



## Town of Chino Valley

### MEETING NOTICE TOWN COUNCIL

**REGULAR MEETING**  
**Tuesday, July 23, 2013**  
**6:00 P.M.**

**Council Chambers**  
**202 N. State Route 89**  
**Chino Valley, Arizona**

### AGENDA

#### **ADDENDUM (DATED 7/19/13)**

|         |                                       |
|---------|---------------------------------------|
| Item 6e | Adds Attachment: Letter from Vendor   |
| Item 7a | Adds Attachment: Ordinance No. 13-771 |

- 1) **CALL TO ORDER, INVOCATION; PLEDGE OF ALLEGIANCE; ROLL CALL**
- 2) **INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS**
- 3) **CALL TO THE PUBLIC**

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

- 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) Dust and speeding issues along M. A. Perkins Trailway and the Town chipsealing a portion of it.
- b) The dollar amount that triggers the public bidding requirement for Town purchases.
- c) Reasons for a lack of additional shopping or another grocery store.

**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) Report from Mayor and Councilmembers regarding change of members on General Plan Committee. (Mayor Marley)
- b) Quarterly update on Municipal Court operations by Town Magistrate, Judge Walker.

**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 accept resignation of Christopher Sage from the Parks and Recreation Advisory Board, effective July 8, 2013. (Jami Lewis, Town Clerk)
- b) Consideration and possible action to approve the Professional Services Agreement with Donald E. Zelechowski, Certified Public Accountant, for Sales Tax Audit Services in an amount not-to-exceed \$10,000 for fiscal year 2013/2014. Funds to come from Capital Asset Replacement sales tax auditing line. (Joe Duffy, Finance Director)
- c) Consideration and possible action to approve the annual Intergovernmental Agreement (IGA) for the Establishment of Unified Emergency Management between the Town of Chino Valley and Yavapai County, and authorize payment of the annual dues in the amount of \$4,651.00. Funds to come from non-departmental fund line item for Yavapai County Emergency Management IGA for Fiscal Year 2013/2014. (Jami Lewis, Town Clerk)
- d) Consideration and possible action to accept Dedication of Public Roadway to the Town of Chino Valley from Donna Jones of a portion of Assessor's Parcel Number 306-18-009P containing 146 square feet, more or less, for the partial widening of Red Cinder Road as required by Zoning Stipulation No. 2 of Ordinance No. 13-769, which approved a zone change. (Dennis Price, Associate Planner)
- e) Consideration and possible action to approve the purchase of chip seal rock from Charter Material, LLC, in an amount not to exceed \$80,000.00, for the fiscal year 2013/2014 chip seal program. Funds to come from Public Works Road Materials line. (Ron Gritman, Public Works Director)

**7) ACTION ITEMS**

- a) *Continued from July 9, 2013:* Consideration and possible action to adopt Ordinance No. 13-771 approving a zone change from "CL" Commercial Light to "CH" Commercial Heavy for an approximately 1-acre parcel located at 3440 N. State Route 89, Chino Valley, AZ 86323 and further identified as Assessor's Parcel Number 306-04-028C. Applicant/Property owner: Mary DeWitt, Trustee for the DeWitt Family Revocable Trust. (Dennis Price, Associate Planner)

Recommended Action: Adopt Ordinance No. 13-771 approving the zone change from "CL" to "CH" for Assessor's Parcel Number 306-04-028C.

- b) Discussion and possible action regarding the Town's current regulations pertaining to enforcement of property maintenance and weeds. (Councilmembers Hatch and McKee)

Recommended Action: Direction to staff.

- c) Consideration and possible action to approve the following agreements:
- i) Agreement to Transfer Responsibility for Transit Management from the Town of Chino Valley (through Chino Valley Transit) to Yavapai Regional Transit (YRT) effective October 1, 2013;
  - ii) Agreement between Yavapai Regional Transit, Inc. and the Town of Chino Valley, re: Lease of Vehicles for Transit Purposes, effective October 1, 2013;
  - iii) Agreement between Yavapai Regional Transit, Inc. and the Town of Chino Valley re: Lease of Transit Facilities, effective October 1, 2013. (Cecilia Watts, General Services Director / Councilmembers Hatch and McKee)

Recommended Action:

- i) Approve the Agreement to Transfer Responsibility for Transit Management between the Town and YRT, effective October 1, 2013;
- ii) Approve the Agreement between Yavapai Regional Transit, Inc. and the Town of Chino Valley, re: Lease of Vehicles for Transit Purposes, between the Town and YRT, effective October 1, 2013;
- iii) Approve the Agreement between Yavapai Regional Transit, Inc. and the Town of Chino Valley re: Lease of Transit Facilities, effective October 1, 2013.

- d) Consideration and possible action to approve the intergovernmental agreement between the Town of Chino Valley and the Arizona Department of Transportation (ADOT), in the amount of \$100,000, for the Town's contribution to the construction of the proposed roundabout at Highway 89 and Kalinich Avenue, and the assigned construction and maintenance responsibilities as defined in the agreement. Funds to come from Roads Impact Fees. (Ron Grittmann, Town Engineer)

Recommended Action: Approve the intergovernmental agreement between the Town and ADOT in the amount of \$100,000 for various financial, construction, and maintenance responsibilities as defined in the agreement.

- e) Review and possible action regarding the Town's various Council-appointed bodies. (Jami Lewis, Town Clerk)

Recommended Action: Approve, modify, or take no action on Council's and staff's recommendations as outlined in the staff report.

- f) Consideration and possible action to authorize the Mayor on behalf of Council to sign a letter to the Yavapai County Board of Supervisors supporting the Williamson Valley to Chino Valley connector road. (Mayor Marley)

Recommended Action: Authorize Mayor to sign letter of support to the Board of Supervisors regarding the Williamson Valley to Chino Valley connector road.

**8) EXECUTIVE SESSION**

*Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the Town's attorneys on any of the above agenda items pursuant to A.R.S. § 38-431.03(A)(3).*

**9) ADJOURNMENT**

Dated this 16th day of July, 2013.

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 636-1787 (TDD) 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/clerk/townagenda.shtml>, and in the Public Library and Town Clerk's Office.

**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.

Date: \_\_\_\_\_

Time: \_\_\_\_\_

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

Office Copy

# Charter Materials

3105 N. Hwy 89 Chino Valley AZ 86323

Office (928) 583-0577

Fax (928) 636-5643

26 April 2013

Attention; Ron Gritman, P.E. Town of Chino Valley

Dear Ron,

Per our telephone conversation of 23 April 2013. The following is Charter Materials LLC proposal for material and delivery for the Town of Chino Valley chip supply.

3,020 Ton 3/8" chips @ \$10.25 per ton = \$30,955.00

3,020 Ton 1/2" chips @ \$11.25 per ton = \$33,975.00

6,040 Ton Delivery to Town of Chino

Valley Property at Old Home Manor

@ \$2.50 per ton = \$15,100.00

Total = \$80,030.00

OK

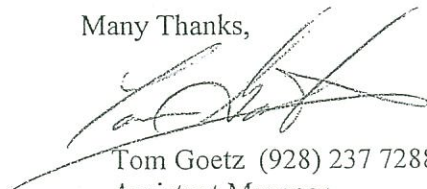
~~not well haul~~

Richard Stearns  
6/17/13

These prices reflect the current Yavapai County chip contract price with Charter Materials LLC. A new contract with Yavapai County will go into effect on 12 May of 2013 which will include a price increase. Charter Materials LLC will honor the above pricing schedule for the Town of Chino Valley until 31 December 2013. On 1 January 2014 the Town of Chino Valley pricing schedule will increase to mirror the Yavapai County contract price.

If I can be of any further assistance please do not hesitate to call me.

Many Thanks,



Tom Goetz (928) 237 7288  
Assistant Manager

change of plan  
you haul

Richard Stearns

6/17/13 3:00 PM



**ORDINANCE NO. 13-771**

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, APPROVING A CHANGE OF ZONING FOR APPROXIMATELY 1 ACRE OF REAL PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF WEST CHOCTAW LANE AND NORTH ROUTE 89, ALSO KNOWN AS ASSESSOR'S PARCEL NUMBER 306-04-028C FROM COMMERCIAL LIGHT (CL) ZONING DISTRICT TO COMMERCIAL HEAVY ZONING DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, PROVIDING FOR NON-SEVERABILITY; AND PROVIDING PENALTIES.**

WHEREAS, The DeWitt Family Revocable Trust, Mary DeWitt, Trustee has filed an application with the Town of Chino Valley requesting a Change of Zone for Assessor's Parcel Number 306-04-028C from Commercial Light (CL) to Commercial Heavy (CH); and

WHEREAS, the Town Council has determined that this change of zoning conforms with the Town of Chino Valley General Plan, any applicable specific area plan, neighborhood, 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, on May 29, 2013, a "neighborhood meeting" was held in conformance with the requirement set forth in the Town's Unified Development Ordinance ("UDO"); and

WHEREAS, the Planning and Zoning Commission ("Commission") conducted a Public Hearing on June 18, 2013, during which testimony was presented by Town staff, the property owner's agent and others; and

WHEREAS, the Commission, by a unanimous vote of those members present (Vice Chairperson Garland Miner absent) to recommend approval of the rezoning; and

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

## Section 1. In General.

1. The Change of Zoning is hereby approved for property consisting of approximately 1 acre, described in Exhibit 1, attached hereto and incorporated herein by this reference, also known as Assessor's Parcel Number 306-04-028C and located at 3340 N. State Route 89, Chino Valley, Arizona 86323, from Commercial Light (CL) zoning district to Commercial Heavy (CH) zoning district.

2. The Property described in Paragraph 1 of this Section shall be used and developed in accordance with the Town of Chino Valley Unified Development Ordinance for the Commercial Heavy (CH) zoning districts. Development of the Property shall also be subject to the following conditions:

- a. Within 60 days of approval of this Ordinance, Developer shall submit to Town staff improvement plans in compliance with the following UDO requirements:
  - i. UDO §4.9 Outdoor Storage: Provide screened fencing of outdoor storage yard; and
  - ii. UDO §4.22.4 Off-Street parking and Loading: Provide site plan indicating the parking area is of sufficient size and adequate dimension to provide parking required. Owner is encouraged to provide a dust free surface such as decomposed granite over the parking area, as approved by the Town Engineer; and
  - iii. UDO §4.26 Landscaping: Upon expansion, remodeling or renovation of the existing building[s], provide a minimum 20-foot wide landscaping area on all property adjacent to SR89 and a minimum 10-foot wide landscaping area adjacent to Choctaw Lane, as required by the UDO and except for that portion of the Property within the screened storage area.
- b. The improvements required above (the "Improvements"), and as approved by Town Staff shall be constructed and installed within 365 days of the effective date of this Ordinance. Failure to complete construction and installation of the Improvements as required in this Ordinance may result in reversion of the zoning to the prior zoning classification.

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. Providing for Non-Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, then this entire ordinance is invalid and this ordinance shall have no force or effect.

Section 4. Providing for Penalties. Any person found responsible for violating this Ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 1.10 and 1.11 of the Town of Chino Valley Unified Development Ordinance. Each day a violation continues, or the failure to perform any act or duty required by this zoning ordinance, the Unified Development Ordinance or by the Town of Chino Valley Town Code continues, shall constitute a separate civil offense.

**PASSED AND ADOPTED** by the Mayor and Common Council of the Town of Chino Valley, Arizona this 23rd day of July, 2013 by the following vote:

AYES: \_\_\_\_\_

NAYES: \_\_\_\_\_ ABSENT: \_\_\_\_\_

EXCUSED: \_\_\_\_\_ ABSTAINED: \_\_\_\_\_.

\_\_\_\_\_  
Chris Marley, Mayor

ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Curtis, Goodwin, Sullivan, Udall &  
Schwab, PLC, Town Attorney

I, JAMI C. LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 13-771 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE 23rd DAY OF JULY, 2013, WAS POSTED IN THREE PLACES ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

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

The following exhibits are attached hereto and incorporated herein:

1. Legal Description