Town of Chino Valley

MEETING NOTICE
TOWN COUNCIL

REGULAR MEETING
Tuesday, October 23, 2018
6:00 P.M.

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. Proclamation declaring November 2018 as "Charitable Tax Credit Giving Month," sponsored by Yavapai Big Brothers Big Sisters. (Mayor Croft)

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.

   a. Comments regarding the Town's code compliance processes and signage for small businesses.

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. Quarterly status report on residential and commercial building permits, code compliance matters, and UDO rewrite. (Jason Sanks, Development Services Director)

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 the Notice of Intent to call an election for the purpose of requesting authorization to levy a primary property tax for the purpose of funding a Roads Maintenance Program. (Jami Lewis, Town Clerk)

b. Consideration and possible action to adopt Ordinance 18-854, rezoning 5 acres of real property from AR-5 (Agricultural Residential-5 acre minimum) zoning district to SR-1 (Single Family Residential-1 acre minimum) zoning district. The property, Assessor's Parcel No. 306-29-111A, is located 625 feet south of the southeast corner of West Center Street and South Road 1 West. (Owner/Applicant: Jeff Lira) (Alex Lerma, Planner)

c. Consideration and possible action to accept the September 25, 2018 regular meeting minutes. (Jami Lewis, Town Clerk)

d. Consideration and possible action to accept the October 9, 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. Presentation by Prescott Council Member Alexa Scholl, and consideration and possible action to appropriate funds for the Granite Mountain Hotshots Memorial Partnership for a memorial at the Courthouse Square in the City of Prescott, in an amount to be determined by the Council. (Cecilia Grittman, Town Manager)

Recommended Action: Authorize appropriation of $__________ toward the Granite Mountain Hotshots Memorial Partnership for a memorial honoring the Hotshots at the Courthouse Square in the City of Prescott.
b. Consideration and possible action to adopt Ordinance 18-852, rezoning 7.06 acres of real property from AR-5 (Agricultural Residential-5 acre minimum) zoning district to SR-2 (Single Family Residential-2 acre minimum) zoning district. The property, Assessor's Parcel No. 306-21-119, is generally located approximately 900 feet east of Sycamore Vista Drive and 638 feet north of West Center Street. (Owner: Horst Gempe; Applicant: Gesine Gempe) (Jason Sanks, Development Services Director)

   **Recommended Action:** Adopt Ordinance 18-852, rezoning 7.06 acres of real property from AR-5 (Agricultural Residential-5 acre minimum) zoning district to SR-2 (Single Family Residential-2 acre minimum) zoning district.

c. Presentation, discussion, and possible action regarding Yavapai County Ordinance 2018-2: Regulating Portable Communication Devices and Texting While Operating a Motor Vehicle. (Chuck Wynn, Police Chief)

   **Recommended Action:** Discuss the ordinance and provide input to staff.

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 18th day of October, 2018.

    **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](http://www.chinoaz.net/agendacenter) and in the Public Library and Town Clerk’s Office.

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**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.

<table>
<thead>
<tr>
<th>Date:</th>
<th>Time:</th>
<th>By:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Jami C. Lewis, Town Clerk</td>
</tr>
</tbody>
</table>
Town Council Regular Meeting

Meeting Date: 10/23/2018
Contact Person: Jami Lewis, Town Clerk
Phone: 928-636-2646 x-1208
Department: Council
Estimated length of Staff Presentation: 5 minutes

Physical location of item: N/A

AGENDA ITEM TITLE:
Proclamation declaring November 2018 as "Charitable Tax Credit Giving Month," sponsored by Yavapai Big Brothers Big Sisters. (Mayor Croft)

Attachments
Proclamation
PROCLAMATION
Charitable Tax Credit Giving Month
November 2018

Whereas, the State of Arizona tax credit program enables taxpayers to contribute $400 for a single taxpayer and $800 for taxpayers filing a joint tax return, and receive a dollar for dollar tax credit on their Arizona tax bill; and

Whereas, the full amount can be given to a qualified charitable organization of their choice AND a school of their choice. The taxpayers can use their tax dollars to express their beliefs and values by supporting a charity that does the work they hold dear; and

Whereas, Employers are urged to adopt the option to allow employees to contribute to a Qualifying Charitable Organization from state withholding- thereby not reducing take home pay; and

Whereas, Employees are encouraged to take advantage of the opportunity to contribute to a qualifying Charitable Organization from their state tax withholding- without reducing take home pay.

Whereas, by donating to a qualified charitable organization and a school, taxpayers are in effect, given the opportunity to choose how to use a portion of their tax dollars; and

Whereas, taxpayers no longer need to itemize in order to participate in the Arizona Tax Credit Program; and

Whereas, the Arizona Tax Credit Program is a way of keeping our tax money in this community. Keeping tax dollars local through the charitable giving tax credit builds a stronger and better community at no cost to the donors.

Now, Therefore, I, Darryl L. Croft, Mayor of the Town of Chino Valley, in partnership with Yavapai Big Brothers Big Sisters, do hereby proclaim November 2018 as Charitable Tax Credit Giving Month, and urge all of our citizens to recognize this observance and, for the good of the community, urge residents to keep their money local by making a donation to a qualified local charity and school.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the Town of Chino Valley to be affixed this 23rd day of October 2018.

Darryl L. Croft, Mayor

ATTEST: Jami C. Lewis, Town Clerk
AGENDA ITEM TITLE:
Consideration and possible action to approve the Notice of Intent to call an election for the purpose of requesting authorization to levy a primary property tax for the purpose of funding a Roads Maintenance Program.

RECOMMENDED ACTION:
Approve the Notice of Intent to call an election for the purpose of requesting authorization to levy a primary property tax to fund a Roads Maintenance Program.

SITUATION AND ANALYSIS:
The Roads and Streets Committee has recommended that the Town ask its voters to authorize the levy of a primary property tax for the purpose of implementing a roads maintenance program. On October 9, the Council directed staff to proceed with taking the steps toward this end. The first legal requirement in this process per A.R.S. § 9-499.15(B)(1) is to prepare a schedule and written report that supports the new tax. This report will be filed in the Town Clerk's Office and placed on the Town's website home page. Although the posting and notice requirements of A.R.S. § 9-499.15(B)(2) & (C) may not apply to the approval of an initial primary property tax levy apply, the advice of the Town Attorney is that it is best to follow those requirements to avoid a challenge based on that. Therefore, it is staff's recommendation to post a notice of intent to call for an election to submit to the voters the adoption of a real property tax pursuant to A.R.S. 42-17056, as well as to post such information on the Town's website at least 60 days prior to the scheduled call of election. As the call of election is scheduled for January 8, 2019, this information will be posted prior to November 9, 2018. Staff requests that Council approve the notice, schedule, and written report.

(The schedule and report for this item is still being finalized. It will be provided on Monday.)
NOTICE OF INTENT TO CALL FOR AN ELECTION TO SUBMIT TO THE VOTERS THE ADOPTION OF A REAL PROPERTY TAX PURSUANT TO A.R.S. § 42-17056

Pursuant to A.R.S. 9-499.15 B. 4., notice is hereby given that the Town Council of the Town of Chino Valley will be considering the adoption of a resolution of intent to submit to the qualified voters the question of a proposed amount to be raised by an initial primary (ad valorem) property tax for the purposes of funding a Roads Maintenance Program.

The proposed property tax is based upon a written report and data prepared by the Town Finance Director. A schedule of the new proposed property tax and a written report supporting the new tax is on the Town’s website.

The Chino Valley Town Council will consider adopting a Call of Election Resolution on January 8, 2018 in the Council Chambers, 202 N. State Route 89, Chino Valley, Arizona, during the Town Council meeting scheduled to begin at 6:00 p.m. After that, a Special Election will be held on May 21, 2019 at which time the voters will either approve or disapprove the initial property tax.

The following Property Tax Rate is proposed:

<table>
<thead>
<tr>
<th>Current Property Tax Rate and Levy Amount</th>
<th>Proposed Property Tax Rate and Levy Amount*</th>
</tr>
</thead>
<tbody>
<tr>
<td>0% $0.00</td>
<td>1% $762,000</td>
</tr>
<tr>
<td>0% $0.00</td>
<td>1.5% $1,143,000</td>
</tr>
<tr>
<td>0% $0.00</td>
<td>2% $1,524,000</td>
</tr>
</tbody>
</table>

*The Town Council will determine the exact proposed rate and levy amount, not-to-exceed 2%, after receiving input from the public over the next several weeks. The Levy amount is based on the net primary assessed value for 2018.

IF APPROVED BY THE VOTERS, THE PROPOSED TAX WILL BECOME EFFECTIVE ON JULY 1, 2019.

A copy of the written report and findings supporting these increases and rates may be reviewed during normal office hours, Monday through Thursday from 8:00 a.m. to 5:00 p.m. at the office of the Town Clerk of the Town of Chino Valley, located in Town Hall at 202 North State Route 89, Chino Valley, Arizona. A copy of the written report and findings is also available on the Town of Chino Valley website, www.chinoaz.net.
AGENDA ITEM TITLE:
Consideration and possible action to adopt Ordinance 18-854, rezoning 5 acres of real property from AR-5 (Agricultural Residential-5 acre minimum) zoning district to SR-1 (Single Family Residential-1 acre minimum) zoning district. The property, Assessor's Parcel No. 306-29-111A, is located 625 feet south of the southeast corner of West Center Street and South Road 1 West. (Owner/Applicant: Jeff Lira)
(Alex Lerma, Planner)

RECOMMENDED ACTION:
Staff and Planning and Zoning Commission forward a recommendation of approval to Town Council to adopt Ordinance 18-854, rezoning 5 acres of real property from AR-5 (Agricultural Residential-5 acre minimum) zoning district to SR-1 (Single Family Residential-1 acre minimum) zoning district with the following condition:

ROW dedications sufficient so that the ultimate ROW line on Road 1 West is 50’ west of the section line between sections 27 and 28 (approximately 25 additional feet in width).

SITUATION AND ANALYSIS:
See attached Staff Report

Fiscal Impact
Fiscal Impact?: None
If Yes, Budget Code: Available:
Funding Source:

Attachments
ORDINANCE NO. 18-854

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, APPROVING A CHANGE OF ZONING AND AMENDMENT TO THE OFFICIAL ZONING MAP FOR APPROXIMATELY FIVE ACRES OF REAL PROPERTY GENERALLY LOCATED 625 FEET SOUTH OF THE SOUTHEAST CORNER OF WEST CENTER STREET AND SOUTH ROAD 1 WEST, FROM AR-5 (AGRICULTURAL RESIDENTIAL – 5 ACRE MINIMUM) TO SR-1 (SINGLE FAMILY RESIDENTIAL – 1 ACRE MINIMUM), ZONING DISTRICT.

WHEREAS, the Mayor and Common Council of the Town of Chino Valley (the “Town Council”) desires to amend the Town of Chino Valley Official Zoning Map for a ±5 acre parcel zoned AR-5 (Agricultural Residential – 5 acre minimum) to SR-1 (Single Family Residential – 1 acre minimum); and

WHEREAS, the Town Council has determined that this amendment to the Official Zoning Map conforms with the Town of Chino Valley General Plan and any applicable specific area plan, neighborhood plan, or other plan, and any overlay zoning district; and

WHEREAS, all required public notice was provided and all required public meetings and hearings were held in accordance with applicable state and local laws; and

WHEREAS, the Planning and Zoning Commission recommended approval of the rezoning; and

WHEREAS, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this Ordinance.

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

Section 1. The recitals above are incorporated as if fully set forth herein.

Section 2. The Official Zoning Map is hereby amended for property consisting of approximately five acres, described in Exhibit 1 and as shown on the Zoning Exhibit (map) in Exhibit 2, both attached hereto and incorporated herein by this reference, to rezone it from AR-5 (Agricultural Residential – 5 acre minimum) to SR-1 (Single Family Residential – 1 acre minimum) zoning district.

Section 3. The Property described in Section 2 above shall be used and developed in accordance with the Town of Chino Valley Unified Development Ordinance and the following condition:

A. The owner shall dedicate to the Town sufficient real property so that the ultimate right-of-way line on Road 1 West is 50’ west of the section line between sections 27 and 28.
Section 4. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps necessary to cause the execution of the Agreement and to take all steps necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 23rd day of October, 2018.

Darryl L. Croft, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, Town Attorney
Gust Rosenfeld, PLC

I hereby certify the above foregoing Ordinance No. 18-854 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on October 23, 2018, 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
EXHIBIT 1
TO
ORDINANCE NO. 18-854

[Legal Description]

See following pages.
All the portion of Section 27, Township 16 North, Range 2 West, of the Gila and Slat River Base and Meridian, Yavapai County, Arizona more particularly described as follows:

Commencing at the Northwest corner of Section 27;
Thence North 89°37′00″ East along the North line of said Section, a distance of 652.39 feet;
Thence South 00°46′55″ East, a distance of 629.69 feet to THE POINT OF BEGINNING.
Thence continuing South 00°46′55″ East, a distance of 347.19 feet;
Thence continuing South 89°34′30″ West, a distance of 627.50 feet;
Thence North 00°46′30″ West, a distance of 347.19 feet;
Thence North 89°34′30″ East, a distance of 627.46 feet to THE POINT OF BEGINNING.
SUBJECT TO AND TOGETHER WITH, a 12 foot irrigation Easement being the West 12 feet of the above described parcel.
EXHIBIT 2
TO
ORDINANCE NO. 18-854

[Zoning Exhibit]

See following pages.
Applicant: Jeff Lira

Request: Rezone 5 acres from AR-5 zoning district to SR-1 zoning district.

Location:
Approximate 625' South of the SE Corner of W Center St on S Road 1 West w/ APN: 306-29-11A
Property Description

APN: 306-29-111A
Site Address: N/A
Lot Size: 5 Acres
(approx. 217,800 sq. ft.)
Existing Zoning: AR-5 (Agricultural/Residential-
5 Acre Minimum)
Proposed Zoning: SR-1 (Single Family Residential-
1 Acre Minimum)
General Plan Designation: Medium Density Residential
(2 ac or less)
Existing Land Use: Vacant
APPLICATION SUMMARY

File Number: Z18-000015
Assessor’s Parcel Number: 306-29-111A
Site Location: Located 625 feet south of the southeast corner of West Center Street and South Road 1 West.
Property Owner: Jeff Lira
Applicant: Jeff Lira
Request: Request to rezone approximately 5 acres from AR-5 (Agricultural Residential–5 Acre Minimum) zoning district to SR-1 (Single Family Residential–1 Acre Minimum) zoning district.

SITE DATA

<table>
<thead>
<tr>
<th>Existing Zoning</th>
<th>AR-5 (Agricultural Residential-5 Acre Minimum)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Size</td>
<td>5 acres (approx. 217,800 sq. ft.)</td>
</tr>
<tr>
<td>Subdivision</td>
<td>N/A</td>
</tr>
<tr>
<td>General Plan Land Use Designation</td>
<td>Medium Density Residential (2 acres or less)</td>
</tr>
<tr>
<td>Existing Land Use Designation</td>
<td>Vacant</td>
</tr>
</tbody>
</table>

BACKGROUND

SITE DESCRIPTION

The subject property is located 625 feet south of the southeast corner of West Center Street and South Road 1 West. The property is accessed by South Road 1 West. The site has a zoning classification of AR-5 (Agricultural Residential-5 Acre Minimum) under the Town of Chino Valley Unified Development Ordinance. The parcel is identified with a Land Use Designation of Medium Density Residential (2 acres or less) under the Town of Chino Valley General Plan Potential Land Use Map. The property is currently vacant with no site improvements. See Figure 1.
SURROUNDING PROPERTIES ZONING AND LAND USES

The area is predominantly low/medium density single family residential. The property directly north is zoned AR-5 (Agricultural Residential-5 Acre Minimum) with agricultural land, further north are residential properties with SR-1 (Single Family Residential-1 Acre Minimum) classification. To the west, properties are zoned SR-1 (Single Family Residential-1 Acre Minimum) with Chino Valley Estates Subdivision. Directly south, the property is zoned AR-5 with agricultural land. Further south the property is zoned CL (Commercial Light) and is identified as Mountain View Mobile Home Park. To the east, properties are zoned SR-1 (Single Family Residential-1 Acre Minimum) with single family residential homes and vacant land. See Figure 2

<table>
<thead>
<tr>
<th>AREA</th>
<th>ZONING</th>
<th>GENERAL PLAN LAND USE DESIGNATION</th>
<th>LAND USE</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>AR-5, SAR-1</td>
<td>Medium Density Residential (2 ac or less)</td>
<td>Single Family Residence, Agricultural Land</td>
</tr>
<tr>
<td>West</td>
<td>SR-1</td>
<td>Medium Density Residential (2 ac or less)</td>
<td>Single Family Residence, Vacant, Chino Valley Estates, Harmony Acres, Mollie Rae Estates</td>
</tr>
<tr>
<td>South</td>
<td>AR-5, CL</td>
<td>Medium Density Residential (2 ac or less)</td>
<td>Agricultural Land, Mountain View Mobile Home Park</td>
</tr>
<tr>
<td>East</td>
<td>AR-5, SR-1</td>
<td>Medium Density Residential (2 ac or less)</td>
<td>Single Family Residence, Vacant Land</td>
</tr>
</tbody>
</table>
PROJECT DESCRIPTION

The applicant has requested to rezone approximately 5 acres of real property from AR-5 (Agricultural Residential– 5 Acre Minimum) zoning district to the SR-1 (Single Family Residential– 1 Acre Minimum) zoning district. Mr. Lira wants to create two (2) one acre properties for family members and plans to reside in the remaining 3 acres.

CITIZENS REVIEW & PUBLIC HEARING PROCESS

Town Staff notified property owners within a 300’ radius resulting in fourteen (14) notices. Property owners received information regarding the applicants request for a zone change. To date, Staff has not received any concerns from residents regarding this application.

The neighborhood meeting was held on August 29, 2018 at Town Hall. Two property owners attended the meeting who reside on adjacent South Road 1 West in the Chino Valley Estates subdivision. The applicant explained to the attendees that he planned on subdividing the properties into two (2) one acre lots and one (1) three acre lot. He further stated that family members would live on the 1 acre parcels and that each lot would have manufactured homes.

The item went before the Planning and Zoning Commission on October 3, 2018. Staff gave a brief presentation to the Commission in regards to the applicant zoning request. Both the Commission and the applicant needed some clarification about the condition of approval. Staff explained that from the centerline of Road 1 West there must be a full 50-foot dedicated or partially dedicated (non-revocable dedication) so that if the Town widens the road in the future, they would not be forced to purchase or condemn the property. It was listed in the code and Staff did not have the discretion to not request the additional right-of-way. The 50’ easement would stay on the land and would be considered part of the property.
The Planning and Zoning Commission forwarded a recommendation of approval to Town Council to adopt Ordinance 18-854 requesting to rezone 5 acres of real property from AR-5 (Agricultural Residential- 5 acre minimum) to SR-1 (Single Family Residential- 1 acre minimum) for APN 306-29-111A with the following conditions:

ROW dedications sufficient so that the ultimate ROW line on Road 1 West is 50’ west of the section line between sections 27 and 28 (approximately 25 additional feet in width).

Vote: 7-0 Passed

**STAFF ANALYSIS AND RECOMMENDATION**

**GENERAL PLAN CONFORMANCE**

The proposed zoning of (SR-1) Single Family Residential- 1 Acre Minimum will continue to be in conformance with the Medium Density Residential (2 acres or less) land use designation. The Medium Density Residential Land Use designation will continue to focus on the Land Use Goal and Strategies by protecting existing residences in low/medium density area as new development comes in.

**ZONING**

The properties adjacent to the subject property directly north and south are large lots with the AR-5 zoning classification, which is intended to promote and preserve low-density single-family residential and agricultural development. Development patterns in the general surrounding area show that properties that were once low-density single-family residential and agricultural have transitioned into medium-density single-family residential properties either through a land division process or through a plotting subdivision process, this includes the properties located east and west of the subject property. The applicant’s request for a SR-1 zone change will only have an impact on the density transitioning from low to medium.

**PUBLIC WORKS COMMENTS**

In reviewing the zone request from the applicant, the Public Works Director mentioned his concern from the rezoning from AR-5 to SR-1. He commented that rezoning with the intent to develop in smaller lots leads to a few issues similar to subdivision. Section 5.3.2 of the UDO sets the preferred ROW widths for streets. Road 1 West is an arterial street with a preferred ROW width of 100’ (50’ per side of centerline or section line). The current property line is approximately 25’ east of the section line, so an additional 25’ of ROW is needed.

**STAFF RECOMMENDATION**

Staff and Planning and Zoning Commission forward a recommends to adopt Ordinance 18-854 rezoning 5 acres of real property from AR-5 (Agricultural Residential- 5 acre minimum) to SR-1 (Single Family Residential- 1 acre minimum) for APN 306-29-111A with the following conditions:

1. ROW dedications sufficient so that the ultimate ROW line on Road 1 West is 50’ west of the section line between sections 27 and 28 (approximately 25 additional feet in width).
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AGENDA ITEM TITLE:
Consideration and possible action to accept the September 25, 2018 regular meeting minutes. (Jami Lewis, Town Clerk)

RECOMMENDED ACTION:
Accept the September 25, 2018 regular meeting minutes.

Attachments
September 25, 2018 minutes
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, September 25, 2018.

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

Absent: Councilmember Annie Lane

Staff Present: Town Manager Cecilia Grittman; Town Attorney Andrew McGuire (electronically); Economic Development Project Manager John Coomer; Finance Director Joe Duffy; Police Lieutenant Vince Schaan; Public Works Director/Town Engineer Frank Marbury; Planner Alex Lerma; Community Services Director Scott Bruner; 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 6:01 p.m. and led the Pledge of Allegiance.

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

a) Proclamation declaring October 5-7, 2018 as the official "Prescott Area Artist Studio Tour" celebration of the arts and local artists.

Mayor Croft read and presented the proclamation to Roger Harlow, representing Prescott area artists, who spoke about the Artist Studio Tour and the 10-12 participant artists in the Chino/Paulden area.

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.

Craig Brown, County Supervisor, invited Mr. Harlow to speak about how the public could learn more about the Prescott Area Artist Studio Tour. Mr. Harlow provided those details.
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.

Councilmember Best reported on the Town’s next 50th birthday meeting on October 3 and Del Rio School students filling out questionnaires for the time capsule.

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

Ms. Grittman reported on:
- The Elks Club recognizing Officer Steven Sellers, as the Police Department’s Officer of the Year;
- The addition of two new servicepersons to the Ribbon Honor Tree: Heather Watts with Air Force intelligence in Africa, and Army Staff Sgt. Kyle Jarvis in Kuwait;
- The State of Arizona recognizing the Friends of the Library as the Volunteers of the Year;
- The Town being featured at the Greater Prescott Regional Economic Partnership’s meeting this Thursday with a virtual tour of the Town and visit to Granite Creek Winery; and
- Customer Service Week activities next week.

Police Lt. Vince Schaan reported on the October 2 National Night out event at Memory Park.

c) Report regarding code compliance plan for fiscal year 2018/2019. (Jason Sanks, Development Services Director)

This item was not heard.

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 (a) and (b).
AYE: Mayor Darryl Croft, Vice-Mayor Lon Turner, Councilmember Mike Best, Councilmember Cloyce Kelly, Councilmember Corey Mendoza, Councilmember Jack Miller

PASSED - Unanimously

a) Consideration and possible action to authorize Chief Wynn and Town Manager Grittman to sign the Governor's Office of Highway Safety contract to receive grant funding. (Chuck Wynn, Police Chief)

Recommended Action: Authorize Chief Wynn and Town Manager Grittman to sign the Governor's Office of Highway Safety contract to receive grant funding.

b) Consideration and possible action to accept the September 11, 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) Public Hearing and consideration and possible action to recommend approval of an application from Nathan Haverstock for a new Series 12 (Restaurant) Liquor License for Pasghetti's Pasta Joint, located at 1150 N. State Route 89, Chino Valley. (Jami Lewis, Town Clerk)

Recommended Action:
(i) Hold Public Hearing.
(ii) Recommend approval for a new Series 12 Liquor License for Pasghetti's Pasta Joint.

Mrs. Lewis reported that this was a standard Series 12 restaurant liquor license. Staff posted the applicable notices on the business and received no comments from the public in favor or in opposition. Town departments reviewed the application and were all recommending approval.

MOVED by Vice-Mayor Turner, seconded by Councilmember Cloyce Kelly to open the public hearing.

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

PASSED - Unanimously

No one from the public spoke.

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

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

PASSED - Unanimously
MOVED by Vice-Mayor Lon Turner, seconded by Councilmember Jack Miller to recommend approval for a new Series 12 Liquor License for Pasghetti's Pasta Joint.

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

PASSED - Unanimously

b) Consideration and possible action to adopt Ordinance No. 18-853, rezoning 6 acres of real property from AR-5 (Agricultural Residential-5 acre minimum) zoning district to SR-1 (Single Family Residential-1 acre minimum) zoning district. The subject property, Assessor's Parcel No. 306-13-006L, is located on the northwest corner of South Road 1 West and West Road 2 South at 940 South Road 1 West. Applicant: Chad Nanke. (Alex Lerma, Planner)

Recommended Action: Adopt Ordinance 18-853 to rezone 6 acres from AR-5 zoning district to SR-1 zoning district for APN 306-13-006L with the condition recommended per Council discussion.

Mr. Lerma presented on this item:
- Property status: The subject property was accessed from S. Road 1 West and W. Road 2 South; it had no improvements; and its General Plan designation was Medium Density Residential.
- Compatibility: Properties to the west and east were AR-5; properties to the west were SR-2.5; and some properties to the north and east were SR-1.
- Comments/concerns: No one from the public attended the August 20 neighborhood meeting. At the September 4 public hearing, the Planning and Zoning Commission asked about utilities and the setback compliance of the manufactured home to the west. Staff related that sewer stopped at the Mountain View Mobile Home Park further north and the water line to south belonged to Prescott; and the manufactured home met the required 20-foot setback.
- Recommendation: The Commission recommended approval. Staff believed the request would have no negative effect on surrounding properties. As the property abutted two arterial streets, which required a 50-foot right-of-way, Public Works was recommending dedications of approximately 25 feet of right-of-way on Road 2 South and 30 feet on Road 1 West to meet the required width.

Mayor Croft asked for a motion prior to discussion.

MOVED by Vice-Mayor Lon Turner, seconded by Councilmember Cloyce Kelly to adopt Ordinance 18-853 to rezone 6 acres from AR-5 zoning district to SR-1 zoning district for APN 306-13-006L with the condition recommended per Council discussion.

Council and staff further discussed:
- Drainage: Council asked about including a stipulation to ensure that development of this property did not affect properties to the west, as this property drained that direction. Staff stated that, as this was not a subdivision and was regulated under general health and safety.
- Right-of-way: The property owner had agreed to go forward with the right-of-way stipulations. Any further regulations will be addressed upon applications for building permits.
AYE: Mayor Darryl Croft, Vice-Mayor Lon Turner, Councilmember Mike Best, Councilmember Cloyce Kelly, Councilmember Corey Mendoza, Councilmember Jack Miller

PASSED - Unanimously

c) Consideration and possible action authorizing staff to contract with Sage Consulting for research and development of possible funding sources that could provide public and/or private grant funds, matching funds, and other funding to pay for needs throughout Chino Valley, including the needs for Old Home Manor, in an amount not to exceed $6,000. (John Coomer, Economic Development Project Manager)

Recommended Action: Authorize staff to contract with Sage Consulting for research and development of possible funding sources that could provide public and/or private grant funds, matching funds, and other funding to pay for needs throughout Chino Valley, including the needs for Old Home Manor, in an amount not to exceed $6,000.

Town Manager Grittman advised that this item fell under her spending purview as the dollar amount was not large enough to require Council approval. However, as it was a unique situation that Sage Consulting was able to offer, the Council Economic Development Subcommittee (EDS) recommended bringing it to Council for transparency.

Mr. Coomer reported that:

- During a recent EDS meeting, the subcommittee discussed how to pursue further funding of the industrial park. He had met with private investors and was looking into other opportunities. Another recommendation was to look toward grant funding.
- Melody Reifsnyder, owner of Sage Consulting, had a unique connection to the community and knowledge of funding sources. She had recommended expanding her search for opportunities for the entire community based on input from town directors. She will then develop a comprehensive funding plan.

Council asked about the scope of work. Ms. Reifsnyder stated that the scope will be defined by the town manager and will be dependent upon the departments and areas of town business that could possibly use grant funding. Grants did not solve all ills, but they could help by freeing up general funds for other needs that could not come from grants. For instance, while there may not be money for an art project, there may be money to work with college students on such a project; the Town might be able to go through a fiscal agent, such as the Industrial Development Authority; or there might be opportunities to partner with the state for grants that could not be achieved locally. She will do research on broadest scope possible.

MOVED by Vice-Mayor Lon Turner, seconded by Councilmember Mike Best to authorize staff to contract with Sage Consulting for research and development of possible funding sources that could provide public and/or private grant funds, matching funds, and other funding to pay for needs throughout Chino Valley, including the needs for Old Home Manor, in an amount not to exceed $6,000.
d) Consideration and possible action to sign the joint letter of opposition for Proposition 127 relating to Renewable Energy Production. (Cecilia Grittman, Town Manager)

Recommended Action: Sign the joint letter of opposition for Proposition 127 relating to Renewable Energy Production.

Ms. Grittman reported that she and Mayor Croft had been meeting with APS on various issues and APS had brought to their attention reasons why they opposed Prop 127. She and Mayor Croft decided to put this item on the agenda to see if Council might support a letter of opposition to the proposition, mainly due to language stating that the mandate would be “irrespective of the cost to consumers.” She and Mayor Croft deemed this to be irresponsible, but they did not want to do anything on behalf of the Town without discussing it with the other councilmembers.

Council comments:

- The proposition sponsor originated from California and it would change Arizona’s constitution. As California was currently paying APS to take excess power, there was no reason for this bill.
- While renewable energy was good, the proposition was bad.
- Signing the letter would help get the word out to the public.
- While acknowledging that the proposition was bad, the Town should not take a position.

MOVED by Vice-Mayor Lon Turner, seconded by Councilmember Cloyce Kelly to sign the joint letter of opposition for Proposition 127 relating to Renewable Energy Production.

AYE: Mayor Darryl Croft, Vice-Mayor Lon Turner, Councilmember Mike Best, Councilmember Cloyce Kelly

NAY: Councilmember Corey Mendoza, Councilmember Jack Miller

PASSED

e) Consideration and possible action to approve the bid and Cooperative Purchasing Agreement with A-Team Electrical Services, Inc., in the amount of $286,632.59, to install lights on the ball field located at the southeast corner of the Recreation Center Complex. (Scott Bruner, Community Services Director)

Recommended Action: Approve the bid and Cooperative Purchasing Agreement with A-Team Electrical Services, Inc. in the amount of $286,632.59 to install new ball field lights at the Recreation Center Complex.
Public Works Director Marbury reported that Engineering reviewed this item, met onsite with staff and other stakeholders, and came up with a way to light field 3. The contract used cooperative purchasing language from a City of Prescott contract to use A-Team Electric to install the same type of lighting that was on the other fields.

Council noted that this will hopefully allow the Town to host more tournaments.

MOVED by Vice-Mayor Lon Turner, seconded by Councilmember Jack Miller to approve the bid and Cooperative Purchasing Agreement with A-Team Electrical Services, Inc. in the amount of $286,632.59 to install new ball field lights at the Recreation Center Complex.

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

Consideration and possible action to expend funds, which were originally donated to the Town by Prescott Newspapers and the Prescott Indian Tribe for an amphitheatre in the amount of $65,000, to purchase playground equipment and a ramada for Memory Park. (Scott Bruner, Community Services Director)

**Recommended Action:** Approve expenditure of donated funds in the amount of $65,000 from for the purchase of playground equipment and a ramada for Memory Park.

Mr. Bruner reported that in 2007, when the Town was working on Phase 2 of the Community Center, Prescott Newspapers and the Prescott Indian Tribe each donated funds totaling $65,000 toward an amphitheater. The recession hit and the money had been sitting for 11 years. As there were no plans for an amphitheater on the horizon, staff desired to invest those funds in the Library Park expansion with the purchase of playground equipment and a ramada. Staff contacted both donors and received their blessing to reallocate the funds. Staff will be back in October to request approval of purchasing the playground equipment.

Vice-Mayor Turner added that the original plan was for the Town to receive annual donations to further fund park projects. When the recession hit, staff ensured that the funds were left alone, and redirecting them now will better serve the community.

MOVED by Vice-Mayor Lon Turner, seconded by Councilmember Jack Miller to approve expenditure of donated funds in the amount of $65,000 for the purchase of playground equipment and a ramada for Memory Park.

AYE: Mayor Darryl Croft, Vice-Mayor Lon Turner, Councilmember Mike Best, Councilmember Cloyce Kelly, Councilmember Corey Mendoza, Councilmember Jack Miller
PASSED - Unanimously
g) Consideration and possible action to formally adopt the name "Chino Valley Regional Business Park" with a descriptor where appropriate of "at Old Home Manor." (John Coomer, Economic Development Project Manager)

**Recommended Action:** Approve the name "Chino Valley Regional Business Park" with a descriptor where appropriate of "at Old Home Manor" for the 200 acre industrial/business park at Old Home Manor.

Mr. Coomer reported that the Economic Development Subcommittee unanimously agreed to name the park simply and directly, while bringing attention to the Town, the intent to be regional park, and the desire for it to be a business center to meet the needs of a wide variety of business—not just manufacturing, research, and light or heavy industry; and to add the descriptor “at Old Home Manor” where applicable.

MOVED by Vice-Mayor Lon Turner, seconded by Councilmember Jack Miller to approve the name "Chino Valley Regional Business Park" with a descriptor where appropriate of "at Old Home Manor" for the 200 acre industrial/business park at Old Home Manor.

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

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 6:53 p.m.

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

PASSED - Unanimously

ATTEST:

Darryl L. Croft, 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 25th day of September, 2018. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 23rd day of October, 2018.

______________________________
Jami C. Lewis, Town Clerk
AGENDA ITEM TITLE:
Consideration and possible action to accept the October 9, 2018 regular meeting minutes. (Jami Lewis, Town Clerk)

RECOMMENDED ACTION:
Accept the October 9, 2018 regular meeting minutes.

Attachments

October 9, 2018 minutes
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, October 9, 2018.

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

Absent: Vice-Mayor Lon Turner

Staff Present: Town Manager Cecilia Grittman; Town Attorney Andrew McGuire (electronically); Finance Director Joe Duffy; IT Manager Spencer Guest; Public Works Director/Town Engineer Frank Marbury; Assistant Community Services Director Cyndi Thomas; 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

a) Presentation by Scott Freitag, Fire Chief, Central Arizona Fire and Medical regarding call volumes for January-June, 2018.

Chief Freitag presented on statistics from 2014-2018. Key points were:

- Call volumes have increased on average four percent per year due to population increases; structure fires had increased 25%; calls within the Town limits had increased by 200 within the last year; and the CAFMA Board had approved a grant for five additional firefighters to address a decreased reliability rating.
- CAFMA’s service area was growing dramatically and they were looking at new and different ways to address the call volume without building new stations and fire engineers, and they were launching a community paramedicine program in coordination with YRMC in January.
- They were addressing concerns about not having any east and west connecting routes to the north part of Prescott Valley, which had created some challenges for fire departments.
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.

Todd League, owner of Overflow Coffee, spoke about frustration with the Town’s request to take his business flag down and the small requirements nickel and diming small businesses. Mayor Croft directed the Town Manager to look into the situation and report back to the Town Council.

Tom Payne, owner of Tom’s Print Shop, also spoke about issues with the new code enforcement process and needing better, more consistent, information from staff. Mayor Croft stated they would have an answer at the next Council Meeting.

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 reported on the next Community Outreach on October 17.

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

Ms. Grittman reported on:
- A Council Study Session scheduled for the following week to discuss code compliance, the difference between PADs and CUPs, and Conex boxes.
- September employee anniversaries.

c) Presentation of the Chino Valley Police Department's lip synch challenge video.

Town Manager Grittman reported that the Town’s Police Department had been challenged by other communities on social media to take part in a police department lip synch video. Staff played the video.
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 Councilmember Jack Miller, seconded by Councilmember Cloyce Kelly to accept the consent agenda item

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

PASSED - Unanimously

a) Consideration and possible action to accept the September 24, 2018 study session 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 cooperative purchasing contract with Miracle Playgrounds in the amount of $55,534.73 for the purchase of playground equipment, and approve purchase of a ramada from Royal Covers in the amount of $9,997.00 for the Memory Park/Library Expansion. (Scott Bruner, Community Services Director)

Recommended Action: Approve a cooperative purchasing contract with Miracle Playgrounds in the amount of $55,534.73 for the purchase of playground equipment, and approve purchase of a ramada from Royal Covers in the amount of $9,997.00 for the Memory Park/Library Expansion.

Assistant Community Services Director Thomas reported that on September 25, Council approved the reallocation of funding from donated funds by Prescott Newspapers and the Prescott Tribe. Staff was now seeking approval for purchase of the playground equipment through a cooperative agreement with Miracle Playgrounds and purchase of a ramada from Royal Covers.

MOVED by Councilmember Jack Miller, seconded by Councilmember Mike Best to approve the cooperative purchase contract with Miracle Playgrounds in the amount of $55,534.73 for the purchase of playground equipment and approve the purchase of a ramada from Royal Covers in the amount of $9,997.00 for the Memory Park/Library Expansion.

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

PASSED - Unanimously
b) Consideration and possible action to approve the Databank IMX Statement of Work for the OnBase Implementation - Phase 1 of the Town's Electronic Document Management System (EDMS) system. (Spencer Guest, IT Manager)

Recommmended Action: Approve the Databank IMX Statement of Work for the OnBase Implementation - Phase 1 of the Town's EDMS system.

Mr. Guest presented on this item:

- **Background:** Staff first presented an overview and DataBank provided a demonstration of this item to Council in August. The system had been planned as a major initiative within the Town’s Technology Plan and staff needed the Council’s final approval to purchase and implement it.
- **EDMS:** The system will allow the Town to digitize the volumes of paper records that the Town was required to maintain in accordance with State law, such as ordinances, resolutions, agendas, minutes, contracts, zoning information, building permits, and land use records.
- **Request for Proposals:** The Town received ten proposals, nine of which were valid bids. After a long review process, the Town’s Technology Committee unanimously selected Databank IMX’s proposal with a proposed value for the entire package of $187,102.00 and an ongoing annual maintenance cost of $16,560.00 with a three percent add on for software development and enhancements.
- **Implementation:** A phased implementation would be broken into three fiscal years to help deter significant staff disruption and increased workload and divide the financial costs to the Town. Phase One will include Town Clerk, Town Manager, Development Services and Customer Services and will cost $110,250.40.
- **Years two and three:** The remaining two phases will each have their own statement of work for Council to approve and will use the remaining funds, but they were estimated and dependent upon the modules that will be deployed and the amount of professional services needed.

Council requested that the Phase One dollar amount be included in the motion.

MOVED by Councilmember Jack Miller, seconded by Councilmember Annie Perkins to approve the Databank IMX Statement of work in the amount of $110,250.40 for the OnBase implementation Phase One of the Town’s Electronic Document Management System (EDMS) system.

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

PASSED - Unanimously

c) Consideration and possible action to direct staff and Council to dialogue with the community regarding a 20-year Roads Maintenance Plan and its funding per recommendation of the Roads and Streets Committee. (Frank Marbury, Public Works Director/Town Engineer)

Recommended Action: Direct staff and Council to dialogue with the community regarding a 20-year Roads Maintenance Plan and its funding per recommendation of the Roads and Streets Committee.
Mr. Marbury presented on this item:

- **Background:** This information was discussed during the Council Study Session in September and staff was asking Council to direct staff to dialogue with the community about the Roads and Streets Committee’s recommendation of a 20-year property tax.
- **Existing road network:** The Town had an existing road network of 153 miles split between arterials and collectors at 48 miles and residential rural streets at 105 miles. Surface types included 39 miles of asphalt streets, 78 miles of chip seal or similar surface, 16 miles of gravel roads, and 20 miles of dirt roads. Highway 89 was maintained by the State.
- **Preferred repair and maintenance strategy:** He reviewed the difference between asphalt and chip seal; maintenance strategies for heavy-used roads versus other roads; and using a pavement management type system to determine the best treatment for residential roads, such that every road would be treated once every seven years.
- **Estimated maintenance costs over 20 years:** $250,000 for arterial, $175,000 for local streets, and $30,000-$50,000 for dirt and gravel roads, for a total cost of $32.5 million or $1.65 million annually.

Finance Director Duffy reported on the recommended funding option:

- **Funding:** After paying salaries and equipment costs, there was approximately $400,000 left in the annual HURF funds for road maintenance. An additional $1.65 million per year was needed to fund the maintenance plan. The Roads and Streets Committee recommended approving a primary property tax to generate the needed funds.
- **Property tax options:** A 1% tax would generate $762,000; 1.5% would generate approximately $1.6 million; and 2% would generate approximately $1.9 million. The Roads and Streets Committee recommended 2%, as that would not only maintain the roads, but would improve the existing roads. A 1% tax would maintain the roads as they were and would continue to worsen; a 1.5% tax would maintain the roads with no improvements.
- **Effect on property owners:** For a home assessed at $100,000 a 1% increase would be an annual increase of $100 or $8.33 per month; a 2% increase would be an increase of $200 or $16.67 per month. Residential properties were assessed at 10% of the total assessed value. The average tax assessment for a Chino Valley home was $117,000. On this home, a 1.5% property tax would be $172 annually and at 2% tax would be $230 per year.
- **Proposed funding restrictions:** Property tax funds would be used exclusively for road maintenance and construction, not for employee salaries or wages, services, supplies, fuel, office supplies or overhead. The money would be accounted for through a separate fund; staff will provide an annual report of how the money was spent; and an independent auditor could verify that the funds were used per the intent of the ballot measure.

MOVED by Councilmember Jack Miller, seconded by Councilmember Cloyce Kelly to direct staff and Council to dialogue with the community regarding a 20-year Roads Maintenance Plan and its funding per recommendation of the Roads and Streets Committee.

AYE: Mayor Darryl Croft, Councilmember Mike Best, Councilmember Cloyce Kelly, Councilmember Annie Perkins, Councilmember Corey Mendoza, Councilmember Jack Miller
PASSED - Unanimously

d) Consideration and possible action to waive the bidding requirements and purchase a new 2018 John Deere 410L Backhoe Loader utilizing cooperative purchasing contract #032515-JDC through Sourcewell (formerly National Joint Powers Alliance). (Frank Marbury, Public Works Director/Town Engineer)

Recommended Action: Waive the bidding requirements and approve a Purchase Order Contract with RDO Equipment Co. to purchase a new 2018 John Deere 410L Backhoe Loader for a total amount not to exceed $123,917.60 utilizing cooperative purchasing contract #032515-JDC through Sourcewell.

Mr. Marbury reported that:

- Staff originally intended to use these funds to replace a truck, and upon reviewing it again, found that there were other options that were cheaper in the long run, and they needed to replace their 1999 backhoe.
- The original budget was $155,000. The bid quote of $123,978.60 for a 2018 backhoe was 44% off the suggested manufacture’s retail price. Through the cooperative purchase, staff believed it was the best price for this item.

Council asked for more detail about the Town’s current backhoes to justify the expense, as there were some big expenses coming up with the new shop. Mr. Marbury added that:

- **Current equipment:** Roads and Utilities both had backhoes. Roads had the 1999 model and Utilities had one that was about four years old. He did not know how many hours were on either backhoes without looking at his records.
- **Use and disposition:** The equipment was used almost daily for ditch cleaning and routine maintenance. The department desired to retain the current one as a backup, but he will research the maintenance records before making a decision. The Roads department only had one backhoe as did the utility department. The utility backhoe was approximately four years old.

MOVED by Councilmember Jack Miller, seconded by Councilmember Cloyce Kelly to waive the bidding requirements and purchase a new 2018 John Deere 410L Backhoe Loader utilizing cooperative purchasing contract #032515-JDC through Sourcewell (formerly National Joint Powers Alliance).

AYE: Mayor Darryl Croft, Councilmember Cloyce Kelly, Councilmember Annie Perkins, Councilmember Jack Miller

NAY: Councilmember Mike Best, Councilmember Corey Mendoza

PASSED

e) Consideration and possible action to approve Agreement between the Greater Prescott Regional Economic Partnership (GPREP) and the Town of Chino Valley for FY 2018/19. (John Coomer, Economic Development Project Manager)

Recommended Action: Approval of the Agreement between the Greater Prescott Regional Economic Partnership and the Town of Chino Valley for FY 2018/19.
Town Manager Grittman reported that there was no cost for this agreement this fiscal year—it was more of an administrative agreement. GPREP was developing action plans and performance measures to see if they could make it through the year. If the Town was to consider moving forward in the next year, there could be a cost.

MOVED by Councilmember Jack Miller, seconded by Councilmember Annie Perkins to approve Agreement between the Greater Prescott Regional Economic Partnership (GPREP) and the Town of Chino Valley for FY 2018/19.

AYE: Mayor Darryl Croft, Councilmember Mike Best, Councilmember Cloyce Kelly, Councilmember Annie Perkins, Councilmember Corey Mendoza, Councilmember Jack Miller
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 Councilmember Jack Miller, seconded by Councilmember Cloyce Kelly to take 5-minute recess and go into executive session at 7:12 p.m.

AYE: Mayor Darryl Croft, Councilmember Mike Best, Councilmember Cloyce Kelly, Councilmember Annie Perkins, Councilmember Corey Mendoza, Councilmember Jack Miller
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 Grittman, Town Manager)

9) ACTION ITEMS RESUMED

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

Mayor Croft reconvened the meeting at 7:44 p.m. and reported that Council discussed the matter and no decisions were made regarding the Town’s contract with Prescott Sportsmen’s Club.

10) ADJOURNMENT

MOVED by Councilmember Jack Miller, seconded by Councilmember Cloyce Kelly to adjourn the meeting at 7:45 p.m.

AYE: Mayor Darryl Croft, Councilmember Mike Best, Councilmember Cloyce Kelly, Councilmember Annie Perkins, Councilmember Corey Mendoza, Councilmember Jack Miller
PASSED - Unanimously

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 9th day of October, 2018. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 23rd day of October, 2018.

__________________________________
Jami C. Lewis, Town Clerk
AGENDA ITEM TITLE:
Presentation by Prescott Council Member Alexa Scholl, and consideration and possible action to appropriate funds for the Granite Mountain Hotshots Memorial Partnership for a memorial at the Courthouse Square in the City of Prescott, in an amount to be determined by the Council.

RECOMMENDED ACTION:
Authorize appropriation of $__________ toward the Granite Mountain Hotshots Memorial Partnership for a memorial honoring the Hotshots at the Courthouse Square in the City of Prescott.

SITUATION AND ANALYSIS:
In June 2013 a tragedy befell our entire area when 19 Granite Mountain Hotshots lost their lives to a fire in the Yarnell area. The tragedy has touched all the communities in Yavapai County, and throughout the state.

The Granite Mountain Hotshots Memorial Partnership is an independent, non-profit organization that solicited community input to commission a just and lasting memorial to the 19 members of the Granite Mountain Hotshots who lost their lives on June 30, 2013, when the Yarnell Hill Fire they were battling overran them in the deadliest wildfire in Arizona history. The primary mission of the Memorial Partnership is to facilitate the creation of a memorial to the fallen Granite Mountain Hotshots. In 2015, the City of Prescott endorsed the Memorial Partnership as the designated organization to select and commission the memorial.

The Memorial Partnership believes that one of the best – and most lasting – ways to honor the fallen Hotshots is to establish a physical memorial, in an accessible and central location in the City of Prescott, that will help ensure that their sacrifice, bravery and dedication will be remembered by current and future residents and visitors for generations to come. The Yavapai County Board of Supervisors approved 400 square feet of space in the southeast quadrant of the Yavapai County Courthouse Plaza for the memorial.

The Partnership has been soliciting funds for a Memorial and it has been suggested that the Town of Chino Valley would like to participate.
Fiscal Impact

Fiscal Impact?: Y
If Yes, Budget Code:
Available:
Funding Source:

Attachments

No file(s) attached.
TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting
Meeting Date: 10/23/2018
Contact Person: Alex Lerma, Associate Planner
Phone: 928-626-4427 x-1295
Department: Development Services
Item Type: Action-Presentation
Estimated length of staff presentation: 5 minutes
Physical location of item: Generally Located approximately 900 feet east of Sycamore Vista Drive and 638 feet north of West Center Street.

AGENDA ITEM TITLE:
Consideration and possible action to adopt Ordinance 18-852, rezoning 7.06 acres of real property from AR-5 (Agricultural Residential-5 acre minimum) zoning district to SR-2 (Single Family Residential-2 acre minimum) zoning district. The property, Assessor's Parcel No. 306-21-119, is generally located approximately 900 feet east of Sycamore Vista Drive and 638 feet north of West Center Street. (Owner: Horst Gempe; Applicant: Gesine Gempe) (Jason Sanks, Development Services Director)

RECOMMENDED ACTION:
Staff and Planning and Zoning Commission forward a recommends of approval to Town Council to adopt Ordinance 18-852, rezoning 7.06 acres of real property from AR-5 (Agricultural Residential- 5 acre minimum) zoning district to SR-2 (Single Family Residential- 2 acre minimum) zoning district.

SITUATION AND ANALYSIS:
See attached Staff Report.

Fiscal Impact
Fiscal Impact?: None
If Yes, Budget Code:
Available:
Funding Source:

Attachments
Ordinance 18-852
Gempe Site Plan
Gempe Staff Report
ORDINANCE NO. 18-852

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, APPROVING A CHANGE OF ZONING AND AMENDMENT TO THE OFFICIAL ZONING MAP FOR APPROXIMATELY 7.06 ACRES OF REAL PROPERTY GENERALLY LOCATED APPROXIMATELY 900 FEET EAST OF SYCAMORE VISTA DRIVE AND 638 FEET NORTH OF WEST CENTER STREET, FROM AR-5 (AGRICULTURAL RESIDENTIAL – 5 ACRE MINIMUM) TO SR-2 (SINGLE FAMILY RESIDENTIAL – 2 ACRE MINIMUM), ZONING DISTRICT.

WHEREAS, the Mayor and Common Council of the Town of Chino Valley (the “Town Council”) desires to amend the Town of Chino Valley Official Zoning Map for a ±7.06 acre parcel zoned AR-5 (Agricultural Residential – 5 acre minimum) to SR-2 (Single Family Residential – 2 acre minimum); and

WHEREAS, the Town Council has determined that this amendment to the Official Zoning Map conforms with the Town of Chino Valley General Plan and any applicable specific area plan, neighborhood plan, or other plan, and any overlay zoning district; and

WHEREAS, all required public notice was provided and all required public meetings and hearings were held in accordance with applicable state and local laws; and

WHEREAS, the Planning and Zoning Commission recommended approval of the rezoning; and

WHEREAS, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this Ordinance.

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

Section 1. The recitals above are incorporated as if fully set forth herein.

Section 2. The Official Zoning Map is hereby amended for property consisting of approximately 7.06 acres, described in Exhibit 1 and as shown on the Zoning Exhibit (map) in Exhibit 2, both attached hereto and incorporated herein by this reference, to rezone it from AR-5 (Agricultural Residential – 5 acre minimum) to SR-2 (Single Family Residential – 2 acre minimum) zoning district. The Property described herein shall be used in accordance with the Town of Chino Valley Unified Development Ordinance.

Section 3. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps necessary to cause the execution of the Agreement and to take all steps necessary to carry out the purpose and intent of this Ordinance.

[SIGNATURES ON FOLLOWING PAGE]
PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 23rd day of October, 2018.

Darryl L. Croft, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, Town Attorney
Gust Rosenfeld, PLC

I hereby certify the above foregoing Ordinance No. 18-852 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on October 23, 2018, and that quorum was present, and that the vote thereon was ___ ayes and ___ nays and ___ abstentions. ____ Council members were absent or excused.

Jami C. Lewis, Town Clerk
EXHIBIT 1
TO
ORDINANCE NO. 18-852

[Legal Description]

See following pages.
All that portion of the Southwest Quarter of the Southeast Quarter of Section 21, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona described as follows:

Commencing at the Southeast Corner of Section 21;

THENCE North 89° 34’ 00” West 1814.63 feet along the south line of Section 21 to a one-half inch rebar;

THENCE North 01° 25’ 30” East 670.83 feet to the TRUE POINT OF BEGINNING;

THENCE North 01° 25’ 30” East 658.56 Feet to a one-half inch rebar;

THENCE South 89° 25’ 25” West 467.80 Feet to a one-half inch rebar;

THENCE South 01° 33’ 00” West 658.58 feet to a one-half inch rebar;

THENCE North 89° 25’ 26” West 466.37 feet to the TRUE POINT OF BEGINNING.
EXHIBIT 2
TO
ORDINANCE NO. 18-852

[Zoning Exhibit]

See following pages.
Applicant: Gesine Gempe

Request: Rezone 7.06 acres from AR-5 zoning district to SR-2 zoning district.

Location: No Physical Address, APN- 306-21-119

Z18-000013: Gempe
Property Description

APN: 306-21-119
Site Address: N/A
Lot Size: 7.06 Acres
  (approx. 307,533 sq. ft.)
Existing Zoning: AR-5 (Agricultural/Residential-5 Acre Minimum)
Proposed Zoning: SR-2 (Single Family Residential-2 Acre Minimum)
General Plan Designation: Medium Density Residential (2 ac or less)
Existing Land Use: Vacant/ Undeveloped
APPLICATION SUMMARY

File Number: Z18-000013
Assessor’s Parcel Number: 306-21-119
Site Location: Generally located approximately 900 feet east of Sycamore Vista Drive and 638 feet north of West Center Street.
Property Owner: Horst A. Gempe
Applicant: Gesine Gempe
Request: Request to rezone approximately 7.06 acres from AR-5 (Agricultural Residential—5 Acre Minimum) zoning district to SR-2 (Single Family Residential—2 Acre Minimum) zoning district.

SITE DATA

<table>
<thead>
<tr>
<th>Existing Zoning</th>
<th>AR-5 (Agricultural Residential-5 Acre Minimum)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Size</td>
<td>7.06 acres (approx. 307,534 sq. ft.)</td>
</tr>
<tr>
<td>Subdivision</td>
<td>N/A</td>
</tr>
<tr>
<td>General Plan Land Use Designation</td>
<td>Medium Density Residential (2 acres or less)</td>
</tr>
<tr>
<td>Existing Land Use</td>
<td>Vacant</td>
</tr>
</tbody>
</table>

BACKGROUND

SITE DESCRIPTION

The subject property is generally located approximately 900 feet east of Sycamore Vista Drive and 638 feet north of West Center Street. The site is accessed through a 25’ easement running along the west property line of APN 306-21-119, located directly south of the subject property. The site has a zoning classification of AR-5 (Agricultural Residential-5 Acre Minimum) under the Town of Chino Valley Unified Development Ordinance. The parcel is identified with a Land Use Designation of Medium Density Residential (2 acres or less) under the Town of Chino Valley General Plan Potential Land Use Map. There are no improvements to the property. See Figure 1.
SURROUNDING PROPERTIES ZONING AND LAND USES

The area is predominantly low/medium density single family residential. The properties directly north are zoned SR-1 (Single Family Residential- 1 Acre Minimum) with single family residential homes and Mesa View South Subdivision. To the west, properties are zoned SR-1 (Single Family Residential- 1 Acre Minimum) and AR-5 (Agricultural Residential- 5 Acre Minimum) with single family residential homes, vacant land and Mesa View South Subdivision. Directly south, properties are zoned AR-5 (Agricultural Residential- 5 Acre Minimum) and further south SR-1 (Single Family Residential- 1 Acre Minimum) with single family residential homes and Chino Valley Estates. To the east of the subject parcel, the property is zoned SR-1 (Single Family Residential- 1 Acre Minimum) with vacant land. See Figure 2

<table>
<thead>
<tr>
<th>AREA</th>
<th>ZONING</th>
<th>GENERAL PLAN LAND USE DESIGNATION</th>
<th>LAND USE</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>SR-1</td>
<td>Medium Density Residential (2 ac or less)</td>
<td>Single Family Residence, Mesa View South Subdivision</td>
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<tr>
<td>West</td>
<td>SR-1, AR-5</td>
<td>Medium Density Residential (2 ac or less)</td>
<td>Single Family Residence, Vacant, Mesa View South Subdivision</td>
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<tr>
<td>South</td>
<td>AR-5, SR-1</td>
<td>Medium Density Residential (2 ac or less)</td>
<td>Single Family Residence, Chino Valley Estates</td>
</tr>
<tr>
<td>East</td>
<td>SR-1, AR-5</td>
<td>Medium Density Residential (2 ac or less)</td>
<td>Vacant, Single Family Residence</td>
</tr>
</tbody>
</table>
PROJECT DESCRIPTION

The applicant has requested to rezone approximately 7.06 acres from AR-5 (Agricultural Residential—5 Acre Minimum) zoning district to SR-2 (Single Family Residential—2 Acre Minimum) zoning district. If the applicant is successful in receiving the approval of the requested zoning, the applicant intends to subdivide the property.

CITIZENS REVIEW & PUBLIC HEARING PROCESS

Town Staff notified property owners within a 300’ radius, resulting in eighteen (18) notices for the neighborhood meeting and public hearings. Property owners received information regarding the applicant request for a zone change. To date, Staff has spoken to three property owners located west of the subject property. The residents were concerned about a road going behind their property. Staff informed those property owners that a 25’ easement already exist south of the subject property for legal access. Furthermore, those property owners were informed that the easement could be further extended north if the subject parcel gets subdivided in the future.

The neighborhood meeting was held on August 20, 2018 at Town Hall. At said meeting there were approximately 13 attendees, most of them residing to the west of the subject property on Mesa View South Subdivision. Many of the issues that were brought up by the neighbors had to do with drainage issues. The subject property sits at a higher elevation then those abutting lots on Mesa View South. During the rainy season, the natural runoff goes in the direction of said lots which causes their back yards to flood.
The neighbors also brought up the issue of having a road going along the back of their back yards. The applicant assured the attendees that the future easement would go in an east direction along the south property line and then turn north at the properties midpoint.

The item went before the Planning and Zoning Commission on September 4, 2018. Staff presented a brief overview of the project and findings. Staff thoroughly discussed the project’s citizens review process and the issues brought up by surrounding neighbors during the neighborhood meeting. The Commission was informed that the biggest issues that were brought up were drainage and manufactured homes.

Staff noted that the owner intended to provide access to the subject property by the existing 25’ foot easement provided by the south property, a property also owned by the applicant. The Commission was informed that the property would be subdivided into three (3) separate lots and that a manufactured home would be located on each property. Staff indicated that manufactured homes were not a zoning issue, further clarifying that the UDO (Unified Development Ordinance) did not regulate over site-built or manufactured homes.

The Commissioners questioned whether a 25-foot easement was sufficient for multiple properties. They further commented that since both properties were owned by the same person, the owner could dedicate the additional 25 feet to make it a 50-foot legal access if it were a requirement. Staff explained the Code requires a 50-foot easement for access when affecting a division of property if any newly created lots do not have legal access. Staff explained that when the original easement was conveyed through a division of land on the south property, the Code at that time only required a 25-foot easement. Staff further explained that an interpretation of the UDO was needed in order to determine if asking for an additional expansion of a legal non-conforming easement could be stipulated as a condition of approval on a zone case not involving the property in question.

The Commissioners discussed the possibility of recommending a larger lot zoning than what was requested by the applicant or if they should instead recommend a continuance until further information was provided. Staff noted that the decision would ultimately be the applicants to make.

Commissioners asked Public Works Director Frank Marbury about the drainage issues brought up at the neighborhood meeting. Mr. Marbury explained that he was not aware of the specific issues for this property that might have arisen with drainage, but because of the higher elevation of the subject property, the general knowledge is that water drains from higher elevations to lower elevation properties. Typically, drainage follows the natural and historic patterns, which must be accommodated. Drainage water could not be blocked or released at a faster rate than what is historically released to the south, which is why subdivisions have retention and detention requirements that do that. The State had general guidelines, but the municipal code was not clear on non-subdivided lots. State guidelines tend to exempt residential developments of one acre or greater in size. Local jurisdictions have the authority to modify their code as they see fit. In general, the property uphill would release the water at natural and historic rates. The Town’s building permit process did not regulate retention requirements for individual residential lots.

Overall, the Commissioners felt as if the zoning request fit the area but had ongoing questions and felt the need to postpone any final decision until further clarification was provided on the easement issue. The drainage issue should be addressed during the subdivision planning and would also be addressed at the building department level. Commissioners discussed planning for the future and the possibility of approving a zone change to 2.5 acres zoning district and having the road paved as a condition of the requested rezone.
The Commissioners moved to continue the item until the next meeting when staff could answer the question as to whether the 25-foot easement was sufficient to feed the subject property if it was split or if it required additional expansion.

**POST PLANNING AND ZONING MEETING AND FOLLOW UP’S**

After the Planning and Zoning meeting staff spoke to Town’s legal counsel for clarification on some of the questions that arose between staff and the Commission during the September 4th meeting. The main questions discussed were in regards to the 25-foot easement located south of the subject property and whether said easement could be extended an additional 25’ as a condition of approval through a zoning ordinance for a property not in question. Further, staff asked for clarification as to if either staff or the Commission could ask/suggest to the applicant to change the zoning request to a larger residential zoning district in order to prevent future owners from performing additional splits or if the application would needed to go forward with the initial request.

In regards to the easement width issue, the Town’s legal counsel stated that stipulations such as this are appropriate and preferred at the zoning stage but that the additional 25’ easement cannot be required in this particular zoning case. Easement requirement for properties not being zoned create complications that are not usually found in zoning cases. Legal counsel commented that unless the applicant agrees to amend his application to a zoning suggested by staff or the Commission, the application must be processed as requested.

Staff did speak to the applicant and length after the September 4th meeting regarding the option to request a lower intensity density zoning district from what was initially being proposed. The applicant agreed to amend the application to give assurance that the subject property would only result in three lots for the near future. The applicant amended the application request and is now proposing to rezone the property to SR-2 (Single Family Residential- 2 acre minimum).

**OCTOBER 2nd PLANNING AND ZONING MEETING**

The item went before the Planning and Zoning Commission as a continued item on October 2, 2018. Staff presented a brief summary of the project to that point including discussions between staff and legal counsel on the questions that were raised during the September 4th Planning and Zoning meeting.

Staff discussed the neighborhood meeting held August 20th and issues and concerns raised by the thirteen people who attended said meeting. Their verbal and written concerns included drainage issues, location of the easement, and manufactured housing. Staff explained that the commission should not consider the difference between manufactured housing and site-built housing when making their decision on the application because the Town Code did not delineate between the two. Staff further stated that a developer could not be forced to build site-built homes. The Commission was tasked with determining if two acre lots were an appropriate residential zoning district for the subject property.

Staff noted that drainage and flooding issues should be settled through a separate mechanism and ongoing historic drainage issues should not influence a zoning decision by the Commission. Drainage was dealt with through various other processes such as improvement plans or property development plans. Public Works Director Frank Marbury had offered to meet with neighbor’s onsite to look at any drainage issues. Staff concluding by forwarding a recommending of approval to Town Council.
During public comments a neighboring property owners stated that she had concerns about the subject property and the access road along the back side of her property. She stated that the elevation of the road would cause headlights to shine in her home. She opposed the location of the access road as it was designed and hoped the access road would be rerouted before it reached her property. Another neighbor stated that he also had concerns of the access road and future lot splits.

The Planning and Zoning Commission forwarded a recommendation of approval to Town Council to adopt Ordinance 18-852 to rezone 7.06 acres of real property from AR-5 (Agricultural Residential- 5 acre minimum) to SR-2 (Single Family Residential- 2 acre minimum) for APN 306-21-119.

Vote: 5-2 Passed

### STAFF ANALYSIS AND RECOMMENDATION

#### GENERAL PLAN CONFORMANCE

The current (AR-5) Agricultural Residential- 5 Acre Minimum is in conformance with the 2014 Chino Valley General Plan’s Future Land Use Map which places the property in a Medium Density Residential (2 acres or less) land use. The proposed zoning of (SR-2) Single Family Residential- 2 Acre Minimum will continue to be in conformance with the Medium Density Residential (2 acres or less) land use designation.

#### ZONING

The parcel’s current AR-5 zoning is intended to promote and preserve low-density single-family residential and agricultural development. The district’s regulations and development standards are designed to protect the single-family residential and agricultural character of the district and to prohibit all incompatible activities. Development patterns in the general surrounding area show a transition from low density residential properties to medium density residential properties. The requested SR-2 zoning will serve as a transitional zoning between the AR-5 zoning districts to the south and the SR-1 zoning districts to the north.

### STAFF RECOMMENDATION

Staff and Planning and Zoning Commission recommend that Town Council adopt Ordinance 18-852 to rezone 7.06 acres of real property from AR-5 (Agricultural Residential- 5 acre minimum) to SR-2 (Single Family Residential- 2 acre minimum) for APN 306-21-119.
AGENDA ITEM TITLE:
Presentation and discussion regarding Yavapai County Ordinance 2018-2: Regulating Portable Communication Devices and Texting While Operating a Motor Vehicle.

RECOMMENDED ACTION:
Discuss the ordinance and provide input to staff.

SITUATION AND ANALYSIS:
On October 3, 2018, Yavapai County Board of Supervisors approved a new ordinance to regulate the use of portable communication devices and texting while operating a motor vehicle. The ordinance will go into effect November 2, 2018.

The State of Arizona has thus far chosen not to adopt a new A.R.S. regulation regarding the use of portable communication devices and texting while operating a motor vehicle. Statistics show that distracted driving has contributed to the increase of injuries, deaths, property damage, health care costs and auto insurance rates.

We would like to discuss the feasibility of the Town of Chino Valley adopting this same ordinance as a Town ordinance and receive Council direction to staff on how they would like to proceed.

Fiscal Impact

Fiscal Impact?: No
If Yes, Budget Code: 
Available: 
Funding Source: 

Attachments
Distracted Driver Ordinance
ORDINANCE NO. 2018-2

AN ORDINANCE OF THE YAVAPAI COUNTY BOARD OF SUPERVISORS
REGULATING PORTABLE COMMUNICATION DEVICES AND TEXTING WHILE OPERATING A MOTOR VEHICLE

WHEREAS, the Yavapai County Board of Supervisors is authorized in A.R.S. §11-251(17) to adopt provisions necessary to preserve the health of the county, and in A.R.S. §11-251(31) to make and enforce all local, police, sanitary and other regulations not in conflict with general law; and

WHEREAS, A.R.S §§28-626(B) and 11-251.05 authorize the adoption of additional traffic regulations that are not in conflict with other state traffic or transportation regulations; and

WHEREAS, texting while driving a motor vehicle and the use of portable communication devices has increased in recent years; and

WHEREAS, the use of portable communication devices and texting while driving a motor vehicle have contributed to the increase of injuries, deaths, property damage, health care costs and auto insurance rates; and

WHEREAS, motorists who operate portable communication devices and/or text while driving a motor vehicle are statistically more likely to become involved in a traffic accident; and

WHEREAS, it is the desire of the Yavapai County Board of Supervisors to promote public health and safety;

THEREFORE, be it resolved, that the Yavapai County Board of Supervisors adopts this Ordinance to be effective throughout Yavapai County, excluding sovereign tribal nations.
SECTION I: DEFINITIONS

“HANDS-FREE MOBILE DEVICE” shall mean one of the following:

- A device that has an internal feature or function, or that is equipped with an attachment or addition, whether or not permanently part of such device, which is not held by the driver during motor vehicle use. The device must not obstruct the driver’s view of the front or sides of the motor vehicle or interfere with the safety or operating equipment of the motor vehicle.
- A device that is programmed entirely before a person begins to drive or operate a motor vehicle such as a Global Positioning Device.

“PORTABLE COMMUNICATIONS DEVICE” shall mean the following portable devices: any mobile telephone, personal digital assistant (PDA), device with mobile data access, laptop computer, pager, electronic game, or computing device.

“MOTOR VEHICLE”, “DRIVE” and “DRIVER” have the same meaning as those terms are defined in Title 28, Chapter 1, Arizona Revised Statutes, Transportation. Driving includes, but is not limited to, any time a vehicle is in the traveled portion of a public roadway, whether or not the vehicle is in motion.

SECTION II: ILLEGAL ACTIVITIES

A person shall not drive a motor vehicle while holding in his or her hand, typing on or otherwise manually operating a portable communications device.

SECTION III: EXEMPTIONS

Notwithstanding Section II, the following activities are not prohibited by this Ordinance:

- When a person uses a hands-free mobile device that is not being held in his or her hand, typed on or otherwise manually operated so as to distract the driver.
- When a person makes a call to communicate an emergency to a law enforcement agency or fire department, a hospital or physician’s office, or an ambulance.
- When a person is driving an authorized law enforcement or emergency vehicle and the use of the portable communications device is in the performance of official duties.
- When a person is driving a school bus or transit vehicle that is subject to Arizona Revised Statutes or United State Department of Transportation regulations that supersede this ordinance.
- When a driver is using a two-way radio or a private Land Mobile Radio System, within the meaning of Title 47 Code of Federal Regulations Part 90, while in the performance and scope of work-related duties, and who is operating a fleet vehicle or under a commercial vehicle license; or a driver holding a valid amateur operator license issued by the Federal Communications Commission using a half-duplex two way radio.
- When a person is driving a motor vehicle on private property.
- When a driver has pulled off of the traveled portion of the roadway in a safe and legal location and placed the vehicle in park in order to operate a handheld portable communications device.
SECTION IV: ENFORCEMENT AND PENALTIES

Enforcement shall be the responsibility of city, county and state of Arizona law enforcement representatives.

A law enforcement officer may stop a motor vehicle if the officer has reasonable cause to believe a violation of this Ordinance is occurring.

A violation of this Ordinance is a civil traffic violation.

A person found to be in violation of this Ordinance and not involved in a motor vehicle crash or collision is subject to a civil penalty of $100 dollars plus any other penalty assessments and surcharges authorized by law.

A person found to be in violation of this Ordinance and involved in a motor vehicle crash is subject to a civil penalty of $250 dollars plus any other penalty assessments and surcharges authorized by law.

Violations of this Ordinance shall be administered pursuant to the procedures for civil traffic violations as set out in Title 28, Chapter 5, Arizona Revised Statutes (A.R.S. §28-1591 et seq.).

SECTION V: EFFECTIVE DATE

This Ordinance is effective 30 days after adoption by the Yavapai County Board of Supervisors.

SECTION VI: INTERPRETATION AND SEVERABILITY

In the interpretation of this Ordinance, the singular may be read as the plural, the masculine gender as the feminine or neuter, and the present tense as the past or future, where context so dictates.

In the event any particular clause or section of this Ordinance should be declared invalid or unconstitutional by any court of competent jurisdiction, the remaining portions shall remain in full force and effect. Toward that end, the provisions of these regulations are declared to be severable.

APPROVED AND ADOPTED BY THE YAVAPAII COUNTY BOARD OF SUPERVISORS this _____3rd____ day of _____October____, 2018.

/s/ Rowle P. Simmons
Chairman, Board of Supervisors

ATTEST:

/s/ Kim Kapin
Clerk of the Board

Approved as to form:

/s/ Martin Brennan
Deputy Yavapai County Attorney