

DRAFT

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

**TUESDAY, FEBRUARY 25, 2020
6:00 P.M.**

The Town Council of the Town of Chino Valley met for a Regular Meeting in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on Tuesday, February 25, 2020.

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

Staff Present: Town Manager Cecilia Gritman; Town Attorney Andrew McGuire; Finance Director Joe Duffy; Police Chief Chuck Wynn; Public Works Director/Town Engineer Frank Marbury; Development Services Director Joshua Cook; Assistant Planner Will Dingee; Community Services Director Scott Bruner; Administrative Technician Kathy Frohock (videographer); Deputy Town Clerk Erin Deskins

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

Mayor Croft called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

- a) Presentation by Kimberley Robinson, Partnership Specialist with the U.S. Census Bureau regarding the U.S. Census in Chino Valley. (Scott Bruner, Community Services Director)

Scott Bruner presented the following:

- Introduced Kimberly Robinson, the Town's Census representative.
- Previewed the upcoming slide show and video created by Matt Santos.

Kimberley Robinson presented the following:

- Introduced herself as a partnership specialist for Northern Arizona and a liaison for citizens, the community and the US Census Bureau.
- The census was confidential and all census employees were kept to a lifetime oath of confidentiality. Every 72 years, detailed information was available to the public.
- It was in the US Constitution that every ten years everyone in the US would be counted, and had been done since 1790.
- The Census Bureau was apolitical and not influenced by politics, religion or personal beliefs. How the data used was up to the recipient.
- 95% of homes will receive the questionnaire in the mail in March or May for in person census information.
- The census could be filled out online or by phone.
- Young children and rural residents were always undercounted.
- Questionnaire assistant sites were needed.

- Encouraging self-response.
- www.2020census.gov has information regarding the census form and process.
- They were hiring enumerators to assist in the process.
- The allocation to the Town per person was a little over \$2,000. If the number of people increased enough, it could mean another house of representative seat. It also included Title I funding, roads, schools, community centers, jobs, and almost everything that was touched.
- The general population would see the allocation of funding by the summer of 2021.
- Homeless individuals would be counted in person based on known areas.

Staff showed the staff produced census video that would be available on the Town's YouTube Channel and public access channel 57.

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.

- Beth Vicory - Eagle level Frontier Girl, updated the Council on her plans to procure a 9/11 Memorial plaque. She was planning a large fall fundraiser and she thanked Larry Holt and community members who were supporting the fundraising by offering to cover any shortfall to the funds. She stated she would not need the assistance because she had reached her goal and the fundraiser would help to purchase a larger plaque. She offered her assistance in other fundraising in the community.
- Ryan Roberts – he stated that part of the response to his last public comment was untrue and some of it had been written out of order or the whole definition was not read. He had a problem with the definition used for streets as shown in a recorded plat and in the definition of subdivisions. He was not insinuating that every town in the state dealt with land splits the same way as the Town. He did not get an answer as to why they showed up twice in the definitions, but they were not held to that standard if it was not on a subdivision plat. That question was not answered. There were a bunch of towns brought up that handled lot splits in the same way staff wanted to handle them, but none of them were due to the State Statute and that had been the question – the State Statute. That was his problem because he was always called out by name by the Town and it was like smearing his name, and he did not understand why that was and why the Town was trying to make him look bad in front of everyone. It seemed unproductive. The whole reason he was fighting for lot splits had nothing to do with him. The Town's that were brought up, for example Clarkdale, in 1986, had a parent parcel split rule and had several recent instances where that was not true. He reviewed recent parcels splits not following the parent parcel standard. Prescott had just approved a lot split with an easement. He asked the Council to think about it and asked why the culture couldn't be changed instead of a back and forth argument. The parties could talk and other professionals could be brought in instead of just him and the Town.

The Town Manager stated the Town was not trying to disparage anyone's name. He had personally asked the questions and the Town was responding to him. She also explained that other communities may be doing something in practice but when staff called those Town's, they communicated their current code regulations.

Chris Clevenger – Thanked the Council and Town Manager. Questioned if the plans for the Brook’s Apartments were finalized. Council explained they were unable to respond at the current meeting, but he could contact Developmental Services. Mr. Clevenger explained that Development Services Director, Mr. Cook, had explained that the developers plan would be 50% with the remaining added later, which was unacceptable. They had reverted to their original plans that was a three foot wall and was staggered. The parking was going to be along the south border, which added more parking in that area. Questioned who was approving the plans and if the Town was aware, they were going to keep adding on after they were done. The Mayor explained they would have an answer at the next meeting. Mr. Clevenger stated the problems with kids getting to the school and the heavy traffic remained, and it needed to be addressed. The Council needed to think about the direction of the Town and the kids and other issues. The zoning laws were in place for residential land, and they needed to be reviewed because they were antiquated and needed to be revised and updated.

4) RESPONSE TO THE PUBLIC

Response to the Public is an opportunity for the Mayor to inform the public about how Town officials addressed matters raised during Call to the Public at a previous meeting.

a) Comments regarding a problem in the Bright Star area with vandalism and dumping.

The Mayor explained the response was from both the Police Department and Development Services, as Mr. Odom had spoken with both departments.

The Police Department had never told anyone it was okay to illegally dump on someone’s property or on public property. This information had been reviewed by a number of supervisors at the Police Department as well as the Town Prosecutor. All agree that what had occurred is a civil situation and criminal charges were not appropriate. The landscape companies are either subcontractors working for a contractor or working directly for a homeowner. If the HOA felt the landscape companies were not cleaning up after themselves in an appropriate manner, they should contact the contractor or homeowner who was employing the landscaper. The Town Prosecutor had agreed to meet with anyone who would like a more detailed explanation.

The Development Services Department oversaw Code Enforcement. The Town Code defines Dumping in section 52.43 as: Dumping, Refuse: ‘ *It is unlawful for any person to place or cause to be placed any refuse upon any public or private property within the Town except as specifically permitted in this chapter.*’ Code Enforcement had received calls over the last 18 months from Mr. Odom and had responded to each one. They had visited the properties and areas of concern by the complainant. In each instance, staff had visited the sites to determine if a violation had occurred. Staff determined the material was being staged by contractors trying to complete a job, and not illegal dumping. Other complaints filed included yards in disrepair with weeds, etc. In those instances, Code Enforcement found no violation as the weeds appeared to have just sprouted and staff felt it was important to give property owners time to clean their yards before issuing a notice of violation. Regarding leftover material, when contractors had finished, the HOA should be able to address this issue with the property owner using their CC & R requirements.

5) CURRENT EVENT SUMMARIES AND REPORTS

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

- a) Status reports by Mayor and Council regarding current events.
 - Councilmember Best wanted to thank those buying the 50th Anniversary book. They had sold 55 books so far. Thanked everyone for their efforts in developing the book.
 - Councilmember Perkins read a statement regarding community members expressing the desire for the Town to become a Second Amendment Sanctuary City. With the support of Vice Mayor Miller and many Police Department members, she wanted the Town Council to consider taking action similar to the resolution adopted by Yavapai County. It would require two Councilmembers to bring it to the next meeting. The Council wanted the subject to be researched before it was brought up for a vote by having the attorney review the Yavapai County Resolution.
- b) Status report by Town Manager Cecilia Gritman regarding Town accomplishments, and current or upcoming projects.
- c) Status report regarding the August 4, 2020, Primary Election ballot items. (Jami Lewis, Town Clerk)

Town Clerk Lewis reported:

- The election season was under way for the August 4 Ballot. It was not too late to run for office. The filing period started March 9 and ended April 6. The names of those on the ballot would be released after the April 6 deadline.
- Voters could only sign as many petitions as there were seats to fill. There were only three council seats available, so voters should not sign any more than three petitions for Council and one petition for Mayor.
- The only proposition on the August 4 Ballot was the Alternative Expenditure Limitation Home Rule Option, which determined if the Town's budgetary cap would be set by a state formula from 1980 or by a formula derived from actual revenues and current needs. This item had been on a ballot every four years since 1985. To help inform the citizens, the Town would have two public hearings on March 10 and March 24. The proposition and details would be provided to the public.
- Details would also be provided from general to detailed information through mailers, podcasts, and registered voter households would receive a voter information pamphlet in the mail. All the information would also be available on the Town website www.chinoaz.net/245/, and through various media outlets.
- Town officials would be available to visit public groups and organizations for presentations and questions.
- People who had an opinion, pro or con, that they wanted to share with other voters, had to follow a specific process. A pro/con statement or argument that followed specific guidelines had to be submitted to be placed in the pamphlet by May 6.
- Anyone not ready to run for council but wanting to get involved, could apply for a board, commission or committee.

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 Resolution No. 2020-1154 for support of proposed House Bill 2899, which would increase the vehicle gas tax over the next 3 years. (Cecilia Grittman, Town Manager)

Mayor Croft read Item 6(a), Consideration and possible action to approve Resolution No. 2020-1154 for support of proposed House Bill 2899, which would increase the vehicle gas tax over the next 3 years.

Councilmembers discussed their opposition and support for the Resolution.

Opposition: The Town's citizens wanted local roads fixed, but had turned down an increase in local taxes. There were a lot of unknowns about the resolution on the gas tax increase.

Support: The State was behind most other states in the implementation of gas taxes to help with the road system. The state gas tax had not been increased since 1991. This would bring more money to the town to address the local roads. The resolution also provided for electric cars and vehicles not using gasoline to share part of the cost to repair the roads.

Discussion: The State was in sorry shape and the roads needed help. The increase was six cents per year for three years. It would double the gas tax in three years adding an additional 18 cents. The HURF funding would double. The Town Attorney had written the resolution.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Mike Best to approve Item 6(a) as read; Resolution No. 2020-1154 for support of proposed House Bill 2899, which would increase the vehicle gas tax over the next 3 years.

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Mike Best, Councilmember Corey Mendoza, Councilmember Annie Perkins, Councilmember Lon Turner

NAY: Councilmember Cloyce Kelly

6 - 1 PASSED

- b) Consideration and possible action to approve Resolution No. 2020-1155 for annexation of Town-owned areas of the Peavine Trail into the Chino Valley Fire District boundaries. (Cecilia Grittman, Town Manager)

Consideration and possible action to approve Resolution No. 2020-1155 for annexation of Town-owned areas of the Peavine Trail into the Chino Valley Fire District boundaries. (Cecilia Grittman, Town Manager)

Councilmember Perkins recused herself in order to avoid the impression of impropriety.

Staff explained that the fire department made the Town aware that there were seven parcels on

the Peavine Trail that were not in the Chino Valley Fire District. When the Century Ranch project came in, they wanted to be included in the fire district, but since the area was not contiguous, it left an area not covered by the fire department which would cause confusion for the residents. The section currently on the Peavine could not be covered by the fire department, so the fire department provided the Town with the forms to have those properties annexed into the Chino Valley Fire District. It was a matter of filling the gaps.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Cloyce Kelly to approve Item 6(b) to approve Resolution No. 2020-1155 for annexation of Town-owned areas of the Peavine Trail into the Chino Valley Fire District boundaries.

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Mike Best, Councilmember Cloyce Kelly, Councilmember Corey Mendoza, Councilmember Annie Perkins, Councilmember Lon Turner

7 - 0 PASSED - Unanimously

- c) *Continued from Feb. 11, 2020:* Consideration and possible action to accept the Comprehensive Annual Financial Report and the Annual Expenditure Limitation Report for the fiscal year ended June 30, 2019, as prepared by Henry & Horne, LLP, Certified Public Accountants. (Joe Duffy, Finance Director)
- d) Consideration and possible action to establish the Council Ad Hoc Town Manager Recruitment Subcommittee, consisting of Mayor Croft, Vice-Mayor Miller, and Councilmember Perkins, and approve Charter for the same, to address succession planning for the position of Town Manager. (Jami Lewis, Town Clerk)
- e) Consideration and possible action to approve the January 28, 2020, regular meeting minutes. (Jami Lewis, Town Clerk)
- f) Consideration and possible action to approve the February 11, 2020, 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 Craftsman Court Preliminary Plat Phases 1 & 2 to subdivide approximately ten (10) acres into 45 lots developed in two (2) phases. (Joshua Cook, Development Services Director)

Recommended Action: Approve Craftsman Court Preliminary Plat Phases 1 & 2 to subdivide approximately ten (10) acres into 45 lots developed in two (2) phases.

Joshua Cook presented the following:

- Introduced Will Dingee, Assistant Planner, who would be presenting the Item 7(a).

Will Dingee presented the following:

- The item was a request for approval for a preliminary plat by Paul Aslanian, property owner and developer.
- The subject property received zone change approval in December 2019 and was now in the preliminary plat stage.
- It was in the conceptual concept phase of the preliminary plat for the subdivision. It was a staff review to ensure it complied with all applicable code standards. The next step would be a technical review, reviewed only by staff.
- The final plat would be the next phase to come before Council for approval.
- The surrounding property subdivisions were reviewed.
- The setbacks for the development had been stipulated during the zoning change and the preliminary plat had been updated to reflect those setbacks. Also, a one foot non-vehicular access easement along the properties with frontage on Juniper Drive, that had been accidentally omitted, was added onto the preliminary plat.
- The Road 1 North and Road 1 East infrastructure improvement requirements, would be handled during the technical review process.

Council and staff discussed the following:

- Reductions to the plat requirements included reduced setback requirements. The code typically required larger setbacks, but with the zone change, modified setbacks were included. The Town Council had reviewed and approved a rezone with the reductions and additional stipulations, all of which were being met. There were no other changes.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Lon Turner to approve Craftsman Court Preliminary Plat Phases 1 & 2 to subdivide approximately ten (10) acres into 45 lots developed in two (2) phases.

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Mike Best, Councilmember Cloyce Kelly, Councilmember Corey Mendoza, Councilmember Annie Perkins, Councilmember Lon Turner

7 - 0 PASSED - Unanimously

- b) Consideration and possible action to approve the Professional Service Agreement with Civiltec Engineering, Inc. for the Integrated Water Master Plan (IWMP) and Capital Improvements Plan (CIP) for Old Home Manor (OHM) in the amount of \$287,392.00. (Frank Marbury, Public Works Director/Town Engineer)

Recommended Action: Approve the Professional Service Agreement with Civiltec Engineering, Inc. for the Integrated Water Master Plan (IWMP) and Capital Improvements Plan (CIP) for Old Home Manor (OHM) in the amount of \$287,392.00.

Mark Holmes presented the following:

- *Recap of process steps:*
 - March 2019 determined OHM as the first phase and step of the integrated water masterplan.
 - May 2019 set budget \$250,0000 and the water utility subcommittee discussed OHM integrated water masterplan.
 - June 2019 statement of qualifications for bidding the OHM masterplan were reviewed and July 2019 water utility subcommittee discussed those qualifications.
 - August 2019 OHM Masterplan statement of qualifications went out for bid with October 2019 as the closing date for submittals
 - November 2019 Civiltech was notified they were the selected firm, and they provided a scope, fee and schedule at the end of November.
 - January 2020, Civiltech and staff finalized the scope of work, fee and schedule
- *Work entailed:*
 - Phase one: Four complete masterplans: Water resources, water system, waste water system and reclaimed water system.
 - Phase two: ensure everything proposed at OHM would be integrated fully into the Town existing and future expansion of the utility network.
 - Phase three: Five year capital improvement plan that would determine capital improvements for OHM, develop a five year capital improvement prioritization of the projects, develop cost estimates, and determine improvements needed for future and current system.
 - Phase Four: Propose work for developing an OHM landscape drainage plan and design that would utilize stormwater for outdoor landscape watering needs, provide stormwater retention, detention and drainage planning and promote water efficiencies and water conservation.
 - Phase Five: Project Administration that would provide Council presentation and work sessions, workshops, prepare stand-alone executive summary of the masterplan, deliver the integrated masterplans, a capital improvement plan, and a hydraulic model for a water system, sewer and reclaimed water systems.
- *Budget:* The proposed budget was \$287,392 broken out between FY20 at approximately \$129,000 and FY21 at approximately \$132,000.
- *Phase 6:* There was a Phase 6 contract allowance of \$25,000 for the possibility of measuring waste water flows.
- Proposed schedule: All work completed by November 2020.

Recommendation:

- Staff recommended approval of the OHM Integrated Watermaster Plan contract with Civiltech Engineering in the amount of \$287,392 for FY19/20 and FY20/21

Council and Staff discussed the following:

- Subcommittee members explained this was something that needed to be accomplished so the Town could move forward.
- Mr. Holmes explained the plans and designs would ensure successful infrastructure improvements needed for OHM and infrastructure built beyond OHM. The Town would learn a lot from the first phase.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Mike Best to approve the Professional Service Agreement with Civiltec Engineering, Inc. for the Integrated Water Master Plan (IWMP) and Capital Improvements Plan (CIP) for Old Home Manor (OHM) in the amount of \$287,392.00.

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Mike Best, Councilmember Cloyce Kelly, Councilmember Corey Mendoza, Councilmember Annie Perkins, Councilmember Lon Turner

7 - 0 PASSED - Unanimously

- c) Consideration and possible action to approve the Cooperative Purchasing Agreement with Inland Kenworth for the purchase of a 2021 Kenworth Water Truck for the Roads Department, in the amount of \$135,103.59. (Frank Marbury, Public Works Director/Town Engineer)

Recommended Action: Approve the Cooperative Purchasing Agreement between with Inland Kenworth for the purchase of a 2021 Kenworth Water Truck for the Roads Department, in the amount of \$135,103.59.

Frank Marbury presented the following:

- This would replace a 1989 Town water truck with mileage close to 700,000.
- The Town would utilize a cooperative contract from Source Well that had gone through the bidding process.
- The total purchase price was \$135,103.59.

Council and staff discussed the following:

- The exiting 1989 water truck was a rebuilt water truck that had been around for a long time.
- The item was not discussed during committee meetings or study sessions but was in the approved budget.

The truck was a 4,000-gallon truck. The new water truck would be the same as the old, but more modern.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Cloyce Kelly to approve the Cooperative Purchasing Agreement between with Inland Kenworth for the purchase of a 2021 Kenworth Water Truck for the Roads Department, in the amount of \$135,103.59.

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Mike Best, Councilmember Cloyce Kelly, Councilmember Corey Mendoza, Councilmember Annie Perkins, Councilmember Lon Turner

7 - 0 PASSED - Unanimously

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 Jack Miller, seconded by Councilmember Cloyce Kelly to move into executive session at 7:14 p.m.

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Mike Best,
Councilmember Cloyce Kelly, Councilmember Corey Mendoza, Councilmember Annie
Perkins, Councilmember Lon Turner

7 - 0 PASSED - Unanimously

- a) An executive session pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation with attorneys for the Town regarding contract negotiations. (Cecilia Grittman, Town Manager)
- b) An executive session pursuant to A.R.S. & 38-431.03(A)(1) for discussion or consideration of employment, assignment, appointment, or salary of Town Manager, Cecilia Grittman. (Mayor and Council)

9) ACTION ITEMS RESUMED

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

Mayor Croft reconvened the regular meeting at 8:30 p.m.

- a) Discussion and possible action regarding Town Manager succession planning.

Recommended Action: Direction to Staff per Council discussion.

No discussion on item 9(a).

10) ADJOURNMENT

MOVED by Councilmember Lon Turner, seconded by Vice-Mayor Jack Miller to adjourn the meeting at 8:31 p.m.

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Mike Best,
Councilmember Cloyce Kelly, Councilmember Corey Mendoza, Councilmember Annie
Perkins, Councilmember Lon Turner

7 - 0 PASSED - Unanimously

Darryl L. Croft, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Chino Valley, Arizona held on the _____ day of _____, 2020. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2020.

Jami C. Lewis, Town Clerk