicle		\$ 31,598	
Facilities	Maintenance Van - Library	\$ 35,000	\$ 23,942	
Total		\$ 825,000	\$ 476,194	\$ 348,806



Government Fleet Sales Managers

Dave Harris	(623) 930-5961	dharris@sandersonford.com
Richard Fowler	(623) 930-5962	rfowler@sandersonford.com
Tony Friedley	(623) 930-5963	tfriedley@sandersonford.com
Bob Allen	(623) 930-5960	ballen@sandersonford.com
Tim McWilliams	(623) 842-8808	tmac@sandersonford.com

Department Fax: (623) 930-5966

Date: 10/23/2017

Customer: Town of Chino Valley

FAX: _____

Vehicle Description: 2018 Ford Transit Connect XL Cargo Van LWB (S7E)

******##### State Contract** ADSP017-166123

Base Price: \$21,902.00

Upgrade Options:

1.	2.5L Inline 4cyl		std
2.	P215 / 55 R16		std
3.	15.8 Fuel Tank		std
4.	Dual Sliding Side Doors without windows		std
5.	Rear Double Doors without windows		std
6.	Front Air Conditioning		std
7.	Power Windows / Door Locks		std
8.	Cruise Control	(525)	Included in Contract
9.	Power Heated Mirrors	(545)	Included in Contract
10.	4 keys total	(87R)	Included in Contract
11.	AM/FM/CD with SYNC bluetooth	(584)	Included in Contract
12.	Delivery Chg.		\$100.00
13.	Tint (AZ Legal) (aftermarket)		\$60.00
	Lead Time 14-18 weeks		

Upgrade Options Total: \$160.00

Bid Price (w/options): \$22,062.00

Sales Tax (8.5%): \$1,875.27

Tire Tax: \$5.00

Ford Extended Service Plan: _____

Total Delivered Price: \$23,942.27



Government Fleet Sales Managers

Dave Harris	(623) 930-5961	dharris@sandersonford.com
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Bob Allen	(623) 930-5960	ballen@sandersonford.com
Tim McWilliams	(623) 842-8808	tmac@sandersonford.com

Department Fax: (623) 930-5966

Date: 10/23/2017

Customer: Town of Chino Valley

FAX: _____

Vehicle Description: 2018 Ford Explorer XLT front wheel drive **(K7D)**

****~~#####~~ State Contract ADSP017-166123

Base Price: \$28,958.00

Upgrade Options:

1.	3.5L V6	<u>std</u>
2.	ABS w/ upgraded HD front brake calipers	<u>std</u>
3.	18.6 fuel tank	<u>std</u>
4.	Privacy Glass 2nd, 3rd row, liftgate	<u>std</u>
5.	P245 / 60R18 A/S	<u>std</u>
6.	18" 5 spoke Painted Aluminum	<u>std</u>
7.	Unique Cloth Seats 10 way driver/6 way pass	<u>std</u>
8.	Rear View Camera w/backup assist lines	<u>std</u>
9.		
10.	Tint (AZ Legal) 2 front only	<u>\$60.00</u>
11.		
12.	Delivery Chg.	<u>\$100.00</u>
13.		
	Lead Time 14-18 weeks	

Upgrade Options Total: \$160.00

Bid Price (w/options): \$29,118.00

Sales Tax (8.5%): \$2,475.03

Tire Tax: \$5.00

Ford Extended Service Plan: _____

Total Delivered Price: \$31,598.03

**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
202 N State Route 89
Chino Valley, AZ 86323
Business: 928-636-2646

Delivering Dealer:

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

Quote ID: 16266182

Created On: 20 October 2017

Last Modified On: 25 October 2017

Expiration Date: 20 November 2017

Equipment Summary

JOHN DEERE Z997R DIESEL W 72
In. 7-GAUGE SIDE DISCHARGE
DECK

Selling Price

Qty

Extended

\$ 19,062.42 X 1 = \$ 19,062.42

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

Price Effective Date: November 1, 2016

Equipment Total

\$ 19,062.42

* Includes Fees and Non-contract items

Quote Summary

Equipment Total \$ 19,062.42

Trade In

SubTotal **\$ 19,062.42**

Local Tax - (8.35%) \$ 1,591.71

Total **\$ 20,654.13**

Down Payment (0.00)

Rental Applied (0.00)

Balance Due \$ 20,654.13

Salesperson : X

Accepted By : X _____



JOHN DEERE

Selling Equipment

Quote Id: 16266182 **Customer Name:** TOWN OF CHINO VALLEY

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 Z997R DIESEL W 72 In. 7-GAUGE SIDE DISCHARGE DECK

Hours:

Stock Number:

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

Selling Price *
\$ 19,062.42

Price Effective Date: November 1, 2016

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

Code	Description	Qty	List Price	Discount%	Discount Amount	Contract Price	Extended Contract Price
091BTC	Z997R DIESEL W 72 In. 7-GAUGE SIDE DISCHARGE DECK	1	\$ 24,439.00	22.00	\$ 5,376.58	\$ 19,062.42	\$ 19,062.42
Standard Options - Per Unit							
001A	United States/Canada	1	\$ 0.00	22.00	\$ 0.00	\$ 0.00	\$ 0.00
	Standard Options Total		\$ 0.00		\$ 0.00	\$ 0.00	\$ 0.00
Suggested Price							\$ 19,062.42
Total Selling Price			\$ 24,439.00		\$ 5,376.58	\$ 19,062.42	\$ 19,062.42