



Town of Chino Valley

MEETING NOTICE TOWN COUNCIL

REGULAR MEETING
Tuesday, August 13, 2013
6:00 P.M.

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

AGENDA

ADDENDUM 8/12/13

Item 7e	ADDS letters for and against the land use request received after packet publication
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- 1) **CALL TO ORDER, INVOCATION; PLEDGE OF ALLEGIANCE; ROLL CALL**
- 2) **INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS**
 - a) Proclamation declaring August 2013 as "Child Support Awareness Month," sponsored by the Arizona Department of Economic Security Division of Child Support Services.
 - b) Presentation regarding the Prescott Active Management Area Groundwater Users Advisory Council's Fourth Management Plan, by GUAC Member Carl Tenney.
 - c) Recognize staff member Roger Strader for his U.S. Army service and recent deployment and the Water and Sewer Crews that stepped up to fill in the resulting gaps. (Ron Gritman, Town Engineer)
 - d) Overview of Community Services by General Services Director Cecilia Watts.
- 3) **CALL TO THE PUBLIC**

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

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)** Waiver of park facility use fees for sponsoring organizations of the Territorial Days celebration.
- b)** Discrepancies with enforcement of the Town's sign ordinance, particularly relating to the Days Inn motel.

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.

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 June 24, 2013 study session minutes. (Jami Lewis, Town Clerk)
- b)** Consideration and possible action to approve the June 25, 2013 regular meeting minutes. (Jami Lewis, Town Clerk)
- c)** Consideration and possible action to approve the July 9, 2013 regular meeting minutes. (Jami Lewis, Town Clerk)
- d)** Consideration and possible action to accept resignation of Marti Klein from the Board of Adjustment, effective July 15, 2013. (Jami Lewis, Town Clerk)
- e)** Consideration and possible action to accept the resignations of Stephen Whisenhunt, Karen Rockhold, Marti Klein, and Vanessa Herb from the General Plan Committee, and ratify the appointments of Celia Vander Molen and Trisha Lamb as of May 2012, and Robert McCaullay as of July 2013 to the same. (Jami Lewis, Town Clerk)
- f)** Consideration and possible action to adopt Resolution No. 13-1017, amending Resolution No. 11-973, which established the Mayor's Ad Hoc Flood Control Committee. (Jami Lewis, Town Clerk)

- g) Consideration and possible action to adopt Resolution No. 13-1016, disbanding and dissolving the Town of Chino Valley Council Utilities Committee, the Council Public Safety and Traffic Control Committee, Mayor's Ad Hoc Water Stewardship Committee, and Mayor's Ad Hoc Alternative Energy Committee. (Jami Lewis, Town Clerk)
- h) Consideration and possible action to waive Park Rental Fees and Special Event Vendor fees for Territorial Days, Saturday, August 31, 2013 at Memory Park, up to \$456.00. (Cecilia Watts, General Services Director)
- i) Consideration and possible action to approve Amendment to Intergovernmental Agreement (IGA) Regarding Gang and Immigration Intelligence Team Enforcement Mission State Gang Task Force between the Town of Chino Valley Police Department and the State of Arizona through the Department of Public Safety. Funds to come from reimbursements will be accounted for in the Grant Fund. (Chuck Wynn, Police Chief)

7) ACTION ITEMS

- a) (i) Public Hearing regarding application from Clare Hollie Abel for a new Series 10 (Beer and Wine Store) Liquor License for DG Retail, LLC (dba Dollar General Store #9943), located at 945 N. Highway 89, Chino Valley.

(ii) Consideration and possible action to recommend approval for new Series 10 Liquor License application for the Dollar General Store. (Jami Lewis, Town Clerk)

Recommended Action: (i) Hold Public Hearing; (ii) Recommend approval for a new Series 10 Liquor License application for the Dollar General Store.

- b) Consideration and possible action to approve Agreement to Transfer Responsibility for Transit Operations and Management between the Town of Chino Valley and Yavapai Regional Transit, Inc. (Councilmembers Hatch and McKee)

Recommended Action: Approve Agreement to Transfer Responsibility for Transit Operations and Management between the Town and Yavapai Regional Transit, Inc.

- c) ZC 13-004. Consideration and possible action to adopt Ordinance No. 13-773 approving a zone change from Commercial Light "CL" to Commercial Heavy "CH" for an approximately 1 acre parcel located at 694 N. State Route 89, further described as Assessor's Parcel No. 306-23-021X. Owner/Applicant: Resource Holdings II, LP/Timothy J. Coury/Kottke Law Firm. (Ruth Mayday, Planner)

Recommended Action: Adopt Ordinance No. 13-773 approving the zone change from Commercial light "CL" to Commercial Heavy "CH" for Assessor's Parcel Number 306-23-021X.

- d) ZC 13-005. Consideration and possible action to adopt Ordinance No. 13-772 approving a zone change from Agricultural Residential 4 acre minimum "AR-4" to Single Family Residential 1 acre minimum "SR-1" on a parcel consisting of approximately 14+ acres, located at 851 W. Road 1 North, and further described as Assessor's Parcel Numbers 306-23-041W, 306-23-041X, and 306-23-041Z. Owner/Applicant: M.D. Builders/Martin D. Messenger. (Ruth Mayday, Planner)

Recommended Action: Adopt Ordinance No. 13-772 approving the zone change from Agricultural Residential 4 acre minimum "AR-4" to Single Family Residential 1 acre minimum "SR-1" for Assessor's Parcel Numbers 306-23-041W, 306-23-041X, and 306-23-041Z.

- e) ZC 13-003. Consideration and possible action on request for a zone change from "AR-5" Agriculture/Residential 5 Acre Minimum to "MHP-4" Manufactured Home Park 4-Acre Minimum for an approximately 60-acre parcel located between Road 4 North and Road 4½ North, at 1429 W. Road 4½ North, approximately ¼ mile west of Road 1 West and identified as Assessor's Parcel Number 306-05-030X. Applicant/Property Owner: La Vacara Trust (Ruth Mayday, Planner)

Recommended Action: Deny the requested zone change from "AR-5" to "MHP-4" for Assessor's Parcel Number 306-05-030X, based on non-conformance with the 2003 General Plan Land Use Element Goal LU-1 and Policy LU-1.4, and as recommended by the Planning Commission.

- f) Discussion and possible action to honor the 19 fallen Granite Mountain Hot Shots by installing a plaque or other type of memorial. Funding source to be determined; this is not a budgeted item. (Mayor Marley and Councilmember McKee)

Recommended Action: Direction to staff.

- g) *Timed Item [at or near 7:30 p.m.]:* Council will recess to observe Councilmember Linda Hatch's birthday.

- h) Consideration and possible action to approve the priority list for the 2013 Chip Seal Program. Funds to come from Public Works roadway maintenance line. (Ron Grittman, Public Works Director)

Recommended Action: Approve the priority list for the 2013 Chip Seal Program as presented.

- i) Consideration and possible action to ratify the declaration of an emergency by the Mayor pursuant to Town Code Section 32.04, and award the gas line replacement project at the North Campus of Town Facilities to Hot AZ Hell Welding in an amount not to exceed \$84,830 plus tax estimated at \$8,800 for a total project cost of \$93,630.00 and to approve a contract with Hot AZ Hell Welding to repair the gas leaks. Funds to come from Contingency. (Ron Grittman, Town Engineer)

Recommended Action: (i) Ratify the Mayor's declaration of an emergency and the award of the gas line replacement project at the Town's North Campus to Hot AZ Hell Welding, and

declare an emergency. (ii) Approve contract with Hot AZ Hell Welding to repair the gas leaks, in an amount not to exceed \$84, 830 plus tax estimated at \$8,800 for a total project cost of \$93,630.00

- j) Consideration and possible action to approve the Intergovernmental Agreement with the Yavapai County Flood District for design of the stormwater improvements at Chino Meadows Unit 5, in an amount not to exceed \$120,000.00. Funds to come from Capital Improvements line. (Ron Gritman, Public Works Director)

Recommended Action: Approve the Intergovernmental Agreement with the Yavapai County Flood District for design of the stormwater improvements at Chino Meadows Unit 5 in an amount not to exceed \$120,000.00.

- k) Consideration and possible action to approve the Professional Services Agreement with Lyon Engineering for design of the stormwater improvements at Chino Meadows Unit 5 in an amount not to exceed \$119,980.00. Funds to come from Capital Improvement Program fund. (Ron Gritman, Public Works Director)

Recommended Action: Approve the Professional Services Agreement with Lyon Engineering for design of the stormwater improvements at Chino Meadows Unit 5 in an amount not to exceed \$119,980.00.

- l) Consideration and possible action to designate terms for Councilmember appointments to the Roads and Streets Committee. (Jami Lewis, Town Clerk)

Recommended Action: Assign term endings of June 30, 2014 and June 30, 2015 to appointments of Mayor Marley and Councilmember Wojcik to the Roads and Streets Committee.

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).

Discussion and possible action to recess the regular meeting and reconvene in executive session for the following purposes:

- a) 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 pending or contemplated litigation or settlement discussions conducted in order to avoid or resolve litigation in the matter of Town of Chino Valley v. City of Prescott. (Robert Smith, Town Manager)
- b) 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 (intergovernmental agreement) with the City of Prescott related to converting the Transaction Privilege Tax on water transportation to water transportation fees that is the subject of negotiations. (Robert Smith, Town Manager)

- c) 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 in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation in the matter of Cortez v. Town of Chino Valley. (Robert Smith, Town Manager)
- d) (i) Pursuant to A.R.S. § 38-431.03(A)(3) for discussion or consultation for legal advice with the Town Attorney regarding the terms of the Town Manager's contract with the Town; and (ii) Pursuant to A.R.S. § 38-431.03(A)(1) for discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of Town Manager Robert Smith. (Councilmembers Hatch and McKee)
- e) Discussion and possible action to approve the Settlement and Mutual Release Agreement with the City of Prescott in settlement of the claims in the matter of Town of Chino Valley v. City of Prescott. (Robert Smith, Town Manager)

9) ADJOURNMENT

Dated this 8th day of August, 2013.

By: ***Liz Hart, Town Clerk Assistant***

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