

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

**TUESDAY, AUGUST 14, 2018
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, August 14, 2018.

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

Staff Present: Town Manager Cecilia Grittmann; Town Attorney Andrew McGuire; Finance Director Joe Duffy; IT Manager Spencer Guest; Police Chief Chuck Wynn; Police Lieutenant Vince Schaan; Public Works Director/Town Engineer Frank Marbury; Planner Alex Lerma; Community Services Director Scott Bruner; Customer Service Manager JoAnn Brookins; Administrative Technician Kathy Frohock (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. 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.

Ron Romley, representing Yavapai Regional Transit, read a letter from the Paulden Community Organization thanking the Town and Yavapai Regional Transit for partnering with them in the Paulden Plunge program.

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) Request for Council to reconsider a block wall for the JC Ranch development.

Mayor Croft reported that the appeal period had passed, and Council had made it clear that they did not intend to require walls that were not already required by code. Staff was trying to move the roadway access as far away from the affected properties as possible to minimize disturbances.

- b) Request for the Town to participate with funding for additional U.S. flags along State Route 89.

Mayor Croft reported that this was on tonight's agenda for consideration.

5) **CURRENT EVENT SUMMARIES AND REPORTS**

This item is for information only. The Mayor, any Councilmember, or Town Manager may present a brief summary or report of current events, or ask a staff member to provide the same. Presentation on information requested by the Mayor and Council will be made and questions answered. No action will be taken.

- a) Status reports by Mayor and Council regarding current events.

Councilmember Best reported on the most recent activities regarding the Town's 50th anniversary planning.

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

Ms. Grittman reported that:

- She and Council will attend the League of Cities Conference next week.
- There will be no study session this month and the August 28 regular meeting has been cancelled.
- Congressman Paul Gosar was in Town last week and recognized Det. Amy Chamberlin as the Officer of the Year.

- c) Presentation of Enterprise Document Management RFP selected vendor Databank MX. (Spencer Guest, IT Manager)

Mr. Guest reported that:

- The first major initiative in the Town's 2018 Technology Plan was to implement a document management system, which will allow the Town to digitize paper records that must be retained per federal and state law.
- Staff issued an RFP and received 10 bids. The top four finalists gave in depth demonstrations to the Technology Committee, which unanimously selected Databank and the OnBase system.
- The system will take one to three years to completely import and customize, with three to four departments rolling out in the first year. The program will better serve the public and enhance staff capabilities and efficiencies.

Tracy Flores and John Dunn with Databank presented an overview of:

- their current Arizona clients, the company's history, and the OnBase system;
- accessing and searching the repository, public access, electronic forms; and
- GIS connectivity.

Council asked about storage, backup, and protection. Mr. Guest stated that MIS will follow the same internal applications currently followed. Staff will do their best to deflect hackers, and most of the documents in the repository will be public records anyway.

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 Lon Turner, seconded by Councilmember Cloyce Kelly to accept consent agenda items (a) through (e).

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

PASSED - Unanimously

- a) Consideration and possible action to adopt Resolution No. 18-1127, levying and assessing an ad valorem tax on the assessed value of all real and personal property within the boundaries of the Town of Chino Valley Street Lighting Improvement Districts (CVSLID) for fiscal year 2018-2019, pursuant to Section 48-616, Arizona Revised Statutes. (Joe Duffy, Finance Director)
- b) Consideration and possible action to adopt Resolution No. 18-1129, amending Resolution No. 08-862, Parks and Recreation Advisory Board Rules, Section 3 Membership, to increase board membership, and amend the residency and quorum requirements. (Jami Lewis, Town Clerk)
- c) Consideration and possible action to appoint applicants to fill new positions on the Parks and Recreation Advisory Board established by Resolution No. 18-1129, dated August 14, 2018 and effective September 13, 2018. (Jami Lewis, Town Clerk)
- d) Consideration and possible action to accept the July 17, 2018 special meeting minutes. (Jami Lewis, Town Clerk)
- e) Consideration and possible action to accept the July 24, 2018 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 a Conditional Use Permit (CUP18-005) to allow a food truck court on CL (Commercial Light) zoned property, 1.38 acres of real property, Assessor's Parcel No. 306-23-057, located approximately 0.25 miles north of the northwest corner of Center Street and State Route 89 intersection at 246 North State Route 89. Owner: 246 Holdings, LLC; Applicant: Bruce Eldredge. (Alex Lerma, Planner)

Recommended Action: Approve a Conditional Use Permit (CUP18-005) for Assessor's Parcel No. 306-23-057, located at 246 North State Route 89, to allow a food truck court on a CL (Commercial Light) zoned district, subject to the conditions recommended by Staff and the Planning and Zoning Commission.

Mr. Lerma noted a typographical error in the CUP number in the agenda title, which should be 18-004, not 18-005. He then presented on this item:

- *Food truck courts:* Staff had presented an overview of food truck courts at a study session a few months ago. Common characteristics of a food truck court included designated restrooms, parking area, and eating area. Benefits of a food truck court were that they provided a central hub of activity associated with a centralized place to purchase different options.
- *Current Code provisions:* While food trucks were not defined in the Unified Development Ordinance (UDO), they were similar to UDO-defined uses of outside retail and swap meets, as well as mall food courts. Food trucks were considered an accessory business to the main business. A single food truck was allowed at any commercial property with a mobile merchant license.
- *Request history:* One food truck, the 500, originally located on this site. Later, Tiger Express requested to locate there as well. They were able to do so, but only with a two-week temporary use permit. The property owner then approached the Town about locating a third truck. Legal counsel determined that such a cluster would constitute a food truck court and that it would require a CUP.
- *Site plan:* One requirement for approving a CUP was to determine if the requested use made sense at the proposed site. Staff believed the site made sense, as there was adequate parking for up to three food trucks, the other two buildings on the site were commercial, and there were available restrooms for merchants and the public.
- *Recommendation:* Staff recommended approval with conditions relating to the designated food truck area; number and size of trucks; site plan approvals; trash and recycle receptacles; and paved access for ADA.

Council expressed concern about the following issues and Mr. Lerma and Town Engineer Marbury addressed them in more detail:

- *Parking:* During feasibility review, ADOT did not return any comments. As the second building on the site was vacant and the tax business only received one customer at a time, staff deemed that there was adequate parking. The open area was acceptable for temporary overflow parking, and if a continued need arose, staff would initiate a review process and make appropriate recommendations.
- *Surfacing:* Per Code, all vehicular access and maneuvering areas were to be paved when a new business structure was constructed. A new business in an existing structure was only required to provide a dust free surface. As an accessory business to the primary business, food trucks were not a new structure. Depending upon the situation, surface material could be gravel or compacted rock. Council wanted to ensure the applicant understood that surface improvements could be required in the future.
- *Restrooms:* A primary business was obligated to provide restroom(s). As CUPs were attached to the property, any property owner would be required to allow restroom use per the CUP. This was regulated through County Environmental Services. The Town's building inspector saw no issues with the proposed restrooms.
- *Condition of property and compliance:* Council would now only be approving the use of a food truck court. The applicant will have to improve the property for compliance before site plan approval and once food trucks were on site, he will need a new site plan

and Development Services approval. Staff will ensure all conditions are met before issuing the CUP. Issues arising after CUP issuance will be handled through code compliance. Health-related issues were under the county's purview.

- *Adding a time stipulation of one year:* Staff had recommended no time stipulations, as staff could regulate the use through code compliance.

Applicant Bruce Eldredge spoke about his project:

- The site had dust-free gravel and only one 15-foot area needed improvement. He described where there were additional parking spaces. As the use grew, he and the Town would address that at that time.
- He asked that Council not limit the CUP to one year due to the significant expense going into the project and the fact that since the food trucks needed a one-year lease per Code, the CUP could expire before the food truck leases did. He would be comfortable with a two-year limit, however.
- Between the two buildings on the site, there were four ADA restrooms. Using them by previous food trucks had not affected the businesses in the buildings.

Council discussed options for the time stipulation on either the CUP itself or a time to review the plan. Town Attorney McGuire advised that the Code allowed for time conditions of any kind.

Councilmembers indicated support of a two-year time stipulation.

Councilmember Mendoza stated that he would like to have seen more homework, such as examples from other municipalities, and staff should draft a food court zone for the UDO.

Mayor Croft asked Mr. Eldredge to do something with the concrete on the site.

MOVED by Vice-Mayor Lon Turner, seconded by Councilmember Jack Miller to approve a Conditional Use Permit (CUP18-005) for Assessor's Parcel No. 306-23-057, located at 246 North State Route 89, to allow a food truck court on a CL zoned district, subject to the conditions recommended by Staff and the Planning and Zoning Commission; and add that this will be a two-year cup from the date that Development Services approves the stipulated changes.

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

PASSED - Unanimously

- b)** Consideration and possible action to approve the A-Team Electrical Services, Inc. bid to install lights on the ball field located at the southeast corner of the Recreation Center Complex. (Joe Duffy, Finance Director)

Recommended Action: Approve the bid from A-Team Electrical Services, Inc. for \$286,632.59 to install new ball field lights at the Recreation Center Complex.

Community Services Director Scott Bruner recommended that Council postpone this item, as Councilmember Best had discovered that lighting the southeast field would not accommodate all the user groups that had been discussed relative to this project. He will work on solving the oversight and bring the item back in September.

MOVED by Vice-Mayor Lon Turner, seconded by Councilmember Mike Best to postpone action item (b).

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

PASSED - Unanimously

- c) Consideration and possible action to approve the expenditure of approximately \$900.00 for the purchase of United States flags to line State Route 89 from where they terminate north of Road 2 North to Perkinsville Road. (Cecilia Grittman, Town Manager)

Recommended Action: Approve the expenditure of approximately \$900.00 for the purchase of United States flags to line State Route 89 from where they terminate north or Road 2 North to Perkinsville Road.

Mayor Croft reported that the Town would split the total cost for the flags with Jeff Champ of Champ Insurance.

MOVED by Vice-Mayor Lon Turner, seconded by Councilmember Corey Mendoza to approve expenditure of approximately \$900.00 for the purchase of United States flags to line State Route 89 from where they terminate north or Road 2 North to Perkinsville Road.

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

PASSED - Unanimously

Councilmember Kelley suggested that staff consult with the American Legion on the bases for the flags.

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 Lon Turner, seconded by Councilmember Mike Best to go into executive session at 7:05 p.m.

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

PASSED - Unanimously

- a) An executive session pursuant to A.R.S. § 38-431.03(A)(3) for discussion or consultation for legal advice with the Town Attorney regarding legal issues related to a potential acquisition of a private water system, and pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation with the Town Attorney in order to consider the Town's position and instruct the Town Attorney regarding the Town's position related to the potential acquisition of a private water system. (Cecilia Grittman, Town Manager)
- b) An executive session pursuant to A.R.S. § 38-431.03(A)(3) for discussion or consultation for legal advice with the Town Attorney regarding the acquisition of a portion of the Prescott water system and pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation with the Town Attorney in order to consider the Town's position and instruct the Town Attorney regarding the Town's position regarding a contract with the City of Prescott related to the Town purchasing a portion of its water distribution system that is the subject of negotiations. (Cecilia Grittman, Town Manager)

9) ACTION ITEMS RESUMED

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

Mayor Croft reconvened the regular session at 7:57 p.m. and reported that Council discussed the two matters with the town attorney.

10) ADJOURNMENT

MOVED by Councilmember Jack Miller, seconded by Councilmember Mike Best to adjourn the meeting at 7:57 p.m.

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

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 14th day of August, 2018. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 11th day of September, 2018.

Jami C. Lewis, Town Clerk