

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

**TUESDAY, JANUARY 26, 2016  
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, January 26, 2016.

**Present:** Mayor Chris Marley; Vice-Mayor Darryl Croft; Councilmember Mike Best; Councilmember Susie Cuka; Councilmember Jack Miller; Councilmember Corey Mendoza; Councilmember Lon Turner

**Staff Present:** Town Manager Robert Smith; Assistant Town Manager Cecilia Grittmann; Town Attorney Phyllis Smiley; Finance Director Joe Duffy; Human Resources Director Laura Kyriakakis; Police Chief Chuck Wynn; Police Lieutenant Vince Schaan; Police Officer Deana Winn; Civilian Operations Supervisor Laurie Whisenand; Magistrate Catherine Kelley; Acting Public Works Director/Town Engineer Michael Lopez; Utility/Recreation Supervisor Chris Bartels; Associate Planner James Gardner; Town Clerk Assistant Amy Pyeatt-Lansa; Town Clerk Jami Lewis (recorder)

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

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

Mayor Marley called for a Moment of Silence and led the Pledge of Allegiance.

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

None.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Corey Mendoza to move Call to the Public to the end of the agenda to expedite the meeting.

**Vote:** 7 - 0 PASSED - Unanimously

**3) CALL TO THE PUBLIC**

*Call to the Public is an opportunity for the public to address the Council concerning a subject 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.*

(This item was heard after item 7f, but is retained here for clarity.)

Craig Brown, Yavapai County District 4 Supervisor, spoke in support of JTED; commended the Town's public process in addressing medical marijuana; spoke in opposition to Lotto expenditures; and announced a state budget presentation in Yavapai County by the Governor's Office on February 1.

Todd League with Overflow Coffee spoke in support of pressuring ADOT to expedite the stoplight at Road 1 North and State Route 89.

Lee Paul, resident, spoke in support of the JTED item and commented on a chili cookoff.

**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.*

None.

**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.

Vice-Mayor Croft reported on the spring Citizen's Academy to start March 3.

- b) Status report by Town Manager Robert Smith regarding Town accomplishments, and current or upcoming projects.

Mr. Smith ceded his time to Police Chief Wynn, who spoke about department highlights over the past year related to:

- *Facilities:* shooting range; evidence facility; new interview room.
- *Events:* National Night Out; Halloween; Red Ribbon Week at Del Rio School.
- *Programs:* canines; motor officers.
- *Vehicles:* 1033 military surplus program; motorcycle units; Ford Interceptors.
- *Equipment:* department-issued rifles; mobile technology; reloading equipment.
- *Upcoming events/programs:* PD Citizen's Academy; crime mapping on webpage; self defense through tactical shooting and decision making.

**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 Darryl Croft, seconded by Councilmember Jack Miller to accept consent agenda items 6a, b, c, d, and e.

**Vote: 7 - 0 PASSED - Unanimously**

- a) Consideration and possible action to adopt Chino Valley's Housing Rehabilitation Guidelines as per requirements of the Arizona Department of Housing, Owner Occupied Housing Rehabilitation program application. HOME/SHF Grant Funds will be used and require no Town matching funds. (James Gardner, Associate Planner)
- b) Consideration and possible action to authorize Town Manager to sign/accept two (2) Governor's Office of Highway Safety (GOHS) grants. (Chuck Wynn, Police Chief)
- c) Consideration and possible action to appoint Mr. Dean Keller to the Public Safety Retirement Board, effective immediately. (Cecilia Gritman, Assistant Town Manager)
- d) Consideration and possible action to re-appoint Claude Baker as Regular Commissioner and Julie Van Wuffen as Alternate Commissioner to the Planning and Zoning Commission, with terms ending January 31, 2019 and January 31, 2017, respectively. (Vice-Mayor Croft; Councilmember Best; Councilmember Turner)
- e) Consideration and possible action to accept the January 12, 2016 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 Ordinance No. 16-811, amending the Unified Development Ordinance, Chapter 2 Definitions, Section 2.1 Meaning of Words and Terms; Chapter 3 Zoning Districts, Sections 3.5 Agricultural/Residential (36 Acre Minimum), 3.6 Agricultural/Residential (5 Acre Minimum), Section 3.7 Agricultural/Residential (4 Acre Minimum), 3.15 Commercial Light, 3.16 Commercial Heavy, 3.17 Industrial; and Chapter 4 General Regulations, Section 4.31 Medical Marijuana Dispensaries, Cultivation Sites, and Infusion Facilities. (Phyllis Smiley, Town Attorney)

**Recommended Action:** Approve Ordinance No. 16-811, amending the Unified Development Ordinance related to regulating medical marijuana facilities as stated in the ordinance.

James Gardner reported on:

- The process leading up to tonight's proposed action.
- The proposed text amendments revised after last week's study session:
  1. Remove cultivation and infusion facilities from conditional uses in AR-36, AR-5, and AR-4, disallowing those uses in these zones.
  2. Remove cultivation, infusion, and dispensaries from permitted uses in CL/CH, disallowing those uses in these zones.
  3. Allow cultivation, infusion, and dispensary facilities in Industrial (I) zoning district.
  4. Require 500-foot separation between medical marijuana facilities and schools, parks, public buildings, community centers, drug and alcohol rehabilitation facilities, and any residential zoning district.
- Clarification that commercial greenhouse requirements applied to cultivation facilities

only.

- Considerations related to conditional use permits; concentrating uses versus separating uses; zoning rights; exclusionary zoning; minimal impacts of certain amendments; variances; and Proposition 207, protected development right plans (PDRPs), and development agreements.
- Developable commercial and industrial zoned land with a 500-foot separation buffer currently and under the new ordinance.

Council asked for more details about the following:

- *Land and building requirements for MMJ operations:* Building height maximum was 35 feet; building size was unlimited, but there were lot coverage restrictions; and MMJ uses had a 500-foot setback from any residential zoning district.
- *PDRP and dispensaries:* The current dispensary was operating under a PDRP; future ones would not.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to approve Ordinance No. 16-811, amending the Unified Development Ordinance related to regulating medical marijuana facilities as stated in the ordinance.

**Vote:** 7 - 0 PASSED - Unanimously

- b) (i) Public Hearing regarding application from Amanda Cordoba for a new Series 12 (Restaurant) Liquor License for El Charro Norte, located at 2879 Arizona Trail, Chino Valley.  
(ii) Consideration and possible action to recommend approval for a new Series 12 Liquor License for El Charro Norte. (Jami Lewis, Town Clerk)

Recommended Action:

- (i) Hold Public Hearing.  
(ii) Recommend approval for a new Series 12 Liquor License for El Charro Norte.

Staff Report Summary:

- Police and Development Services personnel reviewed the application and recommended approval with no comments.
- Staff posted the establishment with the necessary notices to meet the required 20-day period and did not receive any written arguments in favor of or in opposition to the application.

MOVED by Vice-Mayor Croft, seconded by Councilmember Mike Best to hold the public hearing.

**Vote:** 7 - 0 PASSED - Unanimously

Amanda Cordoba, applicant, commended the Building Division for their assistance, and announced a soft opening on February 4.

MOVED by Vice-Mayor Croft, seconded by Councilmember Jack Miller to close the public hearing.

**Vote:** 7 - 0 PASSED - Unanimously

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Lon Turner to recommend approval for a new Series 12 Liquor License for El Charro Norte.

**Vote:** 7 - 0 PASSED - Unanimously

- c) (i) Public Hearing regarding application from Robert Valenzuela for a new Series 3 (In-State Microbrewery) Liquor License for Insurgent Brewing Company, LLC, located at 990 N. Highway 89, Unit B, Chino Valley.  
(ii) Consideration and possible action to recommend approval for a new Series 3 Liquor License for Insurgent Brewing Company, LLC. (Jami Lewis, Town Clerk)

Recommended Action:

- (i) Hold Public Hearing.  
(ii) Recommend approval for a new Series 3 Liquor License for Insurgent Brewing Company, LLC.

Staff Report Summary:

- Police and Development Services personnel reviewed the application and recommended approval with no comments.
- Staff posted the establishment with the necessary notices to meet the required 20-day period and did not received any written arguments in favor of or in opposition to the application.

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

**Vote:** 7 - 0 PASSED - Unanimously

Robert Valenzuela, applicant, spoke about the Town's support and about the business being a tap room only.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Jack Miller to open the public hearing.

**Vote:** 7 - 0 PASSED - Unanimously

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Corey Mendoza to recommend approval for a new Series 3 Liquor License for Insurgent Brewing Company, LLC.

**Vote:** 7 - 0 PASSED - Unanimously

- d) Consideration and possible action to approve Ordinance No. 16-809, amending the Town Code, Title III Administration, Chapter 34 Municipal Court, Subchapter Municipal Court Fees, Sections 34.20 Authority to Set Fee Amounts, 34.21 Establishment of Funds and Allocation of Fees, and 34.22 Establishment of Court Fees. (Phyllis Smiley, Town Attorney)

Recommended Action: Approve Ordinance No. 16-809.

Staff Report Summary: Pursuant to Town Code Section 34.20(A), the Presiding Magistrate recommended several changes to the fees currently being charged by the Town and the adoption of new fees not currently provided for in the Town Code. The proposed fees were posted according to law.

Judge Catherine Kelley reported that:

- Nothing was being changed to anyone's detriment.
- The Town's warrant fees of \$27 were way out of line from other jurisdictions, as the

actual processing costs were close to \$900.

- While most jurisdictions had a deferred prosecution fee and suspended sentence fee, the Town did not. Adding these will bring the Town in line with neighboring jurisdictions.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Jack Miller to approve Ordinance No. 16-809.

**Vote:** 7 - 0 PASSED - Unanimously

- e) Consideration and possible action to adopt Resolution 16-1075 to amend, update and revise the fees currently in use by the Chino Valley Municipal Court. (Catherine J. Kelley, Presiding Magistrate.)

Recommended Action: Adopt Resolution 16-1075 amending, updating and revising the fee schedule for the Chino Valley Municipal Court.

Staff Report Summary:

- Town Code Section 34.20 provided that court fees were to be set by the Presiding Magistrate of the Municipal Court and sent to Council for approval by resolution not more often than once every six months. Revisions were last made in 2009.
- In October 2015, Court staff reviewed the fee schedule and proposed to eliminate some fees, add several fees that would be helpful to both the Prosecution and the Court, reduce one fee, and raise several others, bringing Chino Valley's Court fees in line with other Yavapai County courts' fees.
- As amending, updating, and revising these fees was in the best interests of the residents of the Town, and brought the Town's fee schedules into closer alignment with surrounding jurisdictions, the Magistrate recommended approval of the Resolution.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to adopt Resolution 16-1075 amending, updating and revising the fee schedule for the Chino Valley Municipal Court.

**Vote:** 7 - 0 PASSED - Unanimously

- f) Consideration and possible action to authorize the Mayor, on behalf of the Council, to sign a letter of protest to Governor Ducey and other state officials regarding budget cuts to the Joint Technical Education District (JTED) educational program. (Councilmember Best; Mayor Marley)

Recommended Action: Authorize the Mayor, on behalf of the Council, to sign the letter of protest.

Staff Report Summary: The governor's budget would reduce funding and change the funding structure to JTEDs and the Mayor desired that the Council authorize him to sign a letter to legislators protesting this change.

Councilmember Best reported that some senators and representatives had stepped up and complained to the governor for cutting this program. He believed Council needed to let Governor Ducey know that the kids were more important than some of his other programs. For instance, a couple of local students who recently completed the JTED's linesman program started with an \$80,000 salary.

Councilmember Cuka commended the JTED program, especially for families that could not afford college.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to authorize the Mayor, on behalf of the Council, to sign the letter of protest.

**Vote:** 7 - 0 PASSED - Unanimously

- g) Consideration and possible action to approve a reorganization to separate the positions of Director of Public Works and Town Engineer by adopting Ordinance No. 16-810 amending Town Code Title V Public Works, Chapter 50 General Provisions, Subchapter Utility Department, Section 50.15 Public Works Director; and approving a revision to the Town of Chino Valley Organizational Chart. (Phyllis Smiley, Town Attorney)

Recommended Action: (i) Approve Ordinance No. 16-810; and (ii) Approve the Organizational Chart as revised to separate the Director of Public Works and Town Engineer positions.

MOVED by Councilmember Lon Turner, seconded by Vice-Mayor Darryl Croft to table this.

**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.*

None.

9) **ACTION ITEMS RESUMED**

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

None.

10) **ADJOURNMENT**

MOVED by Councilmember Jack Miller, seconded by Councilmember Mike Best to adjourn the meeting at 6:56 p.m.

**Vote:** 7 - 0 PASSED - Unanimously

ATTEST:

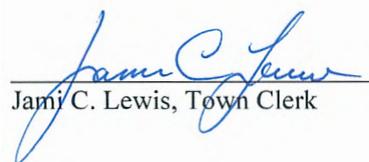
  
\_\_\_\_\_  
Jami C. Lewis, Town Clerk

  
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Chris Marley, Mayor

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Chino Valley, Arizona held on the 26th day of January, 2016. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 9th day of February, 2016.

  
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Jami C. Lewis, Town Clerk