

DRAFT

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

TUESDAY, JANUARY 12, 2021
6:00 P.M.

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

Present: Mayor Jack Miller; Vice-Mayor Corey Mendoza; Councilmember Annie Perkins;
Councilmember Lon Turner; Councilmember Eric Granillo; Councilmember Tom Armstrong

Absent: Councilmember Cloyce Kelly

Staff Present: Town Manager Cecilia Grittman; Town Attorney Andrew McGuire (remotely); Administrative
Services Director Joe Duffy; Public Works Director/Town Engineer Frank Marbury; Development
Services Director Joshua Cook; Planner Will Dingee; Officer Bill Burns (Sergeant at Arms); IT
Manager Spencer Guest (videographer); Deputy Town Clerk Traci Lavelle (recorder); Town Clerk
Erin Deskins

Attendees: Mark Holmes, Water Services Consultant

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

Mayor Miller called the meeting to order at 6:04 p.m. and led the Pledge of Allegiance.

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

3) CALL TO THE PUBLIC

Call to the Public is an opportunity for the public to address the Council on any issue within the jurisdiction of the Council that is not on the agenda. Public comment is encouraged. Individuals are limited to speak for three (3) minutes. The total time for Call to the Public may be up to 30 minutes per meeting. Council action taken as a result of public comment will be limited to directing staff to study the matter, scheduling the matter for further consideration and decision at a later date, or responding to criticism.

4) CURRENT EVENT SUMMARIES AND REPORTS

This item is for information only. The Mayor, any Councilmember, or Town Manager may present a brief summary or report of current events. If listed below, there may also be a presentation on information requested by the Mayor and Council and questions may be answered. No action will be taken.

- a) Status reports by Mayor and Council regarding current events.
 - Councilmember Perkins reported the Chino Valley Unified School District voted for pre-kindergarten through fifth grade to return to hybrid learning, and grades six through twelve to remain distant learning. AIA would not be canceling winter sports, which would be discussed further by the school district at a special meeting.

- b) Status report by Town Manager Cecilia Grittmann regarding Town accomplishments, and current or upcoming projects.
 - She and the Mayor met with Buz Mills, who had been elected to the Chino Valley Fire District.
 - A Study Session was scheduled for the upcoming week.

5) CONSENT AGENDA

All those items listed below are considered to be routine and may be enacted by one motion. Any Councilmember may request to remove an item from the Consent Agenda to be considered and discussed separately.

MOVED by Vice-Mayor Corey Mendoza, seconded by Councilmember Lon Turner to approve Consent Agenda Items 5 (a) and (b) as written.

AYE: Mayor Jack Miller, Vice-Mayor Corey Mendoza, Councilmember Annie Perkins, Councilmember Lon Turner, Councilmember Eric Granillo, Councilmember Tom Armstrong

6 - 0 PASSED - Unanimously

- a) Consideration and possible action to approve Resolution No. 2021-1179 authorizing the Town Manager, Town Clerk, Human Resources Director and the Police Chief to execute checks and other items for, and on behalf of the Town of Chino Valley. (Joe Duffy, Administrative Services Director)

- b) Consideration and possible action to approve the December 8, 2020, regular meeting minutes. (Erin N. Deskins, Town Clerk)

6) **ACTION ITEMS**

The Council may vote to recess the public meeting and hold an Executive Session on any item on this agenda pursuant to A.R.S. § 38-431.03(A)(3) for the purpose of discussion or consultation for legal advice with the Town Attorney. Executive sessions are not open to the public and no action may be taken in executive session.

- a) Consideration and possible action to adopt Ordinance No. 2021-893 amending the Town of Chino Valley Unified Development Ordinance, Chapter 154, by amending Section 2.1, Meanings of Words and Terms and Section 4.9, Outdoor Storage, by adding the definition and regulations of a Metal Storage Container. (Will Dingee, Assistant Planner)

Recommended Action: Adopt Ordinance No. 2021-893 amending the Town of Chino Valley Unified Development Ordinance, Chapter 154, by amending Section 2.1, Meanings of Words and Terms, and Section 4.9, Outdoor Storage, by adding the definition and regulations of a Metal Storage Container.

This item was tabled to be addressed at the upcoming February 16, 2021, Study Session and to continue the public hearing and vote on the item to the March 9, 2021, Town Council Regular Meeting.

MOVED by Vice-Mayor Corey Mendoza, seconded by Councilmember Annie Perkins to table the item to March 9, 2021, Regular Council Meeting.

AYE: Mayor Jack Miller, Vice-Mayor Corey Mendoza, Councilmember Annie Perkins, Councilmember Lon Turner, Councilmember Eric Granillo, Councilmember Tom Armstrong

6 - 0 PASSED - Unanimously

- b) Consideration and possible action to adopt Ordinance No. 2021-894 amending the Town of Chino Valley Unified Development Ordinance, Chapter 154, by amending Section 4.28, Front Yard And Street Side Yard Building Setbacks When Adjacent To A Street, by amending setback requirements and how setbacks are measured, and the addition of language for alleviations and exemptions. (Will Dingee, Assistant Planner)

Recommended Action: Adopt Ordinance No. 2021-894 amending the Town of Chino Valley Unified Development Ordinance, Chapter 154, by amending Section 4.28 Front Yard And Street Side Yard Building Setbacks When Adjacent To A Street, by amending setback requirements and how setbacks are measured, and the addition of language for alleviations and exemptions.

Will Dingee presented the following:

- Council adopted Ordinance 2020-885 in September, which amended the Town Subdivision Regulations and included a reduction of required right-of-way dedications.
- The reduction could not be retroactive, so any development approved prior to the adoption of the new language had more right-of-way dedication requirements than was now currently required.
- Staff presented the draft language to the UDO Subcommittee in October, who directed

- staff to present it to the Planning and Zoning Commission at their December meeting.
- There was no public comment at the meeting, but staff had received several calls in support of the amendment.
- Staff and the Planning and Zoning Commission recommend Council approve the item.

MOVED by Vice-Mayor Corey Mendoza, seconded by Councilmember Tom Armstrong to adopt Ordinance No. 2021-894 amending the Town of Chino Valley Unified Development Ordinance, Chapter 154, by amending Section 4.28, Front Yard and Street Side Yard Building Setbacks When Adjacent to A Street, by amending setback requirements and how setbacks are measured, and the addition of language for alleviations and exemptions.

AYE: Mayor Jack Miller, Vice-Mayor Corey Mendoza, Councilmember Annie Perkins, Councilmember Lon Turner, Councilmember Eric Granillo, Councilmember Tom Armstrong

6 - 0 PASSED - Unanimously

- c) Consideration and possible action to approve the Assured Water Supply Credit Purchase Agreement with Laverne D. and Linda R. Wallace Trust, for 375 acre feet of Extinguishment Credits in the amount of \$90,000.00 plus administrative fees. (Frank Marbury, Public Works Director/Town Engineer)

Recommended Action: Approve the purchase agreement with Laverne D. and Linda R. Wallace Trust, for 375 acre feet of Extinguishment Credits in the amount of \$90,000.00 plus administrative fees.

Mark Holmes presented the following:

- The Town had been notified by the Laverne D. and Linda R. Wallace Trust that they were offering the Town the right to purchase 375 acre feet of extinguishment credits.
- The credits were a valuable water resource asset.
- The credits were used to obtain certificates of assured water supply.
- The \$90,000 amounted to \$240 per acre foot. A Town Ordinance required the Town to sell their water credits for \$250 per acre credit.
- The Town had a very small number of extinguishing credits and the purchase would bolster the portfolio by 5%.
- If the Town did not buy the credits, they could be purchased by someone else.

MOVED by Vice-Mayor Corey Mendoza, seconded by Councilmember Lon Turner to approve the purchase agreement with Laverne D. and Linda R. Wallace Trust, for 375 acre feet of Extinguishment Credits in the amount of \$90,000.00 plus administrative fees.

AYE: Mayor Jack Miller, Vice-Mayor Corey Mendoza, Councilmember Annie Perkins, Councilmember Lon Turner, Councilmember Eric Granillo, Councilmember Tom Armstrong

6 - 0 PASSED - Unanimously

- d) Consideration and possible action to approve the Partnership Agreement with The Nature Conservancy, and accept the grant award of \$75,000 for use in cost sharing for updates to the Northern Arizona Regional Groundwater Flow Model. (Frank Marbury, Public Works Director/Town Engineer)

Recommended Action: Approve the Partnership Agreement with The Nature Conservancy and accept the grant award of \$75,000 for use in cost sharing for updates to the Northern Arizona Regional Groundwater Flow Model.

Items 6 (d) and (e) were presented together.

- This was a historic collaborative opportunity between the Town and The Nature Conservancy, and would also include EHS Support, LLC.
- The Town had previously obtained an analysis of Assured Water Supply issued by the Arizona Department of Water Resources (ADWR) in 2008. It had been for a large volume of water. Once the permit was issued to the Town and locked up it protected the water supply for ten years.
- In 2018, the Town tried to renew the permit for analysis of Assured Water Supply, but the ADWR required a new groundwater model referred to as the Northern Arizona Regional Groundwater Flow Model (NARGFM).
- Initially the Town partnered with EHS Support, LLC to complete a Phase I work plan for how NARGFM could be constructed and developed, which was provided at no cost to the Town. EHS also met with ADWR to review the work plan and make some determinations for the next steps.
- A project overview was provided to the Council.
- The Nature Conservancy was interested in the development of an ADWR peer review NARGFM model to perform their own analysis in and around the Upper Verde River, therefore the Town and The Nature Conservancy had aligned goals.
- The cost for the Town to submit a NARGFM model would be approximately \$153,000. The Nature Conservancy was proposing a \$75,000 grant to the Town and deliver to them a peer reviewed model once the Town's analysis had been completed.
- EHS Support had completed Phase I, which determined what was required by ADWR for the NARGFM development.
- Staff and The Nature Conservancy supported the EHS Support, LLC scope of work for Phase II and III in the amount of \$153,833 through a Professional Services Agreement.
- Once the Town was issued a certificate of assured water supply permit, the Town could take the next steps of developing mitigation strategies for when the Town will be able to import water from the Big Chino. The Nature Conservancy was also interested in those developments, so there could be a future partnership opportunity with the Town.
- There was competition and time was of the essence for the work. Others were working to lock up their water supply from the Big Chino, so the goal was to get the analysis done at the earliest possible time to safeguard the Town's water interest.
- Town staff recommended approval of the Partnership Agreement with The Nature Conservancy, the \$75,000 grant and sharing the NARGFM work with The Nature Conservancy.
- Town staff recommended approval of the EHS Support, LLC professional services agreement.

MOVED by Vice-Mayor Corey Mendoza, seconded by Councilmember Eric Granillo to approve the Partnership Agreement with The Nature Conservancy and accept the grant award of \$75,000 for use in cost sharing for updates to the Northern Arizona Regional Groundwater Flow Model.

AYE: Mayor Jack Miller, Vice-Mayor Corey Mendoza, Councilmember Annie Perkins, Councilmember Lon Turner, Councilmember Eric Granillo, Councilmember Tom Armstrong

6 - 0 PASSED - Unanimously

- e) Consideration and possible action to approve the Professional Services Agreement with EHS Support, LLC for completion of the updates to the Northern Arizona Groundwater Flow Model in an amount not to exceed \$153,883.00. (Frank Marbury, Public Works Director/Town Engineer)

Recommended Action: Approve the Professional Services Agreement with EHS Support, LLC for completion of the updates to the Northern Arizona Groundwater Flow Model in an amount not to exceed \$153,883.00.

This item was presented by Mark Holmes under Item d.

MOVED by Vice-Mayor Corey Mendoza, seconded by Councilmember Lon Turner to approve the Professional Services Agreement with EHS Support, LLC for completion of the updates to the Northern Arizona Regional Groundwater Flow Model in an amount not to exceed \$153,883.00.

AYE: Mayor Jack Miller, Vice-Mayor Corey Mendoza, Councilmember Annie Perkins, Councilmember Lon Turner, Councilmember Eric Granillo, Councilmember Tom Armstrong

6 - 0 PASSED - Unanimously

- f) Consideration and possible action to approve emergency authorization for replacement of the permeate piping system at the Wastewater Treatment Plant. The cost for the work totaled \$77,965.00 and was performed by Double Down Construction. (Frank Marbury, Public Works Director/Town Engineer)

Recommended Action: Approve emergency authorization for replacement of the permeate piping system at the Wastewater Treatment Plant. The cost for the work totaled \$77,965.00 and was performed by Double Down Construction.

Frank Marbury presented the following:

- This was for emergency repair work at the Wastewater Treatment Plant.
- There was a break in November of the permeate piping system. The pipes were located outside the concrete basins at the plant. Since it was a vacuum system, it was difficult finding the leaks.
- The water was filtered and clean.

- The repair work consisted of repair tape over the piping and was only temporary.
- The only responsive company that had the availability, manpower and could come during the low flow periods was Double Down Construction.
- Because of the risk, staff moved ahead with the emergency repair. If the normal procurement rules had been followed, it would have been a six to twelve month process and the repair work could not be delayed that long.
- The finished work should last 15 to 20 years.
- Staff was requesting Council approve the emergency authorization for \$77,965 for the repair work.

Council and staff discussed the following:

Staff verified that Double Down Construction had the manpower to perform the necessary work. Town staff was also available to assist. Some larger companies could not break off from their current work to do the Town's project. Double Down was a local contractor.

MOVED by Vice-Mayor Corey Mendoza, seconded by Councilmember Annie Perkins to approve emergency authorization for replacement of the permeate piping system at the Wastewater Treatment Plant. The cost for the work totaled \$77,965.00 and was performed by Double Down Construction.

AYE: Mayor Jack Miller, Vice-Mayor Corey Mendoza, Councilmember Annie Perkins, Councilmember Lon Turner, Councilmember Eric Granillo, Councilmember Tom Armstrong

6 - 0 PASSED - Unanimously

- g) Consideration and possible action to award a construction contract to VSS International, Inc. for the FY 21 Slurry Seal Project in the amount of \$1,093,000. (Frank Marbury, Public Works Director/Town Engineer)

Recommended Action: Award a construction contract to VSS International, Inc. for the FY 21 Slurry Seal Project in the amount of \$1,093,000.

Vice-Mayor Mendoza recused himself from this item due to a conflict of interest.

Frank Marbury presented the following:

- As part of the Capital Improvement process through study sessions and Council meetings, this project had been formulated to perform slurry seal operations in various neighborhoods throughout Town.
- A review of the project neighborhoods was provided for Council.
- The original estimate for work was \$1.4 million dollars. Plans were developed and advertised for bid. The only bidder was VSS International, Inc. for \$1,093,000.
- Staff thought it was a good competitive bid and recommended awarding the contract.

Council and staff discussed the following:

- The Town had not used VSS International, Inc. before and staff thought this was the only slurry project the Town had done. It was a specialized method.

MOVED by Councilmember Lon Turner, seconded by Councilmember Tom Armstrong to award a construction contract to VSS International, Inc. for the FY 21 Slurry Seal Project in the amount of \$1,093,000.

AYE: Mayor Jack Miller, Councilmember Annie Perkins, Councilmember Lon Turner, Councilmember Eric Granillo, Councilmember Tom Armstrong

5 - 0 PASSED

- h)** Consideration and possible action to authorize staff to purchase +/- 3 acres referred to as 2590 Tree Farm Lane, Chino Valley, in an amount of \$85,000.00 with additional fees and commission of \$4,600.00, for a total of \$89,600.00. (Frank Marbury, Public Works Director/Town Engineer)

Recommended Action: Authorize staff to purchase +/- 3 acres referred to as 2590 Tree Farm Lane, Chino Valley, in an amount of \$85,000.00 with additional fees and commission of \$4,600.00 for a total of \$89,600.00.

Cecilia Gritman presented the following:

- This had been discussed previously in executive session.
- The property was located near the lift station.
- Town contacted the seller's agent, and the \$85,000 price was agreed upon. This amount was within the range discussed by Council in Executive Session.

MOVED by Vice-Mayor Corey Mendoza, seconded by Councilmember Annie Perkins to authorize the purchase of +/- 3 acres referred to as 2590 Tree Farm Lane, Chino Valley in an amount of \$85,000.00 with additional fees and commission of \$4,600.00 for a total of \$89,600.00.

AYE: Mayor Jack Miller, Vice-Mayor Corey Mendoza, Councilmember Annie Perkins, Councilmember Lon Turner, Councilmember Eric Granillo, Councilmember Tom Armstrong

6 - 0 PASSED - Unanimously

7) ADJOURNMENT

MOVED by Councilmember Lon Turner, seconded by Councilmember Annie Perkins to adjourn the meeting at 6:35 p.m.

AYE: Mayor Jack Miller, Vice-Mayor Corey Mendoza, Councilmember Annie Perkins, Councilmember Lon Turner, Councilmember Eric Granillo, Councilmember Tom Armstrong

6 - 0 PASSED - Unanimously

Jack W. Miller, Mayor

ATTEST:

Erin N. Deskins, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Chino Valley, Arizona held on the _____ day of _____, 2021. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2021.

Erin N. Deskins, Town Clerk