



Town of Chino Valley

MEETING NOTICE TOWN COUNCIL

REGULAR MEETING
Tuesday, September 11, 2012
6:00 P.M.

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

AGENDA

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

- a) Recognition of citizens for their service on the Board of Adjustment and Senior Center Advisory Board. (Jami Lewis, Town Clerk)
- b) Presentation by the Arizona Department of Transportation regarding the State Route 89 widening between Outer Loop Road and Deep Well Ranch Road. (Ron Gritman, Town Engineer)

- 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.

- 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 report by Consultant Pat Walker regarding Impact Fees Study and SB 1525. (Robert Smith, Town Manager)
- b) Report by Code Enforcement staff regarding progress, statistics, and cases. (Chuck Wynn, Police Chief)
- c) Report regarding Northern Arizona Council of Governments (NACOG) programs for Northern Arizona municipalities and citizens. (Councilmember Hatch)
- d) Report regarding the Prescott Active Management Area's 4th Management Plan and upcoming Groundwater Users Advisory Committee (GUAC) meeting. (Vice-Mayor Tenney)

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 26, 2012 regular meeting minutes. (Jami Lewis, Town Clerk)
- b) Consideration and possible action to approve the July 10, 2012 regular meeting minutes. (Jami Lewis, Town Clerk)
- c) Consideration and possible action to approve the July 24, 2012 regular meeting minutes. (Jami Lewis, Town Clerk)
- d) Consideration and possible action to appoint Lillian Morales as an alternate to the Board of Adjustment should a vacancy occur in the near term, and appoint Anita DeMello to the Municipal Property Corporation to a three-year term starting July 1, 2012. (Council Appointments Committee)
- e) 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 2012/2013. Funds to come from non-departmental professional services line. (Joe Duffy, Finance Director)

7) ACTION ITEMS

- a) ZC Case No. 12-001: Consideration and possible action to adopt Ordinance No. 12-761 approving a zone change from "CL" Commercial Light to "CH" Commercial Heavy for an approximately 2-acre parcel located in the general vicinity of SR 89 and Road 5 North, on the east side of Durham Drive, south of Staley Lane, and identified as Assessor's Parcel Number 306-04-047C. Applicant/Property owner: Keith Bunker. (David Nicolella, Associate Planner)

Recommended Action: Adopt Ordinance No. 12-761 approving the zone change from "CL" to "CH" for Assessor's Parcel Number 306-04-047C.

- b) SPR Case No. 12-003: Consideration and possible action to waive requirements of Unified Development Ordinance (UDO) Section 4.22.4 "Parking Design Standards" for a chip seal surface for the primary traffic lanes and parking areas for Assessor's Parcel Number 306-04-047C, located on the east side of Durham Drive south of Staley Lane. Property Owner: Keith Bunker. (David Nicolella, Associate Planner)

Recommended Action: Waive requirements of UDO Section 4.22.4 for a chip seal surface for the primary traffic lanes and parking areas for Assessor's Parcel Number 306-04-047C.

- c) SPR Case No. 12-002: Consideration and possible action to waive the paving requirements of Unified Development Ordinance (UDO) Section 4.22.4(B)(2) "Parking Design Standards" for the drive aisles and one parking space for Assessor's Parcel Number 306-14-003R, located on the south side of West Road 4 North approximately 1,700 feet west of State Route 89, until a building permit is requested for a permanent building. Property Owners: Donald & Catherine Cox. (David Nicolella, Associate Planner)

Recommended Action: Waive the paving requirements of Unified Development Ordinance (UDO) Section 4.22.4(B)(2) "Parking Design Standards" for the drive aisles and one parking space for Assessor's Parcel Number 306-14-003R.

- d) Consideration and possible action to approve Change Order Number 2 to professional services agreement with Stanley Consultants in the amount of \$5,407.78 for additional work for post design services required by the Arizona Department of Transportation regarding the preparation of bid documents for the sidewalk and landscaping project along State Route 89 between Center Street and Road 4 South. Funds to come from Highway User Revenue Fund, Roads Maintenance professional services line. (Ron Grittmann, Town Engineer)

Recommended Action: Approve Change Order Number 2 to professional services agreement with Stanley Consultants in the amount of \$5,407.78 for additional work for post design services required by the Arizona Department of Transportation.

- e) Consideration and possible action to approve an Intergovernmental Agreement between the Town of Chino Valley and Yavapai County Flood Control for the construction of the first of three flood control projects. Funds to come from Yavapai County Flood Control District. (Ron Grittmann, Town Engineer)

Recommended Action: Approve the Intergovernmental Agreement between the Town and Yavapai County Flood Control for the construction of the Road 3 North at Town Hall Drainage Improvements.

- f) Consideration and possible action to purchase two 2011 Ford Expedition 4x4 XL Police Unit as replacements to two existing units that will be retired for mileage in the amount of \$77,528.52 from Berge Ford and Arizona Emergency Products. Funds to be transferred from the remaining funds from the Greater Arizona Development Authority debt defeasance located in the Debt Service Fund and disbursed from Miscellaneous Capital Projects line in the Capital Improvement Fund. (Ron Grittmann, Town Engineer)

Recommended Action: Approve the purchase of two 2011 Ford Expedition 4x4 XL Police Units from Berge Ford and Arizona Emergency Products in the amount of \$77,528.52.

- g) Discussion and possible action regarding amendments to the Town Code sections relating to traffic control citations and traffic signs. (Councilmember Hatch; Vice-Mayor Tenney)

Recommended Action: To be determined per Council discussion.

- h) Discussion and possible action regarding procurement of legal services for the Town and possible recruitment process. (Vice-Mayor Tenney; Mayor Marley)

Recommended Action: To be determined per Council discussion.

- i) Consideration and possible action to approve the July 2, 2012 special meeting minutes. (Absent: Councilmember Turner) (Jami Lewis, Town Clerk)

Recommended Action: Approve the July 2, 2012 special meeting minutes.

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 5th day of September, 2012.

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 Town Hall, Chino Valley Post Office, and Chino Valley Aquatic Center in accordance with the statement filed by the Town Council with the Town Clerk.

Date: _____

Time: _____

By: _____
Jami C. Lewis, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **2. b.**

Meeting Date: 09/11/2012

Contact Person/Dept: Ron Gritman, Public Works
Phone: 928-636-2646 x-1223

Item Type: Presentation Only

Estimated length

of staff presentation: 15 minutes

Highway 89 Widening Between Outer Loop Road and Deep Well

Physical location of item: Ranch Road

AGENDA ITEM TITLE:

Presentation by the Arizona Department of Transportation regarding the State Route 89 widening between Outer Loop Road and Deep Well Ranch Road.

RECOMMENDED ACTION:

None

SITUATION AND ANALYSIS:

The Highway 89 widening project consists of the construction of a raised divided median with two lanes both northbound and southbound between Outer Loop Road and the future alignment of Road 5 South and a divided roadway between the future alignment of Road 5 South and Deep Well Ranch Road. Deep Well Ranch Road is a new east/west roadway that is approximately 1,000' north of the existing Ruger Road. The project is currently phased to have this portion of the project under construction the summer of 2013 with the southerly portion between Deep Well Ranch Road and Highway 89A in 2015/16.

The Arizona Department of Transportation (ADOT) will be presenting the project to the Town Council for consideration and discussion.

Fiscal Impact

Fiscal Impact?: no

If Yes, Budget Code:

Available:

Funding Source:

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **5. a.**

Meeting Date: 09/11/2012
Contact Person: Robert Smith, Town Manager
Phone: 928-636-2646 x-1201
Item Type: Report Only
**Estimated length
of Staff Presentation:** 30 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Status report by Consultant Pat Walker regarding Impact Fees Study and SB 1525. (Robert Smith, Town Manager)

SITUATION & ANALYSIS:

Budget consultant Pat Walker will present an update on the status of the Town's compliance with SB 1525 with regard to impact fees and a required impact fees study.



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **5. b.**

Meeting Date: 09/11/2012
Contact Person: Chuck Wynn, Police
Phone: 928-636-2646 x-1258
Item Type: Presentation Only
**Estimated length
of Staff Presentation:** 15 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Report by Code Enforcement staff regarding progress, statistics, and cases. (Chuck Wynn, Police Chief)

SITUATION & ANALYSIS:

Code Enforcement progress, stats and cases for Town Council's consideration.



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **6. a.**

Meeting Date: 09/11/2012
Contact Person/Dept: Jami Lewis, Town Clerk
 Phone: 928-636-2646 x-1208
Item Type: Consent

AGENDA ITEM TITLE:

Consideration and possible action to approve the June 26, 2012 regular meeting minutes.
 (Jami Lewis, Town Clerk)

RECOMMENDED ACTION:

Approve the June 26, 2012 regular meeting minutes.

Attachments

June 26, 2012 minutes

DRAFT

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

**Tuesday, June 26, 2012
6:00 P.M.**

The Town Council of the Town of Chino Valley, Arizona, met for a Regular Meeting in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on Tuesday, June 26, 2012.

Present: Mayor Chris Marley; Vice-Mayor Carl Tenney; Councilmember Mike Best; Councilmember Darryl Croft; Councilmember Dean Echols; Councilmember Linda Hatch; Councilmember Lon Turner

Staff Present: Interim Town Manager Robert Smith; General Services Director Cecilia Watts; Town Attorney Tom Kack; Police Commander Mark Garcia; Magistrate John Walker; Town Engineer/Public Works Director Ron Gritman; Utilities Supervisor Chris Bartels; Town Clerk Assistant Liz Hart (recorder)

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

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

Mayor Marley called for a moment of silence in honor of Sgt. First Class Garrett McNabb of Chino Valley, who lost his life while serving in Afghanistan. He then gave the invocation and led the Pledge of Allegiance.

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

There were none.

3) CALL TO THE PUBLIC

Ab Jackson, CEO, Chino Valley Area Chamber of Commerce, spoke about the latest editions of the Chamber Member Directory and Profile Guide, as well as upcoming Golf Tournament, Territorial Days parade and park activities, and Talk of the Town radio program.

Craig Brown spoke about an amendment to state statute regarding political signs and his belief that the Town's sign ordinance was in conflict with it. Council asked the town attorney to look into the matter.

4) RESPONSE TO THE PUBLIC

Mayor Marley reported on the Town's responses to comments made by Norma Bennett on June 12 regarding:

- Abandoned property at 1410 Palo Verde – The Town's code enforcement officer determined that no individual held interest in the property, other than Yavapai County for back taxes; no one was currently living there, but people might be making periodic visits; and the cost to clean up the property would be \$5,000.
- Property tax – He had addressed this in a previous Mayor's Report.
- Sales tax – He would address this in the current monthly Mayor's Report.
- Sewer and water on the highway – Council was only beginning discussions on this to see if it was feasible.

5) **CURRENT EVENT SUMMARIES AND REPORTS**

Councilmember Best reported that Council's Safety Committee drafted revisions to the Town's animal control ordinance, sent it to staff for further comments, and will review it again on June 28.

Interim Town Manager Robert Smith reported that: Code Enforcement staff was developing a report for Council regarding abandoned properties; he had appointed Interim Police Chief Chuck Wynn as Police Chief starting July 7; and the Town's new Finance Director, Joe Duffy, would start on July 23.

Mayor Marley gave his monthly report, which focused on economic recovery, sales taxes, and working to find long term solutions.

a) **Report on Spring 2013 Regular Election, HB 2826, and Home Rule. (Jami Lewis, Town Clerk)**

Ms. Lewis reported on the status of HB 2826 and the Town's 2013 regular and Home Rule election:

- Main points of HB 2826: All candidate elections will move to the Fall of even years, except for special elections for recall and filling vacancies.
- League of Arizona Cities and Towns opinion: As the new law conflicted with several other statutes, the League had asked the Legislature to resolve those during the next session. Also, no data existed on whether or not the change will result in greater turnout, more informed voters, or cost savings; and it will take a few years to determine that.
- U.S. Department of Justice (DOJ) pre-clearance: The bill was submitted to the DOJ on June 4, who had 60 days to pre-clear the law. Municipalities had the option to challenge the bill at the DOJ level within 30 days.
- Possible legal challenges: A few charter cities were exploring a possible challenge and it was yet undetermined whether or not general law municipalities had the option to do so.
- Implementation issues for counties: Counties in general were assessing current operations and the bill's effects on their contracts with other entities.
- Implementation issues for term of office: The League's position was that shortening terms violated the state constitution, but it had been done and not challenged in the past. Proponents in the Legislature assumed municipalities would lengthen terms, as statute already allowed for a public body official to stay in office until a successor was identified; however, few were comfortable with lengthening a term by 18

months.

- Implementation Issues for Home Rule (HR): Per the state constitution, HR elections were required to be on a candidate ballot and the Town's next HR election was scheduled for Spring 2013. As HR elections were permitted to occur in less than four years after the prior one, the Spring 2017 HR election would move to Fall 2016.
- Next Steps: The League will draft some guidelines and recommendations for municipalities and counties, and election officials will receive the latest details at the annual Elections Conference on July 18-19.

Council asked about changes needed to the Town Code and what Council needed to do to conform to the new law. Ms. Lewis stated that staff would learn more at the Elections Conference and then start researching options. Council will then have to determine the specific actions to take.

- b)** Report regarding status of Public Safety Retirement Board. (Cecilia Watts, General Services Director)

Ms. Watts reported that the Town was required by state law to have a local board for the Public Safety Retirement Board. While the Town had such a board, it was never formally adopted by the Council. Staff intended to place a resolution on the next agenda outlining the board's purpose and formally appointing its members, who were to be the mayor or designee, two citizens at large, and two officers elected from the Police Association.

6) CONSENT AGENDA

Council set down items d and e.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Linda Hatch to approve Consent Agenda items 6a, 6b and 6c.

Vote: 7 - 0 PASSED - Unanimously

- a)** Consideration and possible action to accept resignation of Dee Fry from Senior Center Advisory Board, effective June 13, 2012. (Jami Lewis, Town Clerk)
- b)** Consideration and possible action to reappoint Geoffrey Brown and appoint Marti Klein to the Board of Adjustment for 3 year terms starting August 1, 2012; appoint Carrie Barnes, Todd League, and James Justice to the Parks and Recreation Advisory Board for 2 year terms starting July 1, 2012; and re-appoint Kyle Herman to the Senior Center Advisory Board for a 2 year term starting July 1, 2012. (Jami Lewis, Town Clerk)
- c)** Consideration and possible action to approve Ordinance No. 12-759, amending the Chino Valley Town Code Chapter 34: Court, General Provisions, Sections 34.01: Magistrate Court Established; Jurisdiction and 34.02: Presiding Officer. (Magistrate Evaluation Committee)
- d)** Consideration and possible action to approve Employment Agreement for Presiding Magistrate with John Walker in the amount of \$85,500 for a three-year term effective June 20, 2012 and ending June 30, 2015, in the amount of \$85,500 for each of the first two years of this Agreement, with a possible increase for the third year of this Agreement. (Tom Kack, Town Attorney)

Councilmember Hatch reported that the term effective date in the staff report summary should be July 1, 2012, not June 20, 2012.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Linda Hatch to approve Employment Agreement for Presiding Magistrate with John Walker in the amount of \$85,500 for a three-year term effective July 1, 2012 and ending June 30, 2015, in the amount of \$85,500 for each of the first two years of this Agreement, with a possible increase for the third year of this Agreement.

Vote: 7 - 0 PASSED - Unanimously

- e) Consideration and possible action to approve Employment Agreement for Town Manager with Robert Smith in the amount of \$120,000 for a three-year term starting in August 2012. (Tom Kack, Town Attorney)

Mayor Marley suggested amending the proposed agreement by combining items 4a and 4b, as they both addressed compensation and there appeared to be no specific reason for separating it into two sections. He also told Council that Mr. Smith requested adding "an IRS accountable plan" to section 7d to allow him to account for all his moving expenses.

Councilmember Hatch requested that section 1 item c, regarding outside employment and accountability, be made clearer by requiring Mr. Smith to notify Council about his intent to engage in outside business. This would protect all parties and allow Council to provide disclosure to the public. Several Councilmembers felt that the agreement already addressed this matter, while another thought that it would not be unreasonable for him to disclose one time in writing when he had a paying job outside the Town or letting them know via email when he would be out of the office for a day or more. Mr. Smith noted that any out of state travel already required Council's approval, and any outside work was to be on his own time, not the Town's. However, he did not object to such disclosure and told Council that he would restrict outside business activities per the ICMA Code of Ethics; he was available at any time by phone; and he would not leave town without leaving a hierarchy of control.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Linda Hatch to combine items 4a and 4b.

Vote: 7 - 0 PASSED - Unanimously

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Dean Echols to approve Employment Agreement for Town Manager as amended with Robert Smith in the amount of \$125,229 salary plus benefits as indicated, for a three-year term starting August 2, 2012.

Vote: 7 - 0 PASSED - Unanimously

7) ACTION ITEMS

- a) PUBLIC HEARING and consideration and possible action to approve Resolution No. 12-994 adopting a Final Budget for fiscal year 2012-2013, and proposed expenditure limitation for the same year, in the amount of \$15,248,485, which includes the statements and estimates of expenses of the Chino Valley Street Lighting Improvement Districts. (Robert Smith, Interim Town Manager)

PUBLIC HEARING and consideration and possible action to approve Resolution No. 12-995 adopting the statements and estimates of expenses of the Chino Valley Street Lighting Improvement Districts, which shall constitute the budgets of the Districts for fiscal year 2012-2013, pursuant to sections 48-616 and 42-17101 et seq., Arizona Revised Statutes, as amended. (Robert Smith, Interim Town Manager)

Acronyms used in this item:

- FY (Fiscal Year)
- GF (General Fund)
- HURF (Highway User Revenue Fund)
- LTAF (Local Transportation Assistance Fund)
- SLID (Street Lighting Improvement District)

Budget Consultant Pat Walker reported that this was the official public hearing and final step in the budget process. Key points in the FY 2012-2013 budget were:

- Total budget: \$15,248,485.
- Largest portion of total revenues: local taxes and intergovernmental revenues.
- Largest portion of total expenses: capital improvement and general government, which included most of the departments and administrative areas.
- GF total: \$6,886,109, a 6.24% increase from the prior year.
- Largest portion of GF revenues: taxes, intergovernmental revenues, and fund balance.
- GF expenses: These included the personnel market study, personnel cost savings offset, and transfers in of \$382,000 in contingency and reserves, which was originally estimated at \$700,000 six months ago.
- Special Revenue funds: These included HURF, grants, Court special funds, and fund balances. There was less than \$100,000 in street improvement funds and a lot of grant categories, which might or might not come to fruition.
- Capital Project funds: These included Impact Fee funds and Capital Improvement funds from the 1% tax coming in and going back out to various other funds.
- Enterprise (water and sewer) funds: These should be cost-of-service self-supporting; however, revenues were not supporting the expenditures going out, so the budget was using transfers in and carryforward, and there was still a loan to repay. There was a potential deficit in the water budget by FY 2016 and debt service increases and potential deficit in the sewer fund by FY 2014.
- SLID total: \$3,958, which was included in the final budget. If Council elected to postpone adopting the final budget, it would need to hold a separate public hearing and adopt the SLID Resolution No. 12-995 at this meeting in order to meet the statutory and county deadlines for adopting the SLID levy.
- Next Steps: adopt the budget resolution tonight; adopt the SLID levy resolution on July 10; and work toward becoming self sustaining.

Interim Town Manager Robert Smith added that staffing levels had gone from 125 to the 80s, and Ms. Walker's executive summary and the final budget will be placed on the Town's website.

Council asked if the carryforward included LTAF funds. Ms. Walker stated that LTAF funds were in the Grants fund.

Council also noted that out of every \$100 in the budget, \$16 was now coming from savings. This was due to the economic downturn and the Town losing 12% of its population between 2000 and 2010. As the Town's financial condition was going to get worse in the

next few years, Council was seeking help from the community and would hold a retreat in the near future to discuss the matter.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Linda Hatch to open the public hearing.

Vote: 7 - 0 PASSED - Unanimously

No one from the public spoke.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Linda Hatch to close the public hearing.

Vote: 7 - 0 PASSED - Unanimously

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Darryl Croft to approve Resolution No. 12-994 adopting a Final Budget for fiscal year 2012-2013, and proposed expenditure limitation for the same year, in the amount of \$15,248,485, including the statements and estimates of expenses of the Chino Valley Street Lighting Improvement Districts.

Vote: 7 - 0 PASSED - Unanimously

- b) Consideration and possible action to award the Community Development Block Grant Project to CLM Earthmovers in an amount not to exceed \$207,323.44 for the Base Bid and \$94,964.60 for the Alternative Bid for the Box Culvert at Center Street for a total contract amount of \$302,288.04; and authorize the Mayor to sign the associated contract. Funds to come from CDBG Grants Fund capital expenditures construction costs line. (Ron Grittmann, Town Engineer)

Acronyms used in this item:

CDBG (Community Development Block Grant)

NACOG (Northern Arizona Council of Governments)

Mr. Grittmann reported that:

- In 2009-2010, the Town was awarded a CDBG grant for drainage improvements in the region of Chino Meadows Unit Five at Center Street.
- The award for the \$398,000 CDBG grant included engineering, environmental, and construction. CivilTec Engineering provided design services for \$55,000; NACOG was contracted for \$6,000 to perform the necessary environmental work; and the remaining funds were for construction.
- This project will include construction of a detention basin, underground stormwater piping under Lazy Loop Lane, and a box culvert at Center Street between Railroad Road and Cottonwood Lane. These improvements will resolve significant flooding and secondary access issues within the Chino Meadows Unit Five area.
- At a public meeting, both property owners on either side of the culvert attended, expressed support, and provided good input.
- The 10 bids received were opened on June 14, and ranged from \$302,000 to near \$500,000. The base bid was for installing ductile iron pipe (DIP), alternative 1 was for using plastic high density polyethylene pipe (HDPE), and alternative 2 was for the box culvert at Center Street. As DIP offered better longevity and durability over

HDPE, staff recommended awarding the base bid with alternative bid 2.

- After checking CLM Earthmover's background, staff determined that they met the lowest responsible bidder requirements and recommended awarding the project to them in the amount of \$302,288.04.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Linda Hatch to award the Community Development Block Grant Project to CLM Earthmovers in an amount not to exceed \$207,323.44 for the Base Bid and \$94,964.60 for the Alternative Bid for the Box Culvert at Center Street for a total contract amount of \$302,288.04; and authorize the Mayor to sign the associated contract.

Vote: 7 - 0 PASSED - Unanimously

- c) Consideration and possible action to appoint a representative to the NACOG Economic Development Committee (EDC). (Councilmember Hatch; Mayor Marley)

Acronyms used in this item:

EDC (Economic Development Committee)

NACOG (Northern Arizona Council of Governments)

Councilmember Hatch reported that:

- The Town was a member on NACOG's Regional Council, its governing board; and the Town's representative was to be the mayor or a designee. In 2011, Council appointed her to represent the Town on NACOG's Council and its EDC. The EDC was composed of elected officials, public managers, private sector business owners, and economic development organizations' representatives.
- Although she had been attending the EDC meetings as the Town's representative, it was not as a voting member, as the Town had not held a position on it since 2005.
- In June, she learned that there was an opening on the EDC for Yavapai County and was told that Chino Valley could ask to have that seat.
- As both she and Interim Town Manager Robert Smith were interested in serving on the EDC, she was requesting that Council discuss the appointment.

Mr. Smith stated that he supported Councilmember Hatch's appointment to the position.

Mayor Marley asked Councilmember Hatch to keep Council apprised. Councilmember Hatch stated that she would provide Council with Regional Council and EDC agendas and minutes.

MOVED by Councilmember Darryl Croft, seconded by Councilmember Lon Turner to recommend that Councilmember Hatch be the Town's designated member and the alternative be the Town Manager.

Vote: 7 - 0 PASSED - Unanimously

- d) Consideration and possible action to approve the May 17, 2012 Study Session minutes. (Absent: Councilmembers Echols and Turner) (Jami Lewis, Town Clerk)

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Linda Hatch to approve the May 17, 2012 Study Session minutes. Councilmembers Echols and Turner abstained.

Vote: 5 - 0 PASSED - Unanimously

8) EXECUTIVE SESSION

Council held no executive sessions.

9) ADJOURNMENT

Chris Marley, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Chino Valley, Arizona held on the ____ day of _____, 2012. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____, 2012.

Jami C. Lewis, Town Clerk

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **6. b.**

Meeting Date: 09/11/2012
Contact Person/Dept: Jami Lewis, Town Clerk
Phone: 928-636-2646 x-1208
Item Type: Consent

AGENDA ITEM TITLE:

Consideration and possible action to approve the July 10, 2012 regular meeting minutes. (Jami Lewis, Town Clerk)

RECOMMENDED ACTION:

Approve the July 10, 2012 regular meeting minutes.

Attachments

July 10, 2012 minutes

DRAFT

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

**Tuesday, July 10, 2012
6:00 P.M.**

The Town Council of the Town of Chino Valley, Arizona, met for a Regular Meeting in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on Tuesday, July 10, 2012.

Present: Mayor Chris Marley; Vice-Mayor Carl Tenney; Councilmember Mike Best; Councilmember Darryl Croft; Councilmember Dean Echols; Councilmember Linda Hatch; Councilmember Lon Turner

Staff Present: Interim Town Manager Robert Smith; General Services Director Cecilia Watts; Town Attorney Tom Kack; Police Commander Mark Garcia; Town Engineer/Public Works Director Ron Gritman; Town Clerk Assistant Liz Hart; Town Clerk Jami Lewis (recorder)

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

Mayor Marley called the meeting to order at 6:02 p.m.

Vice-Mayor Tenney gave the invocation and Mayor Marley led the Pledge of Allegiance.

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

- a)** Proclamation declaring the years of 2012-2015 the "Bicentennial Years of the War of 1812," sponsored by the Arizona State Society of United States Daughters of 1812. (Mayor Marley)

Mayor Marley read the proclamation.

- b)** Presentation by Mary Mallory, Prescott Valley Council Member, regarding the 9/11 Ceremony Healing Field of Northern Arizona. (Mayor Marley)

Ms. Mallory showed a video about the 9/11 Healing Field program and spoke about Prescott Valley sponsoring a Healing Field, for which the goal was to place 3,000 American flags in a certain location every year to commemorate 9/11 and Patriot Day. She invited the Town and public to participate in the event, volunteer for set up, and/or sponsor a flag.

- c)** Annual Report by Ab Jackson, CEO, Chino Valley Area Chamber of Commerce. (Mayor & Council)

- Ab Jackson, CEO, Chino Valley Area Chamber of Commerce, presented the Chamber's End-of-Year Report. Key components included:
- Acknowledgements of outgoing and incoming members of the Chamber's Board of Directors; Chamber staff, volunteers, and greeters; and 2011 Business of the Year, Drake Cement.
- Introduction of Chamber brand "PANE:" Promote, Advocate, Network, Economy.
- Promotion of community through Talk of the Town, ribbon cuttings, reports from Town entities, high school scholarships, Citizens Academy, and Casino Night event.
- Networking opportunities through luncheons, Business of the Month program, mixers, and membership.
- Contract with the Town for visitor center, destination marketing, business retention, and preventing business leakage.
- Publications and events for destination marketing, business retention, and business leakage, including Health and Business Expo, SpringFest, Pumpkin Festival, and Hometown Christmas.
- Chamber participation in Greater Prescott Regional Economic Partnership, Prescott Area Leadership, Central Arizona Partners, and Yavapai County Education Foundation; membership in Prescott Valley Economic Development Foundation and Northern Arizona Council of Governments sector strategies; and civic involvement in Rotary and Lions Clubs.

3) CALL TO THE PUBLIC

Kathryn Young, resident, spoke about the Town's noise ordinance, and she and many other citizens wanting the Town to take stronger enforcement measures, especially with regard to boom boxes.

4) RESPONSE TO THE PUBLIC

Mayor Marley related that there was nothing to report.

5) CURRENT EVENT SUMMARIES AND REPORTS

Councilmember Best reported that the Council Public Safety Committee held a public discussion regarding revisions to the Town's animal control ordinance, with several persons representing various canine organizations participating. The Committee will hold another meeting to go over the revisions discussed.

- a)** Report regarding vacancies on several of the Town's boards and committees. (Jami Lewis, Town Clerk)

Mrs. Lewis reported that the Council Appointments Committee had asked her and public body staff liaisons to speak about public body vacancies at a public meeting to hopefully generate more interest. She spoke about the purpose of and requirements for applying for positions on the Board of Adjustment, Municipal Property Corporation, Roads and Street Committee, and Senior Center Advisory Board; and General Services Director Cecilia Watts spoke specifically about the Parks and Recreation Advisory Board.

- b) Report regarding a candidates forum for District #4 Yavapai County Supervisor, to be moderated by the League of Women Voters. (Jami Lewis, Town Clerk)

Mrs. Lewis reported on a candidate's forum for District #4 County Supervisor to be held on July 30 and moderated by the League of Women Voters.

Council asked staff to look into televising the forum.

Craig Brown, candidate for Supervisor, asked when he would be informed of this. Ms. Lewis stated that the League was to send out invitations very soon.

- c) Report by Mayor Chris Marley regarding the formation of an Ad Hoc Revenue Options Committee. (Mayor Marley)

Mayor Marley reported that, as he and Council had received a lot of input from the public regarding the Town's budget challenges, he intended to propose at the next meeting that Council approve the formation of an ad hoc committee, consisting of Town business persons, to help the Town identify various revenue options other than sales or property taxes.

6) **CONSENT AGENDA**

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Darryl Croft to accept Consent Agenda items 6a, 6b and 6c.

Vote: 7 - 0 PASSED - Unanimously

- a) Consideration and possible action to approve Resolution No. 12-996 ordering that an ad valorem tax be fixed, levied and assessed on the assessed value of all real and personal property within the boundaries of the Chino Valley Street Lighting Improvement Districts in amounts specified in the approved Statements and Estimates for fiscal year 2012-2013 for the Town of Chino Valley Street Lighting Improvement Districts. (Robert Smith, Interim Town Manager)
- b) Consideration and possible action to approve annual Intergovernmental Agreement (IGA) between the Town of Chino Valley and Yavapai County for emergency management services; and authorize payment of the annual dues of \$4,651.00. Funds to come from non-departmental fund line item for Yavapai County Emergency Management IGA for Fiscal Year 2012/2013. (Chuck Wynn, Interim Police Chief)
- c) Consideration and possible action to adopt Resolution No. 12-997, formally adopting a local Public Safety Retirement Board. (Cecilia Watts, General Services Director)

7) **ACTION ITEMS**

- a) Presentation by Robin Sobatta, PhD, Chairman of the Department of Business, Embry-Riddle University, and consideration and possible action to approve a Letter of Support regarding the Northern Arizona Unmanned Aircraft System (UAS) activities in support of the State of Arizona UAS Initiative. (Mayor Marley)

Robin Sobotta, Ph.D., Commissioner, Arizona Aerospace and Defense Commission and Chair, Department of Business, Embry-Riddle Aeronautical University (“ERAU”), introduced Dr. Frank Ayres, Executive Vice-President, ERAU, and presented information about Northern Arizona’s response to the State’s Request For Information with regard to Arizona’s Test and Training Center Solicitation for Arizona Unmanned Aircraft Systems (“UAS”) test ranges. Key points were:

- The FAA Modernization and Reform Act of 2012 required full integration of UAS ‘drones’ into national airspace by 2015, with a comprehensive integration plan to include six UAS test sites to be identified by December.
- Congress intended for these aircraft to be used; however, in light of public concerns about safety and privacy, the FAA created an Industry Code of Conduct. ERAU acknowledged the importance of security.
- The FAA had issued requests for and received public comments, and was to issue their RFP in July. Congress will establish a program for six UAS test sites, which were to be selected in December and operational in 2013.
- The State of Arizona had determined to complete for a test site location. Its UAS vision was to have main training spokes in the center of the state with outer nodes, with the Town being in the northern node.
- UAS testing in Arizona was not new, having been done for over a decade in Fort Huachuca.
- Supporting stakeholders included ERAU, Northern Arizona University, City of Prescott and Prescott Municipal Airport, Kingman Airport Authority, FAA Prescott, Army Reserve Officer Training Corps, Air Force Reserve Officer Training Corps, Casa de Aero Remote Control Modelers Association, Chino Valley Model Aviators, Yavapai Community College, Town of Chino Valley, and Congressman Paul Gosar.
- Northern node goals were to help facilitate safe and efficient integration of UAS by 2015; seek to gain safe and convenient access to limited physical UAS airspace for student and industry education, testing, and training; seek to increase Arizona academic involvement to better compete for available funding; seek to reasonably increase airport and aviation economic development activity; generate small stream of new funding for minor facility maintenance, and promote additional educational training and research opportunities.
- Flights would be done at ERAU, Chino Valley Model Aviator’s (“Club”) facility at Old Home Manor, and Prescott Municipal Airport, including a one-half mile-wide corridor between the Prescott Airport and the Club’s site following Granite Creek Wash. There would be one to two operations per day for 2.8 miles total, no more than 400 feet line of sight over the top of Perkinsville Road, and no flights over parks, populated areas, or occupied structures. ERAU would serve as range manager, and the Club would need to produce evidence of \$1 million liability with the Town named as additional insured. ERAU would post flight schedules for the public.

Council asked about this fitting into ERAU’s curriculum, the Club’s insurance issues being addressed separately with Council, ERAU needing a facility at Old Home Manor, future expansion, and infrared filming. Dr. Sobotta related that:

- ERAU had an unmanned systems minor, and recently two students placed eighth in the nation in unmanned systems target recognition. The subject could also be included in courses related to global security, safety data, safety science, business and technology commercialization, and engineering. They believed this would bring an economic benefit and give students internship opportunities. ERAU could have gone through this process without community input, but they wanted to be good neighbors.
- Insurance issues with the Club would be addressed separately with the Council.

- They could use the corridor, or truck the drones to OHM, and they would coordinate all that with the Club. They were also interested in collaboration with Yavapai Community College and Northern Arizona University.
- They only intended to fly the small drones. If any changes were made, or expansions considered, they would come back to Council.
- Infrared filming was not permitted by the FAA and the proposed activities were only for training and testing.

Public members asked about safety in case of a crash and alerting the Chino Valley Fire District; the corridor including the Club's land; and if ERAU had conversed with Yavapai County regarding Granite Creek Wash, specifically with regard to privacy matters. Dr. Sobotta stated that:

- The potential for fire was reduced since the drones were electric, but a safety committee was making plans, and they would inspect the area for fire indication. They also intended to post a schedule of every operation, which they could make available to the Fire District.
- ERAU could not use the Club's land without the Club's permission and the FAA's authority.
- Yavapai County was aware of the proposal and was holding off on collaboration until after the upcoming election, although they may not yet be aware of the corridor concept.

Public comment:

Craig Brown told Council that he believed this would be good for the Club and Town of Chino Valley.

Jay Riddle, President, Chino Valley Model Aviators, stated that they had concerns about risk, as their insurance might not cover this activity. While they supported this effort, the Club and ERAU needed to review more details.

Ab Jackson, CEO, Chino Valley Area Chamber of Commerce, hoped that ERAU would support the Chamber and enter into a partnership. Dr. Ayres stated that he could commit to supporting the Chamber right now, as they wanted the area to be a leader in this program and see a greater economic impact to the Town.

Rick Nichols, Secretary/Treasurer, Chino Valley Model Aviators, stated that there was a lot to work out, such as frequency uses, participation by members of applicable organizations, and runway condition. As they had aided ERAU students over the years, they would appreciate seeing some return on their investment.

Council discussion: While Council was generally supportive, they expressed some concern about liability to the Town and possible conflicts with the Club's land that they leased from the Town; and needing to be very careful while working out the details between the Town, the Club, and ERAU. They also noted that right now, only ERAU would use the corridor, but they could permit another entity to use it if said entity produced the appropriate liability.

Dr. Sobotta stated that there was a similar liability situation with a test range in New Mexico, so procedures and requirements were developed for all users. Yuma Proving Ground was instrumental in assisting with that and their insurer recommended \$1 million coverage.

Mayor Marley read a draft letter of support and Council suggested the following changes:

- Paragraph 1: After “strongly support” insert “the concept proposed in...”
- Paragraph 2: No changes.
- Paragraph 3: Add “solely to that of safe, lawful and ethical...”
- Paragraph 4: After club usage insert “and as approved by the club...” Also, add “regularly” before “occupied structures.”
- Paragraph 5: No changes.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Linda Hatch to accept paragraph 1 as amended.

Vote: 7 - 0 PASSED - Unanimously

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Darryl Croft to accept paragraph 2 as presented.

Vote: 7 - 0 PASSED - Unanimously

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Linda Hatch to accept paragraph 3 as amended.

Vote: 7 - 0 PASSED - Unanimously

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Linda Hatch to approve para 4 as amended.

Vote: 7 - 0 PASSED - Unanimously

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Dean Echols to accept paragraph 5 as presented.

Vote: 7 - 0 PASSED - Unanimously

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Darryl Croft to approve the letter of support regarding the Northern Arizona Unmanned Aircraft System (UAS) activities in support of the State of Arizona UAS Initiative, and have the mayor sign the letter.

Vote: 7 - 0 PASSED - Unanimously

- b)** Presentation and discussion regarding the Town's March 2013 election and the Alternative Expenditure Limitation (Home Rule Option) ballot measure. (Jami Lewis, Town Clerk)

Mrs. Lewis presented an overview of the Alternative Expenditure Limitation (Home Rule Option), the Town's Home Rule election history, the 2013 Home Rule election timeline, and possible educational outreach methods.

Council suggested contacting Ab Jackson to add his Talk of the Town radio show to the educational outreach plan.

- c)** Discussion and possible action regarding an amendment to the membership of the Roads and Streets Committee. (Council Appointments Committee)

Councilmember Hatch reported that at a recent Appointments Committee meeting, Vice-Mayor Tenney suggested that Council consider reducing the number of members on the Roads and Street Committee from nine to seven, as it was proving difficult to fill the seats. Councilmember Croft advised that the Committee's by-laws would need to be revised.

Councilmembers suggested:

- Reducing the number of professionals from five to "up to three."
- Amending the number of Councilmembers on the Committee from three to "up to three."
- That staff bring back revised by-laws and keep recruiting members.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Darryl Croft to amend the bylaws of the Roads and Street Committee to provide for a total of seven members, up to three councilmembers, and up to three with engineering backgrounds.

Vote: 7 - 0 PASSED - Unanimously

- d) Consideration and possible action to approve the May 22, 2012 Regular Meeting minutes. (Absent: Councilmember Turner) (Jami Lewis, Town Clerk)

Councilmember Hatch requested an amendment to item 7a under public comment, separating statements made by herself and the interim town manager.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Linda Hatch to approve the May 22, 2012 Regular Meeting minutes as amended. Councilmember Turner abstained.

Vote: 7 - 0 PASSED - Unanimously

8) EXECUTIVE SESSION

Council held no executive sessions.

9) ADJOURNMENT

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Linda Hatch to adjourn the meeting at 8:22 p.m.

Vote: 7 - 0 PASSED - Unanimously

ATTEST:

Chris Marley, Mayor

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 10th day of July, 2012. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 11th day of September, 2012.

Jami C. Lewis, Town Clerk

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **6. c.**

Meeting Date: 09/11/2012
Contact Person/Dept: Jami Lewis, Town Clerk
Phone: 928-636-2646 x-1208
Item Type: Consent

AGENDA ITEM TITLE:

Consideration and possible action to approve the July 24, 2012 regular meeting minutes. (Jami Lewis, Town Clerk)

RECOMMENDED ACTION:

Approve the July 24, 2012 regular meeting minutes.

Attachments

July 24, 2012 minutes

DRAFT

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

**Tuesday, July 24, 2012
6:00 P.M.**

The Town Council of the Town of Chino Valley, Arizona, met for a Regular Meeting in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on Tuesday, July 24, 2012.

Present: Mayor Chris Marley; Vice-Mayor Carl Tenney; Councilmember Mike Best; Councilmember Darryl Croft; Councilmember Dean Echols; Councilmember Linda Hatch; Councilmember Lon Turner

Staff Present: Interim Town Manager Robert Smith; Town Attorney Tom Kack; Finance Director Joe Duffy; Police Commander Mark Garcia; Civil Engineer Richard Straub; Town Clerk Assistant Liz Hart; Town Clerk Jami Lewis (recorder)

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

Mayor Marley called the meeting to order at 6:02 p.m.

Councilmember Lon Turner attended by conference phone.

Councilmember Croft gave the invocation and Mayor Marley led the Pledge of Allegiance.

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

- a)** Introduction of the Town's new Finance Director, Joe Duffy. (Robert Smith, Interim Town Manager)

Mr. Smith introduced Mr. Duffy, the Town's new Finance Director, who was most recently from the Town of Williams and started with the Town on July 23.

- b)** Recognition of the Chino Valley Foundation for Seniors for their years of service from 2009-2012. (Mayor Marley; Vice-Mayor Tenney)

Mayor Marley recognized the Chino Valley Foundation for Seniors for their service over the past three years. Harvey Jones, representing the Foundation, acknowledged the Town staff, restaurateurs, and organizations that supported the Friday senior lunch program, which served over 6,000 lunches from November 2009 to June 2012.

- c)** Presentation of appreciation plaque to the Town of Chino Valley from MATForce. (Mayor Marley)

Mayor Marley presented a plaque to the Town from MATForce, acknowledging the Town for its contributions and support of the MATForce program.

3) CALL TO THE PUBLIC

No one from the public spoke.

4) RESPONSE TO THE PUBLIC

Mayor Marley reported that at the previous meeting, Kathryn Young spoke about enforcement of the Town's noise Ordinance. To the best of his understanding, this matter was still before Council's Public Safety Committee. Councilmember Best, the Committee Chair, reported that Ms. Young had filed two complaints since 2010. One was brought before the magistrate and nothing was done on the other one. He suggested that she file another complaint.

5) CURRENT EVENT SUMMARIES AND REPORTS

Councilmember Hatch reported that she was seeking another Councilmember to co-sponsor an item for an upcoming agenda with regard to a potential open meeting law ("OML") violation that occurred with a past agenda item in which Embry-Riddle University was soliciting Council for a letter of support for an unmanned aircraft proposal. Before the item came on the Council agenda, she contacted the State Ombudsmen's Office regarding the issue, and as a result, Council avoided an OML violation and the Ombudsmen recommended that Council obtain guidance from the town attorney. Afterward, she learned that the town manager intended to have staff present some OML training at the Council's upcoming retreat, and, as she desired to have as much protection as possible in case of a lawsuit, she preferred that Council follow the Ombudsmen's suggestion and have the attorney present or invite the Ombudsman to give the presentation. As the Council Rules of Procedure required two Councilmembers to place an item on the agenda, she requested that another Councilmember co-sponsor an item to have the attorney or ombudsman at that meeting.

Mayor Marley added that as Chair of the Council, he believed this venue could be used for any Councilmember to address Council or the public on matters such as these.

Interim Town Manager Robert Smith introduced Stephn Whisenhunt, who was assisting the Town with grant funding matters. Mr. Whisenhunt reported that he had sent out several letters of inquiry over the past couple months with regard to grant funding opportunities for parks and recreation, pool, skate park, Police, Library, and Senior Center. Also, a new senior foundation was being started for the Senior Center; he had met with the School Superintendent regarding an AZ Family grant; and he was reviewing a federal grant for rural communities pertaining to sustaining economic impacts. He invited the public to contact him for suggestions and priorities.

Mayor Marley reported on some upcoming meetings and events: District 4 County Supervisor candidate forum on July 30; Council and Planning and Zoning Commission joint study session regarding the General Plan update and land use assumptions on August 2; and Council strategic financial planning retreat on August 6.

Mayor Marley then gave the Mayor's Monthly Report: As the citizens were becoming aware of the Town's financial challenges and Council's discussions with regard to sales tax and/or property tax revenues, he had received a request for a profile of the surrounding area. He reported that the Town's total sales tax of 10.35% was the same as Clarkdale, Cottonwood, and Sedona, while Jerome was higher at 10.85%; and Clarkdale, Jerome, and Wickenburg had a primary property tax, while Prescott had both primary and secondary property taxes. As the Town needed to research all available options, he would be proposing to establish a Mayor's Ad Hoc Revenue Options Committee at the next meeting, to be composed of local business owners and Town staff, to research possible revenue streams that would not involve tax increases.

6) **CONSENT AGENDA**

Council Set down item 6b.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Linda Hatch to approve Consent Agenda item 6a.

Vote: 7 - 0 PASSED - Unanimously

- a) Consideration and possible action to approve Resolution No. 12-998, amending Resolution No. 11-976, relating to the Chino Valley Roads and Streets Committee by amending Section 3 "Membership," Section 4 "Quorum," Section 5 "Meetings of the Committee," Section 8 "Meeting Agenda," and Section 9 "Standing Rules." (Mayor and Council)
- b) Consideration and possible action to approve the First Amendment to the Professional Services Agreement dated April 10, 2012 between the Town of Chino Valley and Mr. Bernie Wiegandt for finance and accounting services, in an amount not to exceed \$10,000. Funds to come from salary savings from other positions with regard to attrition that occur throughout the fiscal year. (Cecilia Watts, General Services Director)

Councilmember Turner clarified that under the Situation and Analysis portion in the staff report, the word "termination" in reference to the former finance director should be "resignation."

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Darryl Croft to approve the First Amendment to the Professional Services Agreement dated April 10, 2012 between the Town of Chino Valley and Mr. Bernie Wiegandt for finance and accounting services, in an amount not to exceed \$10,000.

Vote: 7 - 0 PASSED - Unanimously

7) **ACTION ITEMS**

- a)
 - (i) Public Hearing regarding application from Alma Vera for a new Series 12 (Restaurant) Liquor License for Martina's Mexican Restaurant, located at 378 N. Highway 89, Chino Valley.
 - (ii) Consideration and possible action to recommend approval for a new Series 12 (Restaurant) Liquor License application for Martina's Mexican Restaurant. (Jami Lewis, Town Clerk)

Mrs. Lewis reported that Alma Vera had applied with the State for a new Series 12 (Restaurant) Liquor License for Martina's Mexican Restaurant. The Police and Planning Departments reviewed the application and recommended approval with no comments. Staff posted the establishment with the necessary notices to meet the required 20-day period from June 27, 2012 through July 24, 2012. Staff received no written arguments in favor of or in opposition to the application.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Linda Hatch to open the Public Hearing.

Vote: 7 - 0 PASSED - Unanimously

No one from the public spoke.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Linda Hatch to close the Public Hearing.

Vote: 7 - 0 PASSED - Unanimously

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Linda Hatch to recommend approval for a new Series 12 Liquor License for Martina's Mexican Restaurant.

Vote: 7 - 0 PASSED - Unanimously

- b) Consideration and possible action to approve Agreement for Contracted Services with the Chino Valley Area Chamber of Commerce, starting July 1, 2012 and ending June 30, 2013, in the amount of \$38,000, for promotion, development, and enhancement of tourism and economic development and to render specific professional and technical services. Funds to come from outside agency funding line in the General Fund Non-Departmental account. (Robert Smith, Interim Town Manager)

Mr. Smith reported that the Town historically partnered with the local Chamber of Commerce by providing funding for certain economic development and other related activities. He and Ab Jackson, Chamber CEO, drafted an agreement based on last year's agreement with some additional enhancements that focused on how the Chamber could assist business development; identify the materials, processes and practices to employ that; and set forth the provisions for funding for fiscal year 2012-2013.

Vice-Mayor Tenney added that the main points of the agreement were that the Chamber would maintain a visitor center, distribute materials, assist the Town with developing mixed retail business, refer economic development opportunities to the town manager's office, assist with small business development, develop marketing and tourism, support a community calendar on its website, and grant the Town regular membership in the Chamber. The Town will pay the Chamber in one lump sum for the entire year.

Councilmember Hatch also clarified that along with this agreement, the Town would be free to have other contracts with other organizations for economic development.

Council asked about the agreement end date being consistent with last year's contract, and possible double spending between the Town's current platinum membership and a new general membership.

Town Attorney Tom Kack stated that the dates were consistent.

Mr. Jackson explained that the Town had a platinum sponsorship, not a platinum membership, for which the funds were used for different things.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Dean Echols to approve Agreement for Contracted Services with the Chino Valley Area Chamber of Commerce, starting July 1, 2012 and ending June 30, 2013, in the amount of \$38,000.

Vote: 7 - 0 PASSED - Unanimously

- c) Consideration and possible action to award bid and approve construction contract for the Road 2 North Roadway Widening at the Santa Cruz Wash to N.L. Booth Construction in an amount not to exceed \$566,087.56. Funds in the amount of \$370,000.00 will come from the Roads Impact Fee Fund, with the remaining \$196,087.56 to be transferred from Misc. Capital Projects in the Capital Improvement Fund to the Roads Impact Fee Fund, Roads Impact Fees Project line. (Ron Grittman, Town Engineer)

Mr. Grittman (written report) and Civil Engineer Richard Straub (oral presentation) reported that:

- Road 2 North at the Santa Cruz Wash flooded regularly during heavy monsoon rains.
- On February 11, 2010, Council approved a professional services agreement for design of roadway widening improvements for Road 2 North at the Santa Cruz Wash, including a right turn lane to the existing two travel lanes of Road 2 North at the Santa Cruz Wash.
- The subject contract would result in replacing a 10-year storm culvert with a 100-year storm 10-barrel box culvert.
- Staff received five bids, which were opened on July 14, 2012. The bids ranged from \$566,088 to \$669,404, with N.L. Booth ("Booth") as the apparent low bidder.
- Subsequently, Asphalt Paving and Supply ("APS") submitted a protest that questioned award of this project to "Booth," as APS questioned Booth's ability to complete 51% of the work as clarified in the pre-bid meeting and their overall qualifications based on project history. Staff investigated Booth's background and determined that the protest was without merit, as Booth provided documentation that they would perform 58% of the project and they demonstrated that they had constructed other box culverts. Thus, staff recommended that the contract be awarded to Booth.
- Water lines in the construction area had been relocated, and a detour will be necessary through most of the project, which was scheduled for completion by November 1. Town staff will supervise the project and will inform the public about the detour on the Town's website and through news releases.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Darryl Croft to award bid and approve the bid award of the construction contract for the Road 2 North Roadway Widening at the Santa Cruz Wash to N.L. Booth Construction in an amount not to exceed \$566,087.56.

Vote: 7 - 0 PASSED - Unanimously

- d) Consideration and possible action to approve and authorize the Mayor to sign the Agreement for Right of Entry and Construction Easement between the Town of Chino Valley, Town of Prescott Valley, City of Prescott, Yavapai County, Yavapai-Prescott Indian Tribe and the Upper Verde River Watershed Protection Coalition for the construction of a pilot project to develop rainfall source water capture, aquifer recharge, and harvesting techniques. (Ron Grittmann, Town Engineer)

Mr. Grittmann (written report) and Civil Engineer Richard Straub (oral presentation) reported that:

- Over the past several years, the Town had been working as a partner with the Upper Verde River Watershed Protection Coalition to examine the effectiveness of rainwater harvesting techniques to increase the region's permanent water supply.
- Approximately four years ago, a pilot project was funded through a Bureau of Reclamation grant, but due to federal budget concerns, the project was cut. However, due to the interest in this type of project, the State of Arizona will now fund it. There were several pilot programs throughout Central Yavapai County, and this one was identified as a good candidate due to its proximity to Granite Creek.
- The project proposed to construct five detention basins that will each be treated with various surface treatments and monitored to measure the amount of additional discharge from stormwater events. The basins will be constructed immediately east of the existing wastewater treatment plant recharge basins on Old Home Manor property.

Vice-Mayor Tenney added that this was a tremendously important project, as just increasing the current recharge by one percent represented 20,000 acre-feet of water. The group was also working on watershed management by improving the forest and using the trees removed for biomass energy at Drake Cement.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Darryl Croft to approve and authorize the Mayor to sign the Agreement for Right of Entry and Construction Easement between the Town of Chino Valley, Town of Prescott Valley, City of Prescott, Yavapai County, Yavapai-Prescott Indian Tribe and the Upper Verde River Watershed Protection Coalition for the construction of a pilot project to develop rainfall source water capture, aquifer recharge, and harvesting techniques.

Vote: 7 - 0 PASSED - Unanimously

- e) Consideration and possible action to ratify expenditure in the amount of \$100 for rental of Chino Valley High School cafeteria for the County Supervisor District 4 candidates forum to be held on July 30, 2012 and authorize staff to expend up to \$300 to videotape the forum. Funds to come from the Mayor and Council public relations line. (Mayor Marley; Vice-Mayor Tenney)

Vice-Mayor Tenney reported that:

- During a previous Council meeting, Council asked staff to contact the League of Women Voters about moderating a forum for District 4 County Supervisor candidates in order to give the Town's citizens and citizens in outlying areas an opportunity to interact with the candidates.
- Staff needed to incur the \$100 rental expense before Council could approve it in order to reserve the high school cafeteria, and Council later asked about videotaping the event. Staff contacted the Town's former video technician, who now charged \$50 per hour, and the League anticipated that the forum will take about 2.5 hours.

- He believed it was important to have a forum in the Town, and as such, this was an appropriate use of the Town's money.

Councilmember Hatch stated that in her dealings with the League of Women Voters, they were a very fair organization and moderated such events well.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Linda Hatch to ratify expenditure in the amount of \$100 for rental of Chino Valley High School cafeteria for the County Supervisor District 4 candidates forum to be held on July 30, 2012 and authorize staff to expend up to \$300 to videotape the forum.

Vote: 7 - 0 PASSED - Unanimously

- f) Discussion and possible recommendation to the Mayor regarding the 2013 Proposed Resolutions submitted for consideration by the League of Arizona Cities and Towns Resolutions Committee on August 28, 2012. (Mayor Marley)

Mayor Marley reported that:

- Each year, the League asked cities and towns to submit resolutions on issues of local concern to be reviewed by representatives from the cities and towns (League Resolutions Committee) at the Annual League Conference. Some of these resolutions were elected to go into the League's Municipal Policy Statement, which outlined its legislative priorities for the coming year.
- The League Resolutions Committee will meet on August 28, 2012, at which meeting, Mayor Marley will represent the Council. Councilmembers and Department Heads were invited to inform Mayor Marley of particular comments they have on any of the proposed resolutions and/or to offer insight about how these may positively or negatively affect the Town.

Councilmember Hatch highly recommended that Mayor Marley support the fireworks resolution and asked if resolutions labeled by the League as "significant municipal issue" were not to be recommended for inclusion in the Municipal Policy Statement. Mayor Marley stated that he was not sure and would look into it.

8) EXECUTIVE SESSION

Council held no executive sessions.

9) ADJOURNMENT

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Linda Hatch to adjourn the meeting at 6:51 p.m.

Vote: 7 - 0 PASSED - Unanimously

Chris Marley, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Chino Valley, Arizona held on the 24th day of July, 2012. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 11th day of September, 2012.

Jami C. Lewis, Town Clerk

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **6. d.**

Meeting Date: 09/11/2012
Contact Person/Dept: Jami Lewis, Town Clerk
 Phone: 928-636-2646 x-1208
Item Type: Action-Presentation
Estimated length of staff presentation: None
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to appoint Lillian Morales as an alternate to the Board of Adjustment should a vacancy occur in the near term, and appoint Anita DeMello to the Municipal Property Corporation to a three-year term starting July 1, 2012.

RECOMMENDED ACTION:

Appoint Lillian Morales as an alternate to the Board of Adjustment should a vacancy occur in the near term, and appoint Anita DeMello to the Municipal Property Corporation to a three-year term starting July 1, 2012.

SITUATION AND ANALYSIS:

At an Appointments Committee meeting on August 16, the Committee voted to have Council appoint an alternate member, Lillian Morales, to the Board of Adjustment, as they had reason to believe that it was about to lose another member. Also, in reviewing the applications, they directed staff to contact an applicant for the Senior Center Advisory Board, Anita DeMello, who appeared to have good qualifications for the MPC. Staff contacted Ms. Morales and Ms. DeMello, and both agreed to the proposal.

Fiscal Impact

Fiscal Impact?: No

If Yes, Budget Code:

Available:

Funding Source:

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **6. e.**

Meeting Date: 09/11/2012
Contact Person/Dept: Joe Duffy, Finance
 Phone: 928-636-2646 x-1211
Item Type: Consent
Estimated length of staff presentation: None
Physical location of item: N/A

AGENDA ITEM TITLE:

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 2012/2013.

RECOMMENDED ACTION:

Approve the Professional Services Agreement with Donald E. Zelechowski for Sales Tax Audit Services in the amount of \$10,000.

SITUATION AND ANALYSIS:

The Town of Chino Valley collects sales tax on retail and other sales within the community. The Arizona Department of Revenue (ADOR) manages the Town's Sales Tax Program. ADOR does not allocated its audit services to meet specific program communities needs. Therefore, it is necessary to contract for sales tax audit services. Don Zelechowski has provided contract sales tax audit services to the Town since 2000. His audit program consists of information projects, tax payment verification, and privilege tax audits. His programs focus is on educating the taxpayer and the tax law applicable to their business activities to increase compliance.

Fiscal Impact

Fiscal Impact?: Yes

If Yes, Budget Code: 01-95-5212

Available: \$10,000

Funding Source:

Funds to come from non-departmental professional services line.

Attachments

Professional Services Agreement

Exhibit A

PROFESSIONAL SERVICES AGREEMENT

This Agreement ("Agreement") is made effective as of July 1, 2012, by and between TOWN OF CHINO VALLEY, a municipal corporation of the State of Arizona ("Town") and Donald E. Zelechowski, Certified Public Accountant ("Consultant").

RECITALS

- A. The Town has need of certain services.
- B. Consultant has expertise in the Accounting and Auditing field.

AGREEMENT

NOW THEREFORE, the parties hereto, for good and adequate consideration, the receipt of which is hereby acknowledged, agree as follows:

1. The Consultant shall provide those services to the Town on an as needed basis, as more particularly identified in Exhibit A attached hereto and incorporated herein by reference.
2. In addition to those services identified in the attached Exhibit A, the Consultant shall also perform all subordinate tasks not specifically referenced in Exhibit A, but reasonably necessary to the full or effective performance of the tasks specifically referenced.
3. Consultant shall provide sufficient qualified personnel, upon reasonable notice to perform any and all services as required herein, including but not limited to inspections and preparation of reports, as reasonably requested by representatives of the Town. Consultant agrees and acknowledges that Consultant is solely responsible for the retention and payment of any subcontractors and/or material suppliers retained by Consultant pursuant to this Agreement, and that the payment for the foregoing is included within the total amount to be paid to the Consultant pursuant to Paragraph 6.
4. The term of this Agreement shall be from July 1, 2012 through June 30, 2013. All services identified in Paragraphs 1 and 2 above shall be completed to the satisfaction of the Town through June 30, 2013. Notwithstanding the foregoing, this Agreement may be terminated by the Town upon ten (10) days written notice, with or without cause. If this Agreement is terminated, the Consultant shall be paid for services performed to the date of Consultant's receipt of such termination notice.
5. It is expressly agreed and understood by and between the parties that Consultant is an independent contractor, and as such Consultant shall not become a Town employee, and is not entitled to payment or compensation from the Town or to any fringe benefits to which other Town employees are entitled. As an independent contractor, consultant further acknowledges that it is solely responsible for payment of any and all income taxes, FICA, withholding, unemployment insurance, or other taxes due and owing any governmental entity whatsoever as a result of this Agreement.

6. The Town shall pay to Consultant for the complete performance of all services specified in Exhibit A using the hourly rates set forth in Exhibit A. The rate shall be \$55.00 per hour. Payment to be made by the Town to the Consultant for the cost of providing services will be based on monthly invoices which will set forth the hourly rates and hours actually worked during the billing period. The Consultant will submit an invoice monthly to the Town for the services and cost of materials incurred for the billing period. The Town shall make payment to the Consultant of one hundred percent (100%) of the approved invoiced amount within thirty (30) days of the Town's receipt of the invoice. The Town shall provide written notice of its disapproval of all or any portion of an invoice, including the basis for disapproval, within thirty (30) days from receipt of the invoice. The Town's payment of an invoice and/or failure to dispute an invoice shall not be a waiver of the Town's right to later dispute the invoice, charges in the invoice or the work performed and referenced in the invoice. Payment of the total amount provided for under this Section 6 shall not relieve Consultant of its obligation to complete the performance of all those services specified in Sections 1, 2 and 3. Prior to the final payment to the Consultant, the Town shall deduct therefrom any and all unpaid privilege, license and other taxes, fees and any and all other unpaid monies due the Town from the Consultant, and shall apply to those monies to the appropriate account. Consultant shall provide to the Town any information necessary to determine the total amount due.

The total amount fees and expenses to be paid to Consultant in accordance with this Agreement shall not exceed \$ 10,000.00 Dollars.

7. All original and/or sealed drawings, specification, and other work product prepared by the Consultant in connection with the services performed under this Agreement (the "Project") are instruments of service for this Project only and shall remain the property of the Town whether the Project is completed or not. Consultant shall not be responsible for any damages resulting from unapproved modification of such work products by the Town or its agents or from their use for any purpose other than that for which they were intended and furnished. All plans, drawings, specifications, data maps, studies and other information, including all copies thereof furnished by the Town shall remain the property of the Town. They are not to be used on other work and, with the exception of this Agreement, are to be returned to the Town on request or at the completion of the services under this Agreement.

8. The Consultant hereby agrees to indemnify and hold harmless the Town, its departments and divisions, its employees and agents, for, from and against any and all claims, liabilities, expenses or lawsuits as a result of the Consultant's participation pursuant to this Agreement, whether said claims, liabilities, expenses or lawsuits arise by the acts or omissions of the undersigned or Consultant's agents. The Consultant further releases and discharges the Town, its departments and divisions, its agents and employees, and any and all persons legally responsible for the acts or omissions of the Town, from any and all claims which the Consultant has or may have against the Town, its agents or employees, arising out of or in any way connected with the Consultant's activities, other than those acts which occur due to the negligence of the Town, its employees or agents.

9. At Consultant's sole expense, the Consultant shall secure and maintain in effect during the term of, and until final acceptance of all work under this Agreement a policy or policies of insurance as follows:

(a) Comprehensive general liability insurance, with a minimum coverage of One Million Dollars (\$1,000,000) per occurrence and Two Million Dollars (\$2,000,000) aggregate for personal injury, bodily injury and accidental death; and One Million Dollars (\$1,000,000) per occurrence and aggregate for broad form property damage; with blanket contractual coverage, including, but not limited to, the liability assumed under the indemnification provisions of the Agreement.

(b) Commercial/Business Automobile Liability insurance with a minimum coverage for bodily injury and personal injury of One Million Dollars (\$1,000,000) per occurrence and Two Million Dollars (\$2,000,000) aggregate; and minimum coverage of One Hundred Thousand Dollars (\$100,000) per occurrence/aggregate for property damage with respect to any owned, leased, hired and non-owned vehicles assigned to or used in the performance of this Agreement. Such policy shall contain a severability of interest provision, and shall not contain a sunset provision or commutation clause, nor any provision which would serve to limit third party action over claims.

(c) Deleted.

(d) Deleted.

(e) Professional liability insurance covering acts, errors, mistakes and omissions arising out of the services performed by Consultant under this Agreement, or any person employed by Consultant, with a minimum coverage limit of One Million Dollars (\$1,000,000) each claim.

(f) Workers' Compensation insurance to cover obligations imposed by federal and state statutes having jurisdiction of Consultant's employees engaged in the performance of the services under this Agreement and Employer's Liability insurance of not less than Five Hundred Thousand Dollars (\$500,000) for each accident, Five Hundred Thousand Dollars (\$500,000) disease for each employee, and One Million Dollars (\$1,000,000) disease policy limit.

(g) Deleted.

All insurance and bonds required pursuant to this Agreement must be written by an insurance company duly licensed and subject to legal process within the State of Arizona, to be evidenced by a Certificate of Authority as defined in A.R.S. § 20-217, a copy of which certificate is to be attached to each applicable bond or binder. All insurance required herein shall be maintained in full force and effect until all services required to be performed under the terms of this Agreement are satisfactorily completed and formally accepted; failure to do so may, at the sole discretion of the Town, constitute a breach of this Agreement. Consultant's insurance shall be primary insurance with respect to the Town, and any insurance maintained by the Town shall not contribute to it. Any failure to comply with the claim reporting provisions of the insurance

policies or any breach of an insurance policy warranty shall not affect coverage afforded under the insurance policies to protect the Town. The insurance policies shall contain a waiver of transfer rights of recovery (subrogation) against the Town, its agents, officers, officials and employees for any claims arising out of the Consultant's acts, errors, mistakes, omissions, work or service. The insurance policies may provide coverage that contains deductibles or self-insured retentions. Such deductible and/or self-insured retentions shall not be applicable with respect to the coverage provided to the Town, under such policies. The Consultant shall be solely responsible for the deductible and/or self-insured retention. The Town reserves the right to request and to receive, within ten (10) working days, certified copies of any or all of the herein required insurance policies and/or endorsements. The Town shall not be obligated, however, to review same or to advise the Consultant of any deficiencies in such policies and endorsements, and such receipt shall not relieve the Consultant from or be deemed a waiver of, the Town's right to insist on strict fulfillment of the Consultant's obligations under this Agreement. The insurance policies, except Workers' Compensation and Professional Liability, required by this Agreement, shall name the Town, its agents, officers, officials and employees as additional insured. Prior to commencing any services under this Agreement, the Consultant shall furnish the Town with certificates of insurance, or formal endorsements as required by this Agreement, issued by the Consultant's insurer, as evidence that policies providing the required coverage, conditions and limits required by this Agreement are in full force and effect. In the event any insurance policy required by this Agreement is written on a "claims made" basis, coverage shall extend for two years past completion and acceptance of the Consultant's services and as evidenced by annual certificates of insurance. If a policy does expire during the term of this Agreement, a renewal certificate must be sent to the Town fifteen (15) days prior to the expiration date. Insurance required herein shall not expire, be canceled, or materially changed without thirty (30) days prior written notice to the Town.

10. The Consultant, with regard to the work performed in accordance with this Agreement, will not discriminate on the grounds of race, color, national origin, religion, sex, disability or familial status in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Consultant will not participate either directly or indirectly in the discrimination prohibited by or pursuant to Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Section 109 of the Housing and Community Development Act of 1974, the Age Discrimination Act of 1975 and Executive Order 2000-4.

11. The parties hereto expressly covenant and agree that in the event of a dispute arising from this Agreement, each of the parties hereto waive any right to a trial by jury. In the event of a dispute arising from this Agreement, the parties hereby agree to submit to the jurisdiction of the Superior Court in the State of Arizona. The parties hereto further agree to waive any right to arbitration unless otherwise agreed to in a written amendment to this Agreement. [Mr. Don Zelechowski further agrees that this provision shall be contained in all subcontracts related to the Project. Should any proceeding or litigation be commenced between the parties hereto concerning the terms of this Agreement, or the rights and duties of the parties hereto, the prevailing party in such proceeding or litigation shall be entitled, in addition to such other relief as may be granted, to a reasonable sum as and for the prevailing party's attorneys' fees.

12. **General.**

(a) This Agreement is not intended to create any rights on behalf of any third parties.

(b) This Agreement has been made and entered into in the State of Arizona, and shall be governed by the laws of the State of Arizona in all respects, including, without limitation, matters of construction, validity, enforcement, rights, remedies and performance. If any provision of this Agreement is rendered or declared illegal or unenforceable by reasons of any existing or subsequently enacted statute, rule or regulation, or by order of or judgment of a court, all other terms and provisions of this Agreement shall remain in full force and effect as stated and set forth herein.

(c) This Agreement may be executed in multiple counterparts, each of which shall serve as an original for all purposes, but all counterparts shall be construed together and constitute one and the same Agreement.

(d) The parties acknowledge and agree that this Agreement shall not be construed for or against a party solely by virtue of all or any portion of the Agreement having been drafted by a party's attorney.

(e) In the event of a conflict or inconsistency between or among the following documents, the documents shall take priority in the following order: (1) this Professional Services Agreement; (2) Exhibit A attached hereto.

(f) The Consultant and the Town further agree that each will do or cause to be done such further acts and shall execute, acknowledge and deliver such further instructions as may be reasonably required by any of them to fully effectuate the Agreement contemplated herein.

(g) Any amendment to this Agreement shall be in writing and executed by each party hereto.

(h) This Agreement contains the entire understanding among the parties and supersedes any prior written or oral agreements between them respecting the subject matter of this Agreement. There are no representations, agreements, arrangements, or understandings, oral or written, between the parties relating to the subject matter of this Agreement that are not fully set forth herein.

(i) Consultant may not assign any of Consultant's rights and duties under this contract without Town's prior written consent, which may be given or withheld in Town's sole discretion. Any assignment by Consultant without Town's written consent shall be null and void.

(j) This Agreement, and all of the rights and obligations contained herein, shall be binding upon and inure to the benefit of the heirs, legal representatives, successors and permitted assigns of the respective parties hereto.

(k) Time is of the essence in this Agreement.

(l) Pursuant to A.R.S. § 38-511, the Town may cancel this Agreement, without penalty or further obligation, within three years after execution of this Agreement, if any person significantly involved in initiating, negotiating, securing, drafting or creating this Agreement on behalf of the Town is, at any time while this Agreement or any extension of this Agreement is in effect, an employee or agent of any other party to this Agreement in any capacity or a consultant to any other party of this Agreement with respect to the subject matter of this Agreement. In addition to the right to cancel this Agreement, the Town may recoup any fee or commission paid or due to any person significantly involved in initiating, negotiating, securing, drafting or creating this Agreement on behalf of the Town from any other party to the Agreement arising as a result of this Agreement.

(m) Consultant understands and acknowledges the applicability to it of the American with Disabilities Act, the Immigration Reform and Control Act of 1986 and the Drug Free Workplace Act of 1989. The following is only applicable to construction contracts: The Contractor must also comply with A.R.S. § 34-301, "Employment of Aliens on Public Works Prohibited", and A.R.S. § 34-302, as amended, "Residence Requirements for Employees".

Under the provisions of A.R.S. § 41-4401, Consultant hereby warrants to Town that the Consultant and any of its subcontractors ("Subcontractors") will comply with, and are contractually obligated to comply with, all Federal Immigration laws and regulations that relate to their employees and A.R.S. §23-214(A) (hereinafter "Consultant Immigration Warranty").

A breach of the Consultant Immigration Warranty shall constitute a material breach of this Agreement and shall subject the Consultant to penalties up to and including termination of this Agreement at the sole discretion of the Town.

The Town retains the legal right to inspect the papers of any Consultant or Subcontractors' employees who work on this Agreement to ensure that the Consultant or Subcontractor is complying with the Consultant Immigration Warranty. Consultant agrees to assist the Town in regard to any such inspections.

The Town may, at its sole discretion, conduct random verification of the employment records of the Consultant and any of the Subcontractors to ensure compliance with Consultant's Immigration Warranty. Consultant agrees to assist the Town in regard to any random verifications performed.

Neither the Consultant nor any of the Subcontractors shall be deemed to have materially breached the Consultant Immigration Warranty if the Consultant or Subcontractors establish that it has complied with the employment verification provisions prescribed by sections 274A and 274B of the Federal Immigration and Nationality Act and the E-Verify requirements prescribed by A.R.S. §23-214, Subsection A.

The provisions of this paragraph must be included in any contract the Consultant enters into with any and all of its Subcontractors who provide services under this Agreement or any subcontract. "Services" are defined as furnishing labor, time or effort in the State of Arizona by a Contractor or Subcontractor. Under this Agreement, Consultant is deemed to be a Contractor as defined in the preceding sentence. Services include construction or maintenance of any structure, building or transportation facility or improvement to real property.

(n) All notices, requests, demands, and other communications under this Agreement shall be in writing and shall be deemed to have been duly given (i) on the date of service if served personally on the party to whom notice is to be given, or (ii) on the fifth day after mailing if mailed to the party to whom notice is being given, by first class mail, registered or certified, postage prepaid, or (iii) on the day after mailing if mailed to the party to whom notice is being given, by overnight delivery by Federal Express, Airborne or United Parcel Service. Notice shall be sent:

To Town at: Town Manager
 Town of Chino Valley
 P O Box 406
 Chino Valley, AZ 86323

To Consultant at: Donald E. Zelechowski, CPA
 11030 N 64th Street
 Scottsdale, AZ 85254

IN WITNESS WHEREOF, the parties to this Agreement have duly executed it effective as of the day and year first above written.

Consultant:

_____, an Arizona _____

By: _____

Town:

TOWN OF CHINO VALLEY

By: _____

APPROVED AS TO FORM

MUSGROVE, DRUTZ & KACK, PC
Town Attorney

ATTACHMENTS:

EXHIBIT A: Letter dated 8/27/12 from Don Zelechowski outlining the Audit Program (Scope of Work)

**Attachment A
Scope of Work****DONALD E. ZELECHOWSKI, CPA**11030 N. 64th St.
Scottsdale, AZ 85254Telephone – (480) 367-8421
E-Mail: TheDonZZ2004@Yahoo.com

TO : Town of Chino Valley– Town Manager’s Office
P.O. Box 406
Chino Valley, AZ 86323

RE : Transaction Privilege Tax Auditing Services

DATE : 8/27/12

This letter serves as an offer to contract with your Town to provide privilege tax revenue enhancement and auditing services. These services will result in an increase in privilege tax collections for your Town, making current budget requests easier to fund. These services will also result in a minimum return of three or more times the contract amount in actual recovered tax revenue. In addition, information projects will assist taxpayers in complying with the Model Tax Code, resulting in an increase in the reporting of Town privilege tax revenue. My fee is \$55.00 per hour of service provided.

I operate my business as a sole proprietor and am its only employee. As a Certified Public Accountant in good standing in the State of Arizona, Certificate No. 7536-E, I continue my education through professional education courses in accounting and related areas, and also adhere to a high ethical and moral standard, as required by the State of Arizona Accountancy Board. I am a graduate of Arizona State University with a Bachelor Degree in Accountancy. Arizona State University has been rated as one of the top ten accounting schools in this country for many years. My 24 years of privilege tax auditing experience, including almost 17 years in contract auditing, offers to clients the background and experience that will quickly result in a solid and productive privilege tax audit and enhancement program.

I have been working with the Model Tax Code since its inception in 1987. My first job as a privilege tax auditor began in 1986, as an employee of the Town of Scottsdale. I then hired on with the Town of Casa Grande where I began their supplemental auditing program in 1988. In 1993, I began this tax auditing business, working with communities throughout the state of Arizona.

My audit program emphasizes information projects as well as verification and audit procedures to monitor payment of privilege taxes by area businesses. My comprehensive privilege tax revenue enhancement and audit program has proven results. What is proposed for your community is a program consisting of information projects, tax payment verification, and privilege tax audits. Many businesses often have unreported privilege tax receipts because of a lack of understanding of how the Model Tax Code applies to their activities. **Educating the taxpayer about the tax law applicable to their business activities will result in increased compliance and tax revenue for the Town.**

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **7. a.**

Meeting Date: 09/11/2012

Contact Person/Dept: David Nicolella, Development Services
Phone: 928-636-2646 x-1217

Item Type: Action-Presentation

**Estimated length
of staff presentation:** 10 minutes

Physical location of item: In the general vicinity of SR 89 and Road 5 North, on the east side of Durham Drive, south of Staley Lane

AGENDA ITEM TITLE:

ZC Case No. 12-001: Consideration and possible action to adopt Ordinance No. 12-761 approving a zone change from "CL" Commercial Light to "CH" Commercial Heavy for an approximately 2-acre parcel located on the east side of Durham Drive and identified as Assessor's Parcel Number 306-04-047C. Applicant/Property owner: Keith Bunker.

RECOMMENDED ACTION:

Adopt Ordinance No. 12-761 approving the zone change from "CL" to "CH" for Assessor's Parcel Number 306-04-047C.

SITUATION AND ANALYSIS:

Currently the applicant owns and operates the Bunker Sawmill Trucking Company located in Prescott AZ. Mr. Bunker purchased the subject property in hopes of moving the Trucking Company onto the property. In the beginning the site will function as a "Contractors Yard" for the parking of three trucks. The three trucks will depart the site in the mornings and return in the evening. The Town's Unified Development Ordinance (UDO) requires Commercial Heavy zoning to operate a contractors yard.

The additional trucks operated by Mr. Bunker are "over the road" trucks and most of the times are out of state. Eventually, Mr. Bunker would like to build a truck maintenance facility on the site but for now the site will remain vacant.

General Plan Conformance:

The General Plan Designation is "COMMERCIAL". If the property is rezoned to "CH" Commercial Heavy, the property will be in conformance with the General Plan Future Land Use Element.

Other Pertinent Documents Available Upon Request:

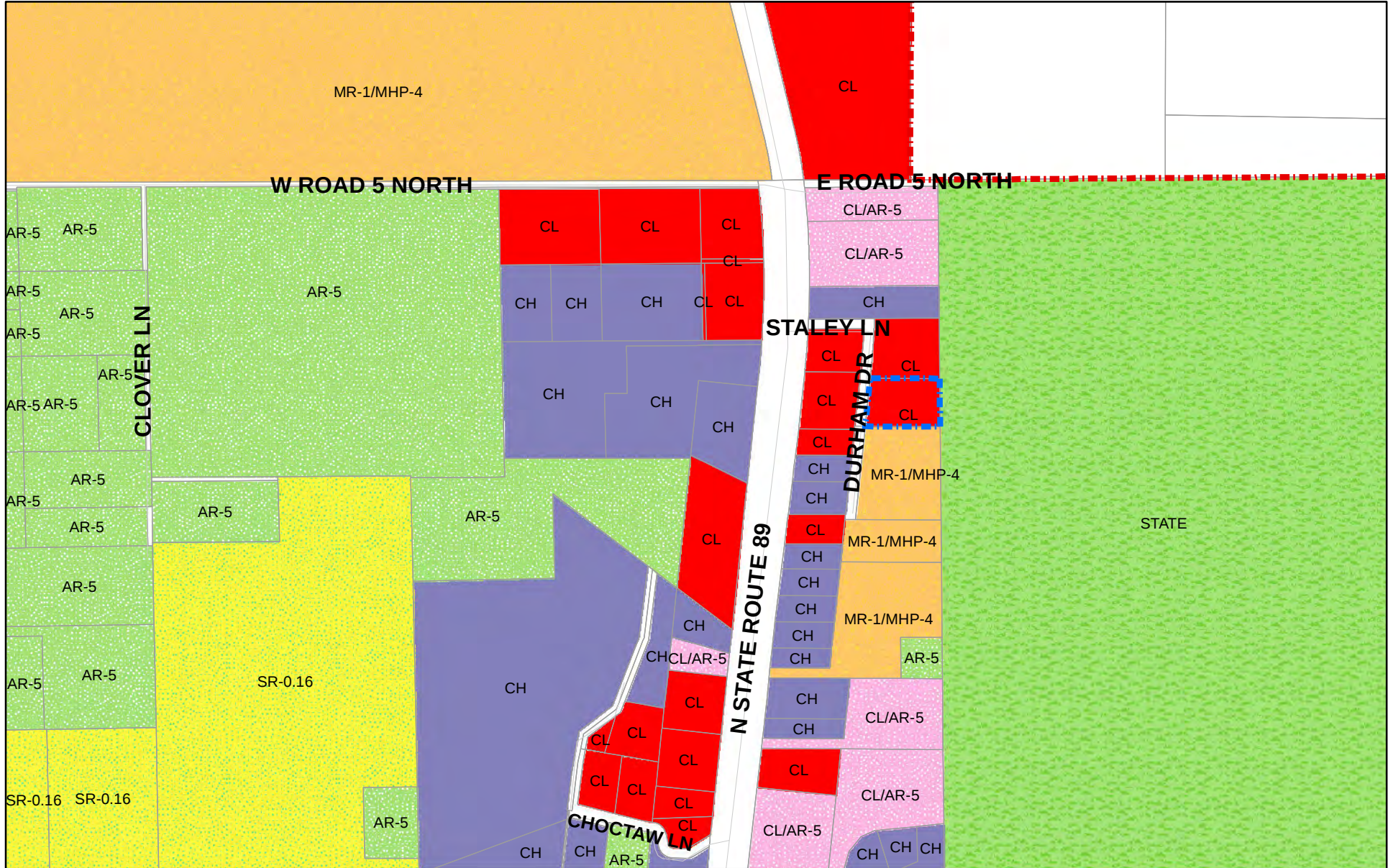
Fiscal Impact**Fiscal Impact?:** No**If Yes, Budget Code:****Available:****Funding Source:**

AttachmentsLocation/zoning mapFuture Land Use MapPlanning Commission PacketOrdinance No. 11-761

Keith BUNKER APN 306-04-047C

REZONE CL to CH

ZC 12-001



Town of Chino Valley
 1020 West Palomino Road
 Chino Valley, AZ 86323
 (928) 636-2646 FAX (928) 636-2144

Legend



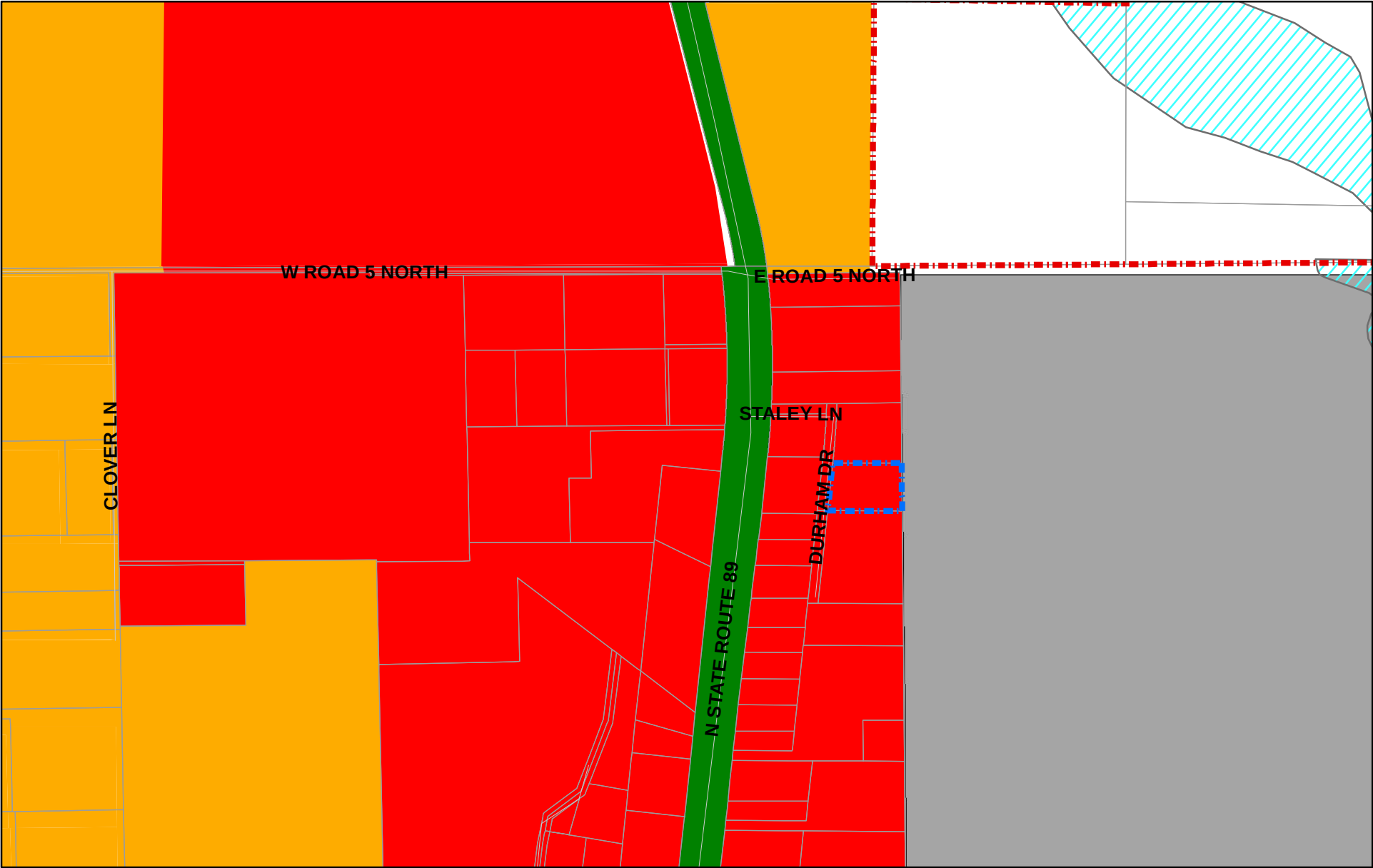
	AR-5		CH/AR-5		SR-0.16		OS
	CL		PL		MR-1/MHP-4		MR1/CL
	CL/AR-5		SR-2.5		State		MHP-4
	CL/SR-1		SR-1		AR-4		VCH
	CH		SR-2		AR-36		SR-1.6

1 inch = 700 feet



The Town of Chino Valley assumes no responsibility for errors, omissions, and/or inaccuracies in this mapping product.

Keith BUNKER APN 306-04-047C
REZONE CL to CH
ZC 12-001



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1 inch = 700 feet



The Town of Chino Valley assumes no responsibility for errors, omissions, and/or inaccuracies in this mapping product.

DEVELOPMENT SERVICES DEPARTMENT
1982 N. VOSS DR.
FAX (928) 636-6937
CHINO VALLEY, AZ 86323

TOWN HALL (928) 636-2646
DEVELOPMENT SERVICES (928) 636-4427

PLANNING COMMISSION
STAFF REPORT

TOWN OF CHINO VALLEY, ARIZONA
AUGUST 7, 2012

LEGAL AD

ZC 12-001: NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Planning and Zoning Commission at the Town's South Campus Building located at 202 N. State Route 89, at 6:00 p.m. on Tuesday, August 7, 2012. This hearing will be conducted for consideration, discussion and possible recommendation to the Town Council regarding a proposed zone change to property located on the east side of Durham Drive, in Chino Valley, Arizona (Assessor's Parcel Number's 306-04-047C). This approximately 2-acre parcel is currently zoned "CL" Commercial Light. The request is to change the zoning to "CH" Commercial Heavy. Property Owner/Applicant: Keith Bunker

A. LOCATION: Please see Exhibit "A" Location Maps. Generally located in the area of State Route 89 and Road 5 North.

B. FACTS:

1. Owner/Applicant: Keith Bunker
2. Site Area: Approximately 2 Acres
3. Existing Zoning: "CL" Commercial Light
4. Requested Zoning: "CH" Commercial Heavy
5. Adjacent Zoning and Use:
 - North..... Vacant "CL" Commercial Light
 - South..... Vacant "MR-1/MHP-4" Multi-Residential/
Mobile/Manufactured Home Park (4 Acre Minimum)
 - East..... State Land (Approximately 305 Acres)
 - West..... (Across Durham Dr.) "CL" Commercial Light
6. Water Source:..... N/A, future private well
7. Waste Water..... N/A, future private septic tank
8. Topography:..... Flat
9. General Plan Conformance:..... General Plan Designation is "COMMERCIAL". If the property is rezoned to "CH" Commercial Heavy, the property will be in conformance with the General Plan Future Land Use Element.

C. NOTIFICATION LETTERS: The Citizen Participation protocol as required by the Unified Development Ordinance (UDO) resulted in six (6) letters noticing the request being mailed out.

D. NEIGHBORHOOD MEETING: On July 23, 2012, a neighborhood meeting was held by Keith Bunker to discuss the proposed zone change with residents surrounding the property. The



DEVELOPMENT SERVICES DEPARTMENT
1982 N. VOSS DR.
FAX (928) 636-6937
CHINO VALLEY, AZ 86323

TOWN HALL (928) 636-2646
DEVELOPMENT SERVICES (928) 636-4427

meeting was held at 202 N. State Route 89 and allowed adjacent landowners or other affected citizens, an opportunity to discuss or express their views concerning the rezone.

Mr. Bunker explained how he would like to move his existing Trucking Company onto the subject property, in order to do so the property has to be rezoned to CH zoning. The trucking company is a “for hire” flatbed trucking company specializing in light trucks.

Three people attended the neighborhood meeting and the following is an outline of the major concerns that were expressed at the meeting:

1. What do you propose to do with the property?
2. How much equipment will be stored on site?
3. The property owner to the south was concerned that this development will have an adverse impact on his property.

E. **ANALYSIS:** Currently the applicant owns and operates the Bunker Sawmill Trucking Company located in Prescott AZ. Mr. Bunker purchased the subject property in hopes of moving the Trucking Company onto the property. In the beginning the site will function as a “Contractors Yard” for the parking of three trucks. The three trucks will depart the site in the mornings and return in the evening. The additional trucks operated by Mr. Bunker are “over the road” trucks and most of the times are out of state. Eventually, Mr. Bunker would like to build a truck maintenance facility on the site but for now the site will remain vacant.

Existing Conditions: Currently this vacant 2-acre parcel is surrounded by a chain link fence with a large gate adjacent to Durham Drive.

Adjacent Land Uses: The adjacent lands on three sides of the property are vacant included a large three hundred acre piece of State Land to the east. In addition, the Road 1 East alignment is adjacent to the subject property. The land across the road to the west (Durham Dr.) is the site of a storage facility and three metal warehouse buildings utilized by a variety of manufacturing companies.

General Plan Conformance: The proposed rezone is consistent and conforms to the Land Use Designation for the property as set forth in the Land Use Element of the Town’s 2003 General Plan (Exhibit “B”). Therefore the requested change merits positive consideration and endorsement to the Town Council from the Planning Commission.

Access and On-Site Circulation: Access to the site is gained from Durham Drive. Durham Drive is a Town of Chino Valley right of way and currently is not improved and consists of dirt and gravel. Three properties have frontage on the right of way and at this time, no on-site circulation is proposed for the subject site.



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DEVELOPMENT SERVICES (928) 636-4427

Technical Review Committee: At this time the property owner is not subject to technical review. Review by the Technical Review Committee will be required when the property owner proposes to build a building.

F. RECOMMENDATION: With the Findings and Stipulations indicated below staff endorses the following requests and suggests that the Commission forward the items to the Town Council with a recommendation for approval.

FINDINGS:

1. That the requested rezone from “CL” to “CH” is consistent with and conforms to the land use designation of Commercial and the goals of the “Town of Chino Valley 2003 General Plan”.
2. That approval of the recommended rezone will not be adverse to the health, safety, convenience, and general welfare of the residents of the Town of Chino Valley, Arizona.

ZONING STIPULATIONS:

1. That the property owner agrees that the approval of this rezone confers no additional entitlements or rights to the owner or applicant other than those that are vested with the “CH” zoning district.
2. That the Property Owner/Applicant agrees to comply with the codified procedures set forth in the Town of Chino Valley’s Unified Development Ordinance.

ENGINEERING STIPULATIONS: Adequate right of way exists for the Durham Drive.
Engineering has no stipulations.

Attachments:

Rezoning Application
Exhibit “A” Location Map
Exhibit “B” The General Plan Future Land Use Map



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CHINO VALLEY, AZ 86323

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DEVELOPMENT SERVICES (928) 636-4427

REZONING APPLICATION



REZONING APPLICATION

1.	PROPERTY OWNER NAME MAILING ADDRESS TELEPHONE NUMBER FAX NUMBER	Keith Bunker 1455 Sundog Ranch Rd. Prescott, AZ 86301 928 445-2379 928 445-2375
2.	APPLICANT NAME MAILING ADDRESS TELEPHONE NUMBER FAX NUMBER	Same as above
3.	ENGINEER NAME MAILING ADDRESS TELEPHONE NUMBER FAX NUMBER	N/A
4.	ARCHITECT/DESIGNER ADDRESS TELEPHONE NUMBER FAX NUMBER	N/A
5.	SITE LOCATION (Major Cross Streets)	Durham Dr. and Staley Ln.
6.	ASSESSORS PARCEL NUMBER(S)	306-04-047C
7.	SITE DIMENSIONS	491x758 x 486 x 702
8.	SITE AREA (GROSS)	2.05 acres
9.	EXISTING STRUCTURES	NONE
10.	DESCRIBE ACCESS TO THE SITE (STREET FRONTAGE OR EASEMENT)	Hwy 89 to Staley Ln to Durham Dr.
11.	UTILITIES PROVIDED BY	ELECTRIC: GAS: N/A WATER: SEWER:
12.	FLOOD ZONE DESIGNATION	—
13.	EXISTING ZONING	Commercial light
14.	REQUESTED ZONING	Commercial heavy
15.	ADJACENT ZONING NORTH: CL SOUTH: MP-1 EAST: State Land WEST: CL	ADJACENT LAND USE NORTH: — SOUTH: EAST: WEST: Storage warehouse
16.	TOPOGRAPHY	Flat land



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REZONING APPLICATION



17.	INTENT OF THE REZONE REQUEST: To build a mechanic shop
-----	--

OWNER'S SIGNATURE: *Kevin Dember* DATE: 6/19/12

APPLICANT'S SIGNATURE: *Kevin Dember* DATE: 6/10/12

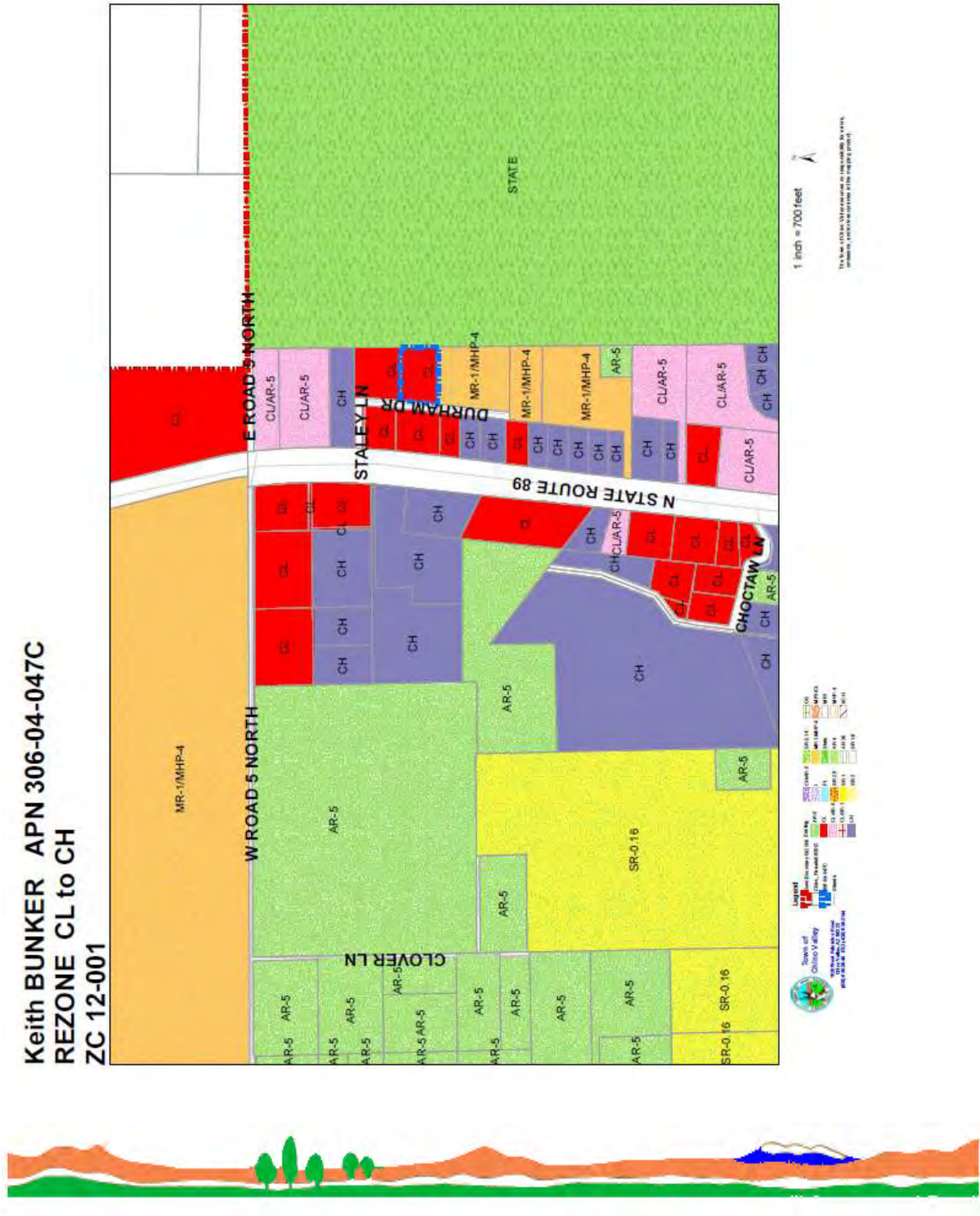
(Office Use Only):	
Date of Meeting: _____	Time of Meeting: _____
Agency's Notified: _____	
Log #: _____	



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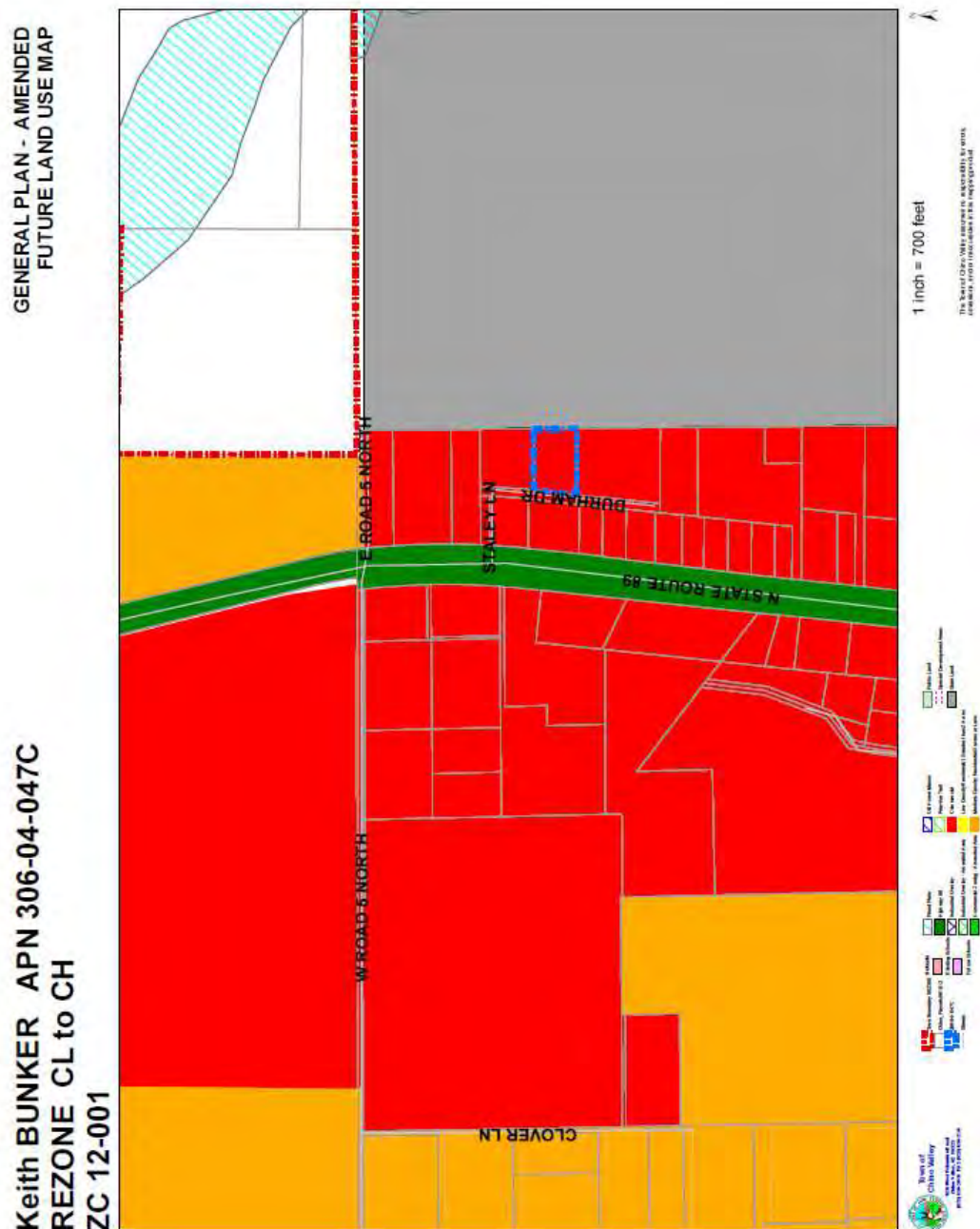
EXHIBIT A



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EXHIBIT B



ORDINANCE N. 12-761

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, TO PROVIDE FOR THE ZONE CHANGE OF ASSESSOR'S PARCEL NUMBER 306-04-047C FROM "CL" COMMERCIAL LIGHT TO "CH" COMMERCIAL HEAVY

WHEREAS, Keith Bunker, has filed an application with the Town of Chino Valley ("Town") requesting a zone change from CL to CH for the real property described on Exhibit "A" as attached to this Ordinance; and

WHEREAS, the requested zone change was noticed in conformance with the applicable State Statutes and Local Ordinances; and

WHEREAS, on July 23, 2012, 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 August 7, 2012, during which testimony was presented by Town staff, the applicant and others; and

WHEREAS, subsequent to the Public Hearing and discussion the Commission elected by a 6-0 vote (Commissioner Florence Sloan absent) to forward the application to the Town Council with a recommendation for approval with certain Findings and Stipulations; and

WHEREAS, at their regular meeting of September 11, 2012, the Town Council confirmed the recommendation of the Commission by electing to adopt this Ordinance and thereby approve the requested zone change with the Findings and Stipulations cited in Section 1 of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA:

Section 1. That the Zoning Map of the Town of Chino Valley, Arizona, is hereby amended to rezone the real property legally described on Exhibit "A" and on the date of the adoption of this Ordinance as Assessor's Parcel Number 306-04-047C located on the east side of Durham Drive and consists of approximately 2-acres, from CL to CH the following Findings and Stipulations:

FINDINGS:

1. That the requested rezone from CL to CH is consistent with and conforms to the land use designation of Commercial and the goals of the "Town of Chino Valley 2003 General Plan".
2. That approval of the recommended rezone will not be adverse to the health, safety, convenience, and general welfare of the residents of the Town of Chino Valley, Arizona.

ZONING STIPULATIONS:

1. That the property owner agrees that the approval of this rezone confers no additional entitlements or rights to the owner or applicant other than those that are vested with the CH zoning district.
2. That the Property Owner/Applicant agrees to comply with the codified procedures set forth in the Town of Chino Valley's UDO.

ENGINEERING STIPULATIONS: Engineering has no stipulations. Adequate right-of-way exists for Durham Drive.

Section 2. That this Ordinance repeals any prior enactment by the Town of Chino Valley that is inconsistent herewith.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the UDO adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 11th day of September, 2012.

Chris Marley, Mayor

ATTEST:

APPROVED AS TO FORM:

Jami C. Lewis, Town Clerk

Musgrove Drutz & Kack, P.C.
Town Attorney

EXHIBIT "A"

All that portion of Section 3, Township 16 North, Range 2 West of the Gila and Salt River Base and Median, Yavapai County, Arizona, more particularly described as follows:

COMMENCING at the East-quarter corner of said Section 3;

Thence North 00 degrees 50 minutes 35 seconds West (basis of bearing), along the East line of said Section 11, a distance of 1638.19 feet to THE TRUE POINT OF BEGINNING;

Thence continuing North 00 degrees 50 minutes 35 seconds West, a distance of 244.38 feet;

Thence North 89 degrees 42 minutes 53 seconds West, a distance of 342.11 feet;

Thence South 05 degrees 55 minutes 20seconds West, a distance of 245.52 feet;

Thence South 89 degrees 42 minutes 53 seconds East, a distance of 371.03 feet to THE POINT OF BEGINNING.

Keith BUNKER APN 306-04-047C
REZONE CL to CH
ZC 12-001



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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **7. b.**

Meeting Date: 09/11/2012
Contact Person/Dept: David Nicolella, Development Services
 Phone: 928-636-2646 x-1217
Item Type: Action-Presentation
Estimated length of staff presentation: 5 minutes
Physical location of item: East side of Durham Drive, south of Staley Lane

AGENDA ITEM TITLE:

SPR Case No. 12-003: Consideration and possible action to waive requirements of Unified Development Ordinance (UDO) Section 4.22.4 "Parking Design Standards" for a chip seal surface for the primary traffic lanes and parking areas for Assessor's Parcel Number 306-04-047C, located on the east side of Durham Drive south of Staley Lane. Property Owner: Keith Bunker.

RECOMMENDED ACTION:

Waive requirements of Unified Development Ordinance Section 4.22.4 Parking Design Standards for a chip seal surface for the primary traffic lanes and parking areas for Assessor's Parcel Number 306-04-047C.

SITUATION AND ANALYSIS:

Currently the applicant owns and operates the Bunker Sawmill Trucking Company located in Prescott, AZ. Mr. Bunker purchased the subject property in hopes of moving the Trucking Company onto the property.

In the beginning the site will function as a "Contractors Yard" for the parking of three trucks. The three trucks will depart the site in the mornings and return in the evenings.

To use the site as a Contractor's Yard the UDO requires a screening fence around the yard and to comply with Section 4.22.4.B.5 which states:

"Site development: when a site is to be developed for a commercial purpose allowed by the Unified Development Ordinance that does not include a building, the primary traffic lanes and any required parking area shall be surfaced in a manner and extent that is approved by the town engineer." The Town engineer is requiring a minimum surface of chip seal. The property owner is suggesting that the existing surface is adequate. The existing surface

consists of crushed block and ABC which is the same material as the Town's Durham Drive right of way. Durham Drive is adjacent to the subject site.

Staff believes that given the current state of Durham Drive, to require the property owner to apply a chip seal material to his property seems inconsistent with existing condition of Durham Drive.

GRADING AND DRAINAGE:

A Grading and Drainage report is not required for the proposed Contractor's Yard

LANDSCAPE PLAN:

Landscaping is not required for the proposed Contractor's Yard

SCREENING PLAN:

The UDO requires Contractor's Yards to be screened on all sides. The property is proposing to attach corrugated steel to the existing chain link fence

LIGHTING PLAN:

The property owner is not installing lights for the Contractor's Yard

The Commission's recommendation will occur on September 4, 2012, and that information will be forwarded to Council thereafter.

Fiscal Impact

Fiscal Impact?: None

If Yes, Budget Code:

Available:

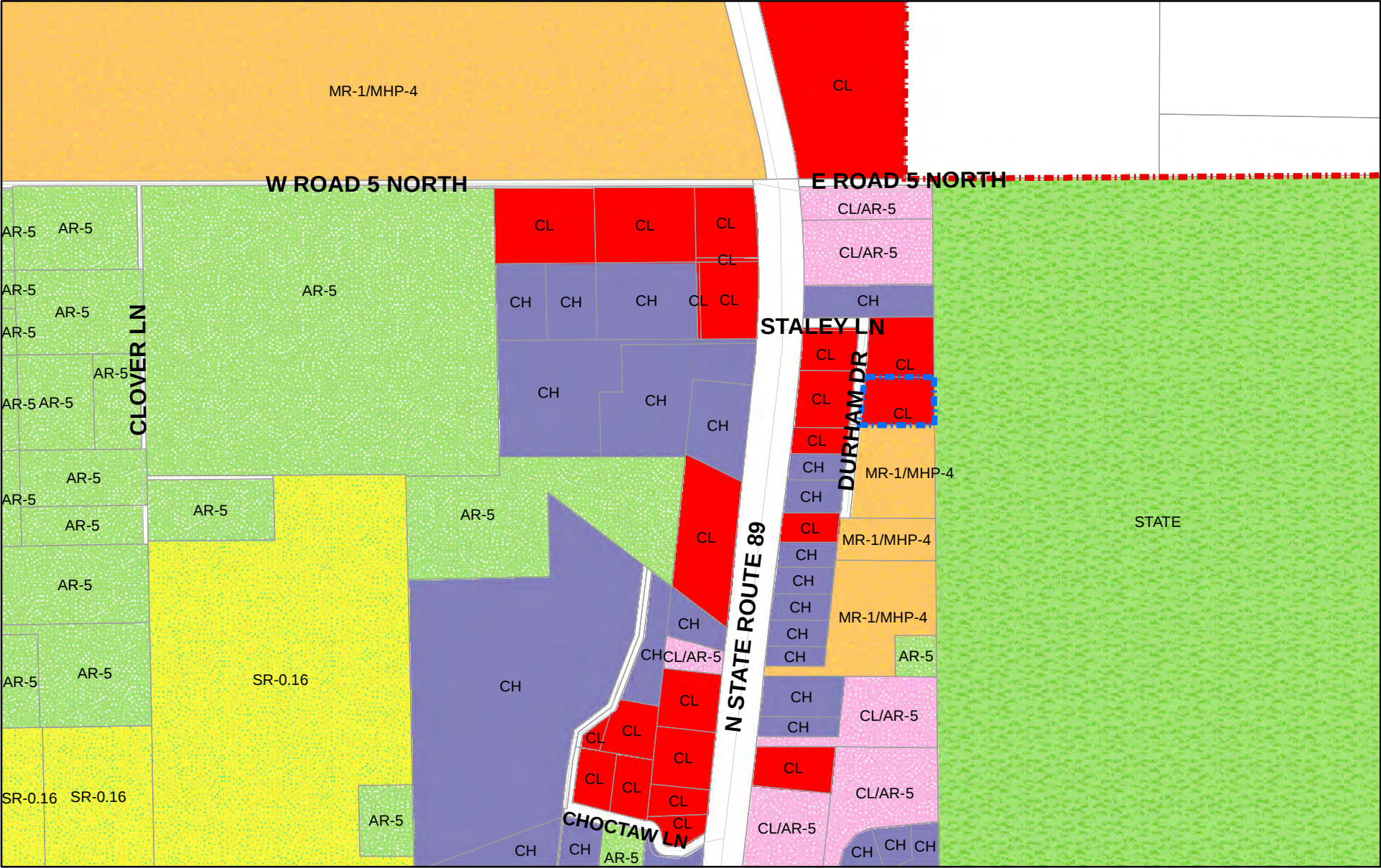
Funding Source:

Attachments

Location/Zoning map

Commission Staff Report for Bunker Site Plan Review

Keith BUNKER APN 306-04-047C
Site Plan Review
SPR 12-003



Legend

Town Boundary 082308	Zoning	CH/AR-5	SR-0.16	OS
Chino_Parcel 062512	AR-5	I	MR-1/MHP-4	MR1/CL
APN 306-04-047C	CL	PL	State	MR1
Streets	CL/AR-5	SR-2.5	AR-4	MHP-4
	CL/SR-1	SR-1	AR-36	VCH
	CH	SR-2	SR-1.6	

1 inch = 700 feet



The Town of Chino Valley assumes no responsibility for errors, omissions, and/or inaccuracies in this mapping product.

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FAX (928) 636-2144

PLANNING COMMISSION
STAFF REPORT

TOWN OF CHINO VALLEY, ARIZONA
SEPTEMBER 4, 2012

SPR CASE NO. 12-003, REQUEST: THE PROPERTY OWNER IS REQUESTING RELIEF FROM SECTION 4.22.4 PARKING DESIGN STANDARDS IN THE UNIFIED DEVELOPMENT ORDINANCE (UDO). THE TOWN ENGINEER IS REQUIRING A CHIP SEAL SURFACE FOR THE PRIMARY TRAFFIC LANES AND PARKING AREAS. THE PROPERTY OWNER IS REQUESTING THE COMMISSION FORWARD A RECOMMENDATION TO COUNCIL SUGGESTING THAT THE EXISTING SURFACE IS ADEQUATE. THE EXISTING SURFACE CONSISTS OF CRUSHED BLOCK AND IS THE SAME MATERIAL AS THE TOWN'S DURHAM DRIVE RIGHT OF WAY. DURHAM DRIVE IS ADJACENT TO THE SUBJECT SITE.

A. LOCATION: Please see Exhibit "A" Location Maps

B. FACTS:

1. Owner/Applicant: Keith Bunker
2. Site Area:..... 2 Acres (Approximately)
3. Existing Zoning:..... Currently Commercial Light. On September 11, 2012, the Town Council will hear a request to rezone the property to Commercial Heavy.
4. Adjacent Zoning and Use:
 - a. North.....Vacant land zoned "CL"
 - b. South.....Vacant land zoned "MR-1/MHP-4" Multi-Residential/Mobile/Manufactured Home Park (4 Acre Minimum)
 - c. East.....State Land (Approximately 305 Acres)
 - d. West.....(Across Durham Dr.) Various manufacturing businesses and a Mini-Storage facility
5. Topography:.....Flat

C. ANALYSIS:

The Commission is familiar with this site because on August 7, 2012, the property owner came before the Planning Commission requesting a rezone on the subject site. The Commission recommended that the Town Council approve the rezone request and on September 11, 2012, the Council will consider the Commission's recommendation.

Currently the applicant owns and operates the Bunker Sawmill Trucking Company located in Prescott, AZ. Mr. Bunker purchased the subject property in hopes of moving the Trucking Company onto the property.



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In the beginning the site will function as a "Contractors Yard" for the parking of three trucks. The three trucks will depart the site in the mornings and return in the evenings. Eventually, Mr. Bunker would like to build a truck maintenance facility on the site but for now the site will remain vacant.

To use the site as a Contractor's Yard the UDO requires the yard to provide a screening fence around the yard and to comply with Section 4.22.4.B.5 which states: ***"Site development: when a site is to be developed for a commercial purpose allowed by the Unified Development Ordinance that does not include a building, the primary traffic lanes and any required parking area shall be surfaced in a manner and extent that is approved by the town engineer."*** The Town engineer is requiring a minimum surface of chip seal. The property owner is suggesting that the existing surface is adequate. The existing surface consists of crushed block and ABC which is the same material as the Town's Durham Drive right of way. Durham Drive is adjacent to the subject site.

Staff believes that given the current state of Durham Drive, to require the property owner to apply a chip seal material to his property seems inconsistent with existing condition of Durham Drive.

GRADING AND DRAINAGE:

A Grading and Drainage report is not required for the proposed Contractor's Yard

LANDSCAPE PLAN:

Landscaping is not required for the proposed Contractor's Yard

SCREENING PLAN:

The UDO requires Contractor's Yards to be screened on all sides. The property is proposing to attach corrugated steel to the existing chain link fence

LIGHTING PLAN:

The property owner is not installing lights for the Contractor's Yard



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D. RECOMMENDATION: Staff recommends **APPROVAL** of the request to waive the paving requirement until a permanent building is proposed.

Attachments:

Exhibit "A" Location Maps
Exhibit "B" Section 4.22.4. B. 5

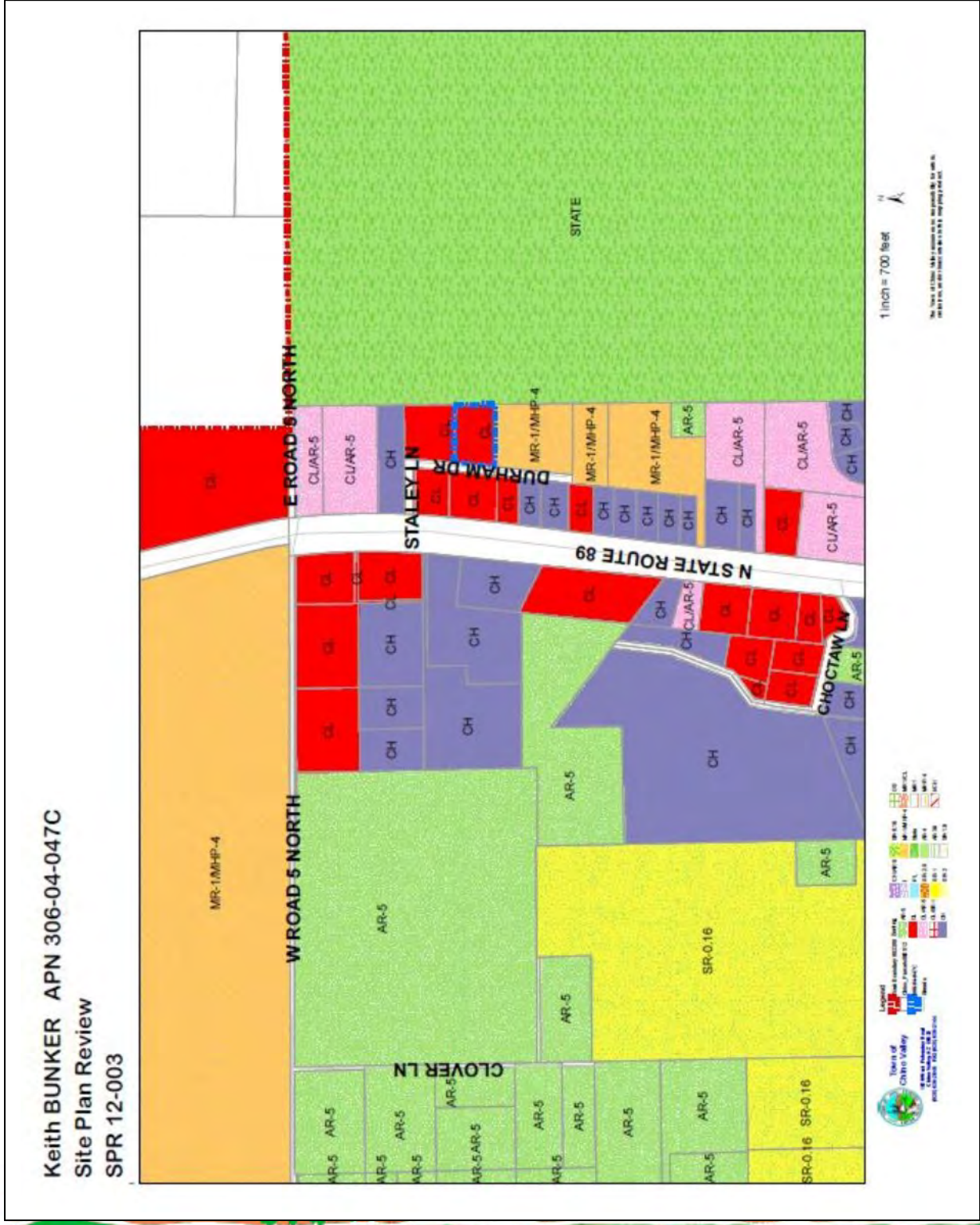


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DEVELOPMENT SERVICES (928) 636-4427
FAX (928) 636-2144

Exhibit A



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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **7. c.**

Meeting Date: 09/11/2012

Contact Person/Dept: David Nicolella, Development Services
Phone: 928-636-2646 x-1217

Item Type: Action-Presentation

Estimated length

of staff presentation: 5 minutes

South side of West Road 4 North approximately 1,700 feet west of

Physical location of item: State Route 89

AGENDA ITEM TITLE:

SPR Case No. 12-002: Consideration and possible action to waive the paving requirements of Unified Development Ordinance (UDO) Section 4.22.4(B)(2) "Parking Design Standards" for the drive aisles and one parking space for Assessor's Parcel Number 306-14-003R, located on the south side of West Road 4 North approximately 1,700 feet west of State Route 89, until a building permit is requested for a permanent building. Property Owners: Donald & Catherine Cox.

RECOMMENDED ACTION:

Waive the paving requirements of Unified Development Ordinance (UDO) Section 4.22.4(B)(2) "Parking Design Standards" for the drive aisles and one parking space for Assessor's Parcel Number 306-14-003R.

SITUATION AND ANALYSIS:

Owner/Applicant: Donald & Catherine Cox

Site Area: Approximately 12 acres

Existing zoning: "CL" Commercial Light

Parcel Number: 306-14-003R

Intended Use: A growing yard for nursery stock such as fruit trees, shade trees and ornamental shrubs.

The property owner's would like to establish a growing yard on the subject site that would provide fruit trees, shade trees, and ornamental shrubs for their wholesale nursery yard located in Prescott Valley. They also stated that the subject site would "**not**" be open to the public and that retail activity would "**not**" occur on the property. However, there is a need for an office/restroom/caretaker building to help facilitate maintenance and security for the growing yard. The property owner is proposing to install a 672 square feet construction trailer on the

property.

The installation of the 672 square foot construction trailer is what triggers the paving requirement's outlined in Section 4.22.4, B, 2 of the UDO which states: ***“New construction and conversion of a residence to a commercial use: Subject to the provisions contained in this subsection (B), all required parking and loading spaces, maneuvering areas, driveways, and fire lanes shall be paved with asphaltic concrete over an a.b. base, concrete or masonry to a thickness and structure that will support the type and intensity of vehicular traffic generated by the proposed use. As the requirements may vary the paving cross section will require approval by the Town engineer. The Town engineer may also approve alternative surfacing such as “chip seal”.***

At the Planning Commissions' July 3rd meeting the Commission recommended the Town Council approve the request to eliminate the Parking Design Standards for the drive aisles and one parking space until a subsequential building permit is requested for a permanent building.

The property owner's are proposing to install a 672 square feet construction trailer on the property which is triggering the Parking Design Standards.

Fiscal Impact

Fiscal Impact?: None

If Yes, Budget Code:

Available:

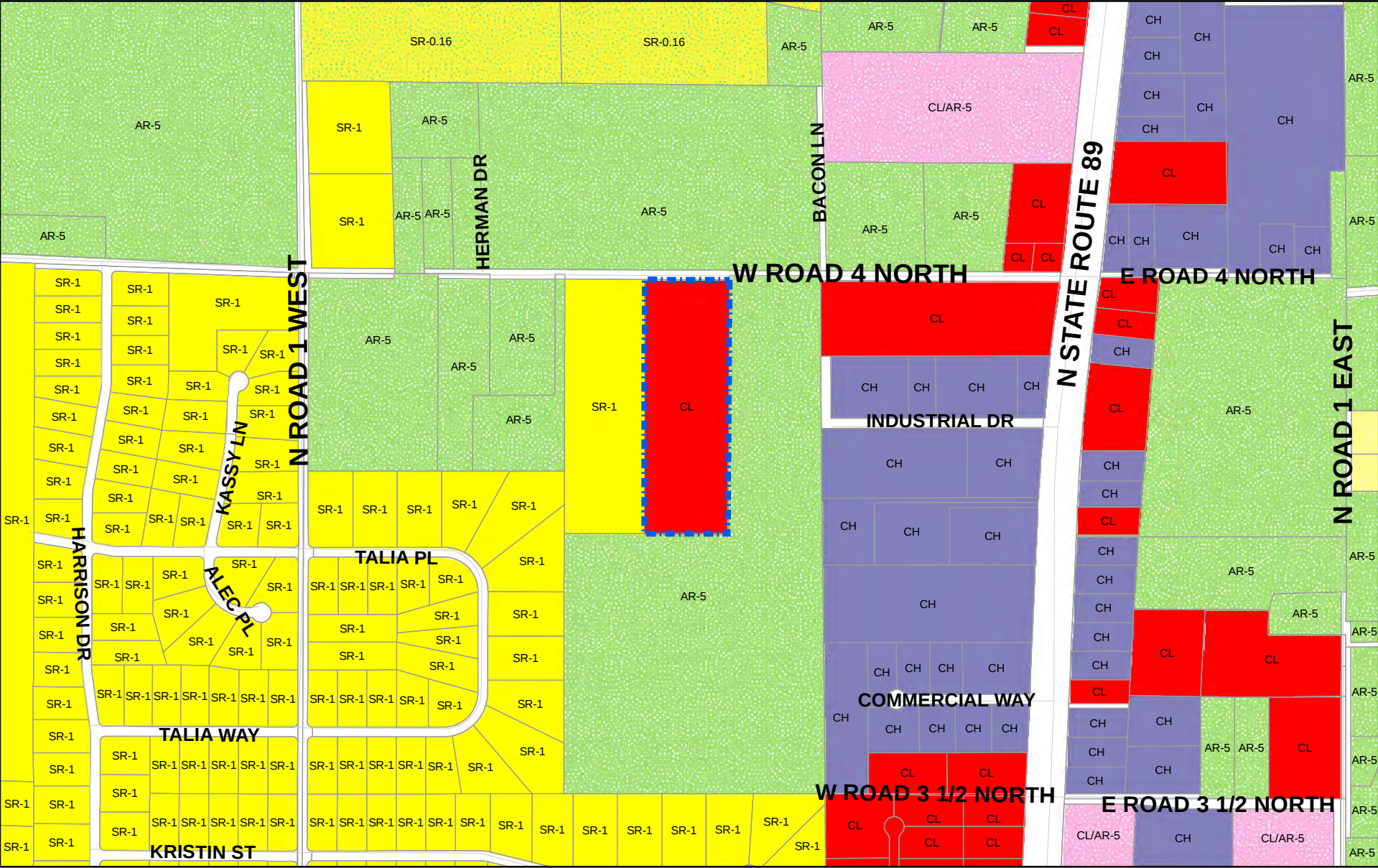
Funding Source:

Attachments

Location/Zoning map

Commission July 3, 2012 packet

Catherine & Donald COX
APN 306-14-003R
SPR 12-002



Town of Chino Valley
3020 West Palomino Road
Chino Valley, AZ 86323
(928) 636-2646 FAX (928) 636-2144



Legend	Legend	Legend	Legend
AR-5	CL	CL/AR-5	CL/SR-1
SR-1	CH	SR-2	SR-1.6
SR-0.16	SR-1/MHP-4	MR-1/CL	MR-1
State	AR-4	AR-36	SR-1.6
OS	OS	OS	OS
OS	OS	OS	OS

1 inch = 700 feet



The Town of Chino Valley assumes no responsibility for errors, omissions, and/or inaccuracies in this mapping product.

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NOTICE OF THE REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION

**JULY 3, 2012
6:00 p.m.**

Pursuant to ARS 38-431-02, notice is hereby given to the members of the Chino Valley Planning and Zoning Commission and the general public that the Chino Valley Planning and Zoning Commission will hold a regular meeting open to the public on Tuesday, July 3, 2012 at 6:00 p.m. in the new Chino Valley South Campus building, located at 202 N. State Route 89, Chino Valley, Arizona 86323.

The Agenda for the meeting is as follows:

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES

4A. March 20, 2012

5. STAFF REPORT

6. PUBLIC HEARING

6A. SPR CASE NO. 12-002, REQUEST: THE PROPERTY OWNER IS REQUESTING A BUILDING PERMIT TO INSTALL A 672 SQ. FT. CONSTRUCTION TRAILER TO BE UTILITIZED AS AN OFFICE/RESTROOM/CARETAKERS BUILDING FOR A LANDSCAPING GROWING YARD LOCATED ON THE SOUTH SIDE OF WEST ROAD 4 NORTH APPROXIMATELY 1,700 FEET WEST OF STATE ROUTE 89. THIS IS AN APPROXIMATELY 12 ACRE SITE, APN 306-14-003R NORMALLY THE SITE PLAN REVIEW PROCESS WOULD NOT BE REQUIRED FOR A PROJECT LIKE THIS, HOWEVER, IN THIS CASE, THE ORDINANCE THAT REZONED THE PROPERTY STIPULATED, "SITE PLAN APPROVAL BY THE PLANNING AND ZONING COMMISSION IS REQUIRED BEFORE A BUILDING PERMIT SHALL BE ISSUED OR A USE ESTABLISHED ON THE PROPERTY".

7. PUBLIC COMMENTS

8. ADJOURN

A copy of the agenda and background material provided to the Commissioners is available for public inspection at the Marion Lassa/Chino Valley Library, 1020 W. Palomino Road, Chino Valley, Arizona.

Further details may be obtained by contacting Development Services Department at 1982 Voss, Chino Valley, Arizona (928) 636-4427. The Town endeavors to make all public meetings accessible to persons with disabilities. With 72 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call 636-2646 (voice), 636-1787 (TDD) or use the AZ Statewide Relay Service at 1-800-367-8939 (TDD) to request an accommodation to participate in this meeting.

TOWN OF CHINO VALLEY
 PLANNING AND ZONING COMMISSION
 Regular Meeting Minutes
 Chino Valley South Campus
 202 N. State Route 89
 March 20, 2012
 6:00 p.m.

1. CALL TO ORDER

2. ROLL CALL

Meeting was called to order at 6:00 p.m.

Members Present: Phil Rice, Chairperson
 Garland Miner, Vice Chairperson
 Jack Owen, Commissioner
 Charles Merritt, Commissioner
 Gwen Rowitsch, Commissioner
 Michael Edmonds, Commissioner

Staff Absent: Florence Sloan, Commissioner

Staff Present: David Nicolella, Associate Planner
 Mary Brasher, Administrative Clerk
 Mike Bovee, Assistant Zoning
 Robert Smith, Town Manager
 Mark Garcia, Commander
 Tom Kack, Town Attorney

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES

4A. For consideration, discussion, and possible action regarding the regular meeting minutes of October 18, 2011.

Vice Chair Miner MOVED, seconded by Commissioner Owen to approve the regular meeting minutes of October 18, 2011.

MOTION CARRIED 4-0 Commissioners Rowitsch, and Chairman Rice abstained

5. STAFF REPORT:

David Nicolella, Associate Planner informed the Commission about the General Plan Workshop that will be held on April 2, 2012 at 6:00 p.m. at the Senior Center, and the

link located on the Town's web page giving information about the General Plan Committee. Mr. Nicolella also informed the Commission of the current commercial projects in process within the Town.

Chairman Rice announced the Commission would hear item 7A first and item 6A thereafter.

7. PUBLIC HEARING: Chairman Rice opened the public hearing.

7A. For consideration, discussion, and possible recommendation to the Town Council allowing Non-Profit Medical Marijuana Dispensaries to operate solely under the State's regulations and to amend the Town's Unified Development Ordinance (UDO) to provide a minimum 500-foot separation between churches and Medical Marijuana Facility.

Mr. Nicolella gave a brief presentation on the history for the approval of Medical Marijuana and the Town's discussions in regards to regulations. Mr. Nicolella explained that after Council discussions, it was determined that it would be better for the Town to regulate the placement of medical marijuana facilities using the existing zoning ordinances in place. Council then instructed staff to bring this item back to the Commission for their thoughts and recommendation in regards to regulating the distance a dispensary can be located from a church or other place of worship.

Chairman Rice asked if there were any provisions regulating the distance these facilities can be from schools.

Mr. Nicolella indicated the state regulates a facility must be 500 ft from a school but for some reason the state did not make a provision for distances from a church.

There was discussion amongst the Commissioners as to the different ways in which facilities and growers could utilize property within the Town. A dispensary could be located in one area and cultivation in another or with the proper zoning, dispensary and cultivation could take place on the same site. Commissioners were concerned that if the Town did not have a dispensary, then how would the Town would regulate those individuals holding a medical marijuana card and growing marijuana on their property. Mr. Nicolella indicated that the Arizona Department of Health has provisions in place to regulate that.

Commander Garcia stated the Police Department would like to see a dispensary in Town because that would eliminate the possibility of card holders growing their own and reduce the possibilities for abuse and theft.

Tom Kack, Attorney, indicated that residents who currently have a card, and are growing their own, will still be able to do so for up to a year after a dispensary is opened in their area. The lawsuit that was filed by the state has led to delays and in his opinion undermined some of the goals that were set.

There was some confusion about what zoning districts would allow the cultivation of marijuana and Mr. Nicolella clarified that it could be grown in a commercial greenhouse; however there is a ten acre minimum requirement.

Chairman Rice opened the public portion of the meeting.

Several residents spoke, one indicated he thought a medical marijuana facility would be bad thing for the Town, another asked for further clarification on where medical marijuana could be grown, and another asked about the distance from a facility to a church.

Chairman Rice closed the public portion of the meeting.

Mr. Nicolella clarified the areas in which medical marijuana could be grown and a medical marijuana dispensary would need to be 500 ft from a church, ~~if the church~~ was in a strip mall and they moved out then that space would be freed up and a dispensary could go in there at that point.

The Commissioners discussed the pros and cons of regulating the distance a facility could be from a church, and agreed that a distance requirement would hinder the Town from receiving a dispensary. The Commissioners agreed that a facility should be encouraged ~~within the~~ Town not discourage by restrictions.

Commissioner Rowitsch MOVED, seconded by Commissioner Miner to recommend to the Town Council that they not include a provision for a separation between churches and medical marijuana facilities in the Town's UDO.

MOTION CARRIED: 6-0

6. DISCUSSION ITEM:

6A: For consideration, discussion, and possible recommendation to the Town Council regarding the Site Plan Review of Commercial Greenhouses. This review is required by Section 1.7.4 of the Unified Development Ordinance for all buildings over 5,000 square feet in size. The site is located on the west side of North Road 1 East approximately 300 feet north of Red Cinder Road and utilizes a portion of Assessor's Parcel Number 306-14-008M. The review includes site plan, landscape plan, building elevations, lighting, and other pertinent development features. The Planning Commission will formulate a recommendation to be forwarded to the Town Council for Final Action

Mr. Nicolella gave a brief presentation explaining where the greenhouses would be located, what would be grown there, the plans for the storage building that is currently on the property, the proposed dust free drive aisle and parking area which would consist of 10 regular parking spaces and 1 handicap, the landscaping plans, and he explained that the current home, which is a non-conforming structure, is not considered part of this project, and will not be used in conjunction with the greenhouses.

Chairman Rice asked how many employees they expect to have if they only plan to have 10 parking spaces for the entire site.

Mr. Nicolella indicated the 10 spaces is for the entire project and the applicant stated there would only be 10 employees and there would not be any public coming to the site.

Commissioner Merritt thought the parking spaces seemed a bit lite.

Commissioner Rowitsch asked about the relevance of the letter submitted in regards to the house.

Mr. Nicolella stated that this site is currently a non-conforming site and technically should not be expanded on; however the home is not being expanded and separate from the greenhouses and is not going to be utilized for the site.

Commissioner Rowitsch asked if other projects in the Town have been allowed to have paving or other requirements waived.

Mr. Nicolella indicated that was correct, and Chairman Rice gave examples of some of the commercial properties where that has occurred.

Robert Smith, Town Manager stated that sometimes non impervious materials are the best practice in some areas because the storm water can percolate.

Commissioner Edmonds asked if more parking spaces could be added.

Charles Arnold indicated that he would be agreeable to adding more parking spaces but asked if it could be flexible in the placement of the additional parking, so as not to interfere with the drainage on the property.

Commissioner Rowitsch MOVED, seconded by Commissioner Miner to recommend to Town Council to approve the site plan for Commercial Greenhouses with the additional 5 parking spaces to be placed in areas at the discretion of the applicant.

MOTION CARRIED: 6-0

7. PUBLIC COMMENTS:

One resident commented she was upset that she was not able to comment on the dispensaries in regards to churches. She does not want to see a dispensary located by a church.

Chairman Rice explained that item will be heard by the Council and that she will then have another opportunity to express her concerns.

8. ADJOURN: 7:10 p.m.

Phil Rice Chairperson Date:

ITEM 6A

DEVELOPMENT SERVICES DEPARTMENT
1982 VOSS DRIVE
PO BOX 406
CHINO VALLEY, AZ 86323



TOWN HALL (928) 636-2646
DEVELOPMENT SERVICES (928) 636-4427
FAX (928) 636-2144

PLANNING COMMISSION
STAFF REPORT

TOWN OF CHINO VALLEY, ARIZONA
JULY 3, 2012

SPR CASE NO. 12-002, REQUEST: THE PROPERTY OWNER IS REQUESTING A BUILDING PERMIT TO INSTALL A 672 SQ. FT. CONSTRUCTION TRAILER TO BE UTILIZED AS AN OFFICE/RESTROOM/CARETAKERS BUILDING FOR A LANDSCAPING GROWING YARD. NORMALLY THE SITE PLAN REVIEW PROCESS WOULD NOT BE REQUIRED FOR A PROJECT LIKE THIS, HOWEVER, IN THIS CASE, THE ORDINANCE THAT REZONED THE PROPERTY STIPULATED, ***"SITE PLAN APPROVAL BY THE PLANNING AND ZONING COMMISSION IS REQUIRED BEFORE A BUILDING PERMIT SHALL BE ISSUED OR A USE ESTABLISHED ON THE PROPERTY"***.

A. LOCATION: On the south side of West Road 4 North approximately 1,700 feet west of State Route 89 (Exhibit A). This is an approximately 12 acre site, Assessor's Parcel Number 306-14-003R.

B. ANALYSIS: In 2007, the subject property was rezoned from "AR-5" Agricultural Residential 5 Acre Minimum to "CL" Commercial Light, with Ordinance No. 07-693 (Exhibit B). This Ordinance contains a Stipulation (Zoning Stipulation #4) that requires site plan approval by the Planning Commission before the issuance of a building permit or the establishment of any use on the property.

Recently, in discussions with Town staff, the property owner stated that she would like to establish a growing yard on the subject site that would provide fruit trees, shade trees, and ornamental shrubs for her wholesale nursery yard located in Prescott Valley. She also stated that the subject site would ***"not"*** be open to the public and that retail activity would ***"not"*** occur on the property. However, there is a need for an office/restroom/caretaker building to help facilitate maintenance and security for the growing yard. The property owner is proposing to install a 672 square feet construction trailer on the property (Exhibit C).

Because Zoning Stipulation #4 of Ordinance No. 07-693 states: *"That building permits shall not be issued nor shall any use be established on the property unless and until a grading and drainage plan, street plan, site plan, landscape plan, building elevations, buffering and screening plan, and lighting and sign plans have been approved by the Planning and Zoning Commission"*, Town staff is requesting site plan approval by the Planning and Zoning Commission.



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The following is a breakdown of the types of reviews that are required by Zoning Stipulation #4 of Ordinance No. 07-693 and how the property owner proposes to address them:

1. Grading and Drainage Plan Review:
 - a. No grading and drainage plan proposed. The drainage of this approximately 12 acre site will not be impacted by the construction trailer and the proposed growing yard.
2. Street Plan Review:
 - a. No street improvements are proposed.
3. Site Plan Review:
 - a. As submitted.
4. Landscape Plan Review:
 - a. An alternative landscape plan is proposed which includes trees on three sides of the site (1 Juniper Tree every 12 Feet).
5. Building Elevations Review:
 - a. Proposing a 672 sq. ft. construction trailer (A Commercial Building).
6. Buffering and Screening Plan
 - a. How many trees will be installed? How many feet between trees?
7. Lighting and Sign Plan Review:
 - a. No lighting or signage will be added.

In addition, when a subsequential building permit is requested for a permanent building or an additional use is proposed for the property, the property owner will again, be required to go through the site plan approval process required through Ordinance No. 07-693.

SITE PLAN (Exhibit D1 & D2)

GENERAL: The proposed site plan will accommodate the proposed use in a functional manner that addresses the specific needs of the growing yard.

ACCESS AND CIRCULATION:

The site will be accessed by two twenty (20) foot wide driveways off of the property's Road 4 North frontage and the driveway will continue around the site. The applicant is requesting that all driving surfaces and the parking area will be surfaced with gravel.

Another part of the approval process involves the property owner's request to eliminate the paving requirement for the proposed drive aisles for this project only. To do so, Town staff, on your behalf, will request that the Town Council waive the paving requirement until a permanent building is proposed.



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The property owner stated that no tractor trailers will access the site, only vans and stakebed trucks, which will occur approximately once a week.

PARKING

The Unified Development Ordinance requires one paved handicapped parking space and one additional space. The property owner will be requesting the Town Council waive the paving requirement for this one parking space.

LANDSCAPING

The property owner will be installing Juniper trees on three sides of the property (1 Tree every 12 Feet).

C. FACTS:

1. Owner/Applicant:Donald & Catherine Cox
2. Parcel Number:306-14-003R
3. Site Area:Approximately 12 acres
4. Existing zoning: "CL" Commercial Light
5. Intended Use:A growing yard for nursery stock such as fruit trees, shade trees and ornamental shrubs.
6. Adjacent Zoning and Use:
 - a. North....."AR-5" Agricultural Residential 5 Acre Minimum
 - b. South....."AR-5" Agricultural Residential 5 Acre Minimum
 - c. East....."AR-5" Agricultural Residential 5 Acre Minimum
 - d. West....."SR-1 Single Family Residential 1 Acre Minimum

- D. RECOMMENDATION: Staff recommends **APPROVAL** of the proposed site plan and to recommend the Town Council waive the paving requirements for the drive aisles and one parking space. This recommendation is for this project only, when a subsequential building permit is requested for a permanent building or an additional use is proposed for the property, the property owner will again, be required to go through the site plan approval process required through Ordinance No. 07-693.

Attachments:

- Exhibit "A" Location Map
- Exhibit "B" Ordinance No. 07-693
- Exhibit "C" Photo of Construction Trailer
- Exhibit "D1" Record of Survey for the subject site
- Exhibit "D2" Site Plan



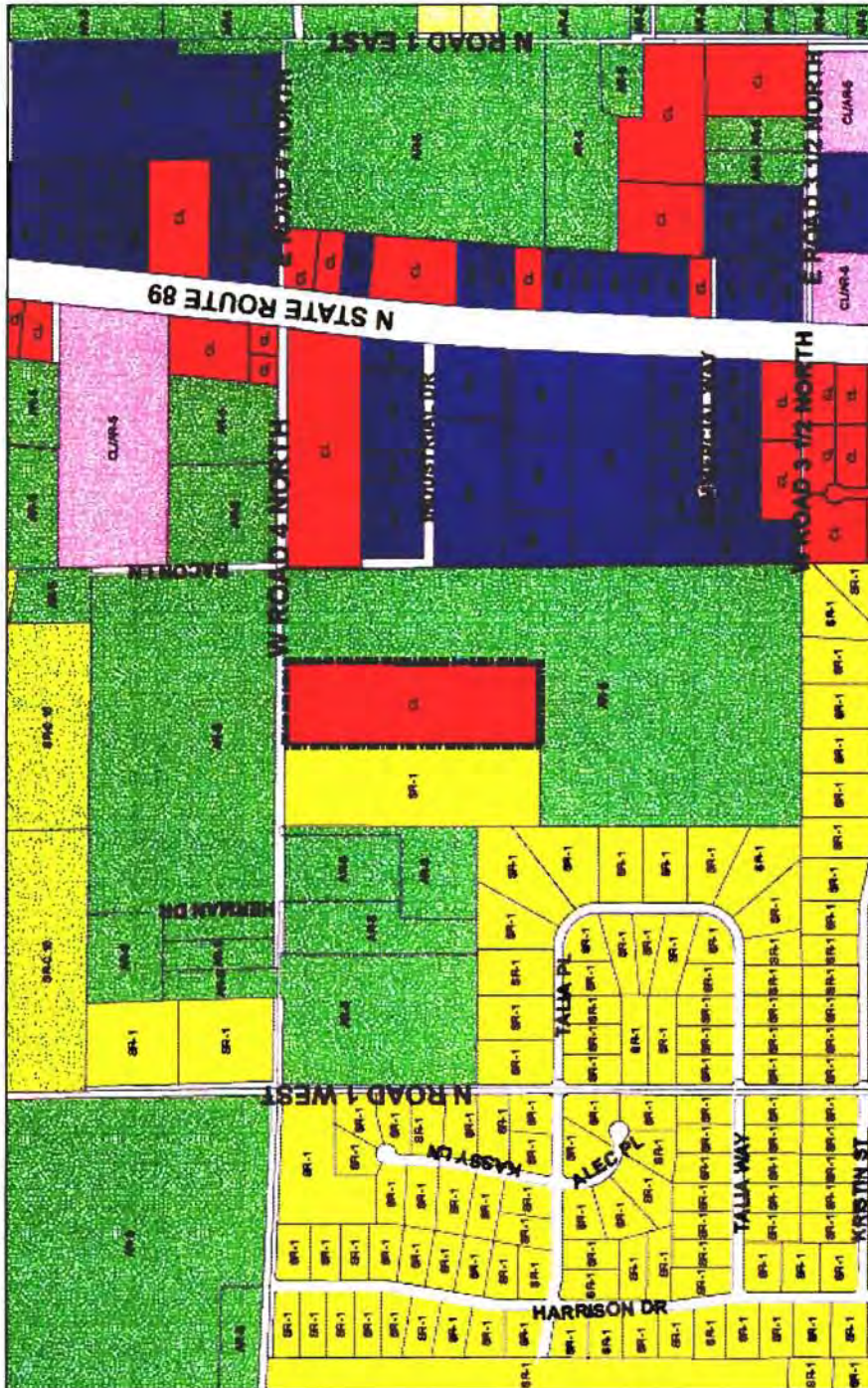
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PO BOX 406
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FAX (928) 636-2144

EXHIBIT A

Catherine & Donald COX
APN 306-14-003R
SPR 12-002



1 inch = 700 feet
N
K



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EXHIBIT B (1 of 2)

ORDINANCE NO. 07-693

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE
TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, TO
PROVIDE FOR THE REZONE OF THE EASTERN HALF OF
ASSESSOR'S PARCEL NUMBER 306-14-003Q FROM "AR-5"
AGRICULTURAL/RESIDENTIAL 5-ACRE MINIMUM TO "CL"
COMMERCIAL LIGHT.**

WHEREAS, Rod Yarbrow, representing the Owner, J & L Land Services L.L.C., filed an application with the Town of Chino Valley requesting to rezone the eastern half of Assessor's Parcel Number 306-14-003Q from "AR-5" Agricultural/Residential 5-Acre Minimum to "CL" Commercial Light for the real property described on Exhibit "A" as attached to this Ordinance; and

WHEREAS, the requested rezone was noticed in conformance with the applicable State Statutes and Local Ordinance; and

WHEREAS, the Planning and Zoning Commission conducted a Public Hearing on July 5, 2007, during which testimony was presented by Town staff, the applicant, and others; and

WHEREAS, subsequent to the Public Hearing and discussion by the Planning and Zoning Commission, the Commission elected by a 6-0 (Commissioner Skousen absent) vote to forward the application to the Town Council with a recommendation for approval with certain Findings and Stipulations; and

WHEREAS, at their regular meeting of August 9, 2007, the Town Council confirmed the recommendation of the Planning and Zoning Commission by electing to adopt this Ordinance and thereby approve the requested rezone with the Findings and Stipulations cited in Section 1 of this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA:

Section 1. That the Zoning Map of the Town of Chino Valley, Arizona, is hereby amended to rezone the real property legally described on Exhibit "A" and generally described on the date of the adoption of this Ordinance as the eastern half of Assessor's Parcel Number 306-14-003Q, located on the south side of West Road 4 North approximately 1,700 feet west of Highway 89, and consisting of approximately 12.36 acres, with the following Findings and Stipulations:



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1982 VOSS DRIVE
PO BOX 406
CHINO VALLEY, AZ 86323



TOWN HALL (928) 636-2646
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EXHIBIT B (2 of 2)

FINDINGS:

1. That the requested rezone from "AR-5" Agricultural/Residential 5-Acre Minimum to "CL" Light Commercial, is consistent with and conforms to the land use designation of Commercial and the goals of the "Town of Chino Valley 2003 General Plan."
2. That approval of the recommended rezone will not be adverse to the health, safety, convenience, and general welfare of the residents of the Town of Chino Valley, Arizona.

STIPULATIONS:

ZONING:

1. That the Property Owner agrees that the approval of this rezone confers no additional entitlements or rights to the owner or applicant other than those that are vested with the "CL" zoning district.
2. That the Property Owner/Applicant agrees to comply with the codified procedures set forth in the Town of Chino Valley's Unified Development Ordinance.
3. That should the existing residence on the property be converted to commercial use, it shall be made to conform, in all aspects, to the requirements of the current building codes as adopted by the Town of Chino Valley as they apply to commercial structures.
4. That building permits shall not be issued nor shall any use be established on the property unless and until a grading and drainage plan, street plan, site plan, landscape plan, building elevations, buffering and screening plan, and lighting and sign plans have been approved by the Planning and Zoning Commission.

ENGINEERING

1. That an additional fifteen feet (15') of right-of-way shall be dedicated to the Town of Chino Valley along the property's West Road 4 North frontage.

Section 2. That this Ordinance repeals any prior enactment by the Town of Chino Valley that is inconsistent herewith.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 9th day of August, 2007.



EXHIBIT C



FILED AND RECORDED AT THE REQUEST OF
FOSTCO SURVEYING

NO 2007

AT _____

BOOK _____ OF LAND SURVEYS

PAGE _____

RECORDS OF YAVAPAI COUNTY, ARIZONA

COUNTY RECORDER _____

COUNTY RECORDER _____

AMENDED RECORD OF SURVEY PARCEL 306-14-003R

A PORTION OF
SECTION 10, T16N, R2W
YAVAPAI COUNTY, ARIZONA

(AMENDING A SURVEY RECORDED IN
BOOK 165 L.S., PAGE 82 Y.C.R.O.)

306-04-008P

N4 COR.
SEC. 10

(493.90')

ROAD 4
NORTH

N90°00'00"E

826.80'

25'

413.40'

413.40'

4' FIELD
FENCEGRAVEL
DRIVE

SUBJECT SITE
APN 306-14-003R
+/- 12.36 ac

LEGEND

- = FOUND 1/2" FAMAS OR AS NOTED
- = SET 1/2" REBAR 37930 CAP
- = AFFIXED BRASS TAG 37930
- () = RECORD INFORMATION

NOTE: 1) ALL EASEMENTS OF RECORD MAY
NOT BE SHOWN ON THIS PLAT

MAPS USED

BOOK 113 L.S., PAGE 33 TCRO

EXHIBIT D1



THIS PLAT AND THE SURVEY ON WHICH IT IS
BASED WAS DONE UNDER MY DIRECTION DURING
THE MONTH OF MAY 2007, AND POINTS THAT
WERE FOUND OR SET ARE REPRESENTED TO THE
BEST OF MY KNOWLEDGE AND BELIEF.

REC BY CHINO VALLEY
JUN 11 2007

COMMUNITY DEVELOPMENT

D. Allen Foster



FOSTCO SURVEYING INC.

D. ALLEN FOSTER PLS# 37930
P.O. BOX 4363 CHINO VALLEY, ARIZONA 86323 (928) 836-9184

SURVEYED FOR: J AND L

DATE	DAF	DATE	5-13-07
DATE	DAF	DATE	00-1
DATE	2007-3	DATE	1 of 1

306-14-004W

306-14-028A

306-56-127

APPALOOSA
MEADOWS SUBD.

306-56-126

B
±12.36 AC

A
±12.36 AC

S00°08'44"W

1298.88'

S00°03'05"W

1298.83'

S00°02'04"E

1298.78'

±36'

±40'

415.35'

830.69'
N89°59'35"E

415.34'

FOUND FAMAS
TAGGED 1-1/2" PIPE

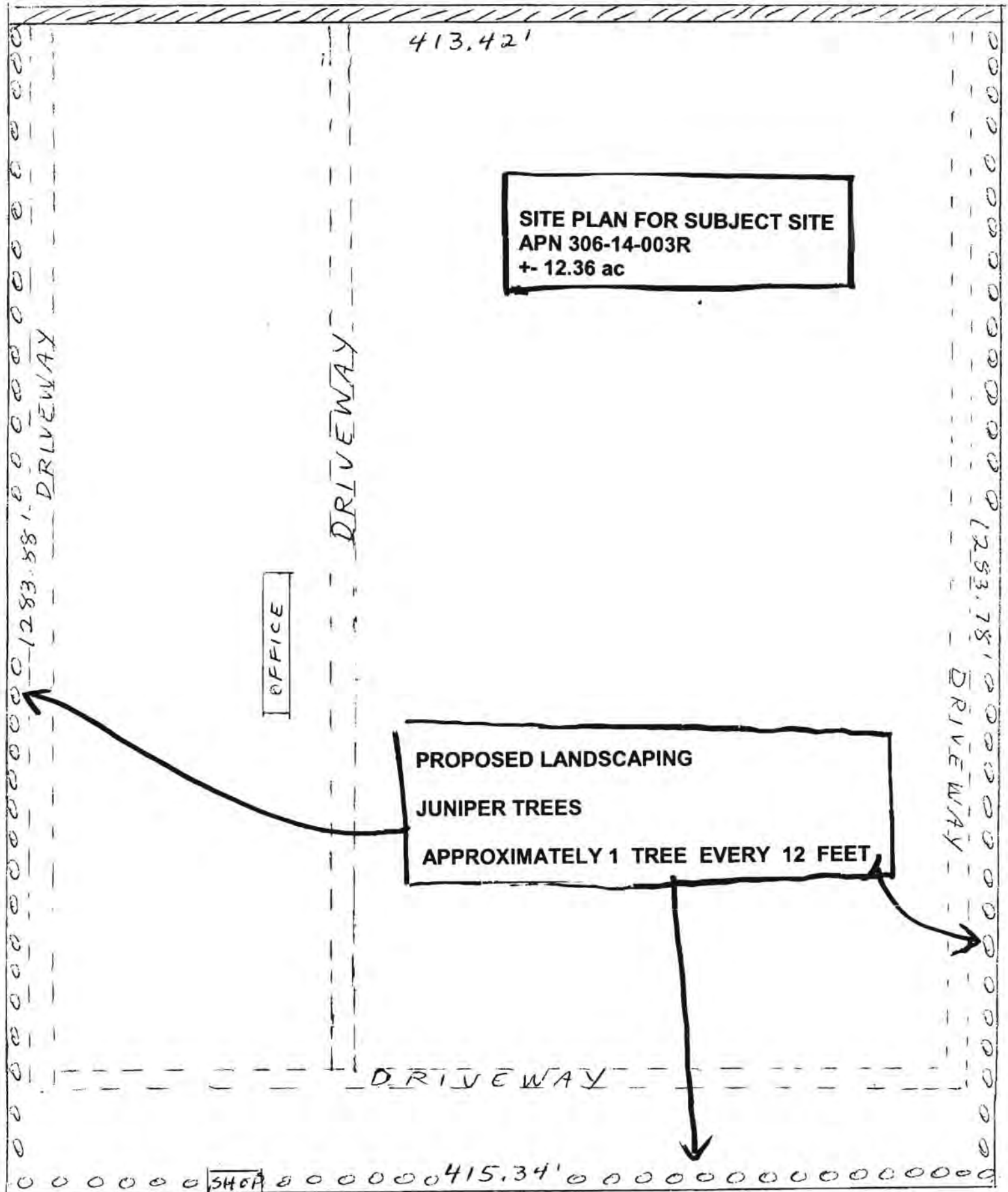
306-14-005A

6' CH. LINK
FENCE

HOUSE

SHOP

ROAD 4 NORTH
15' ROADWAY DEDICATION
Parcel 306-14-003R





TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **7. d.**

Meeting Date: 09/11/2012
Contact Person/Dept: Ron Grittman, Public Works
 Phone: 928-636-2646 x-1223
Item Type: Action-Presentation
Estimated length of staff presentation: 5 minutes
Physical location of item: State Route 89 Sidewalk and Landscaping Project

AGENDA ITEM TITLE:

Consideration and possible action to approve Change Order Number 2 to professional services agreement with Stanley Consultants in the amount of \$5,407.78 for additional work for post design services required by the Arizona Department of Transportation regarding the preparation of bid documents for the sidewalk and landscaping project along State Route 89 between Center Street and Road 4 South.

RECOMMENDED ACTION:

Approve Change Order Number 2 to professional services agreement with Stanley Consultants in the amount of \$5,407.78 for additional work for post design services required by the Arizona Department of Transportation.

SITUATION AND ANALYSIS:

On May 27, 2010, the Town of Chino Valley entered into a professional services contract with Stanley Consultants for the design of the sidewalk and landscaping project along Highway 89 between Center Street and Road 4 South. This contract is in compliance with the intergovernmental agreement between the Town of Chino Valley and the Arizona Department of Transportation (ADOT.) On March 8, 2011, the Town executed change order number 1 for the design and inclusion of the entrance sign located on northbound 89 immediately north of Road 4 South. The construction plans for the project were completed in the summer of 2011.

Over the past year ADOT has made several requests for Stanley Consultants to modify the construction drawings and specifications. Stanley has been extremely responsive to ADOT's requests while keeping the Town in flow of conversation. These modifications include, preparation of statue specification, review of ADOT requirement for artist selection process, modify contract documents for the Town to contract directly for sculpting services, and others. Stanley has worked with ADOT for the past year to keep the project from falling behind even further in the construction schedule. This change order will compensate Stanley for the

services rendered.

I would like to state that I believe that Stanley Consultants has provided actual services far in excess of the change order amount requested. They have suffered through ADOT's many requests and changes in direction regarding this project and have not requested the Town to incur all the costs they have incurred. Stanley has performed extremely professionally and and presented the Town with a change order amount that is more than reasonable.

Fiscal Impact

Fiscal Impact?: Yes

If Yes, Budget Code: 02-78-5212

Available: \$5,407.78

Funding Source:

Funds to come from Highway User Revenue Fund, Roads Maintenance professional services line.

Attachments

Change Order Number 2


Stanley Consultants INC.

1661 East Camelback Road, Suite 400
Phoenix, AZ 85016

August 20, 2012

Project No: 22924.00.01

Invoice No: 0152438

Town of Chino Valley
1020 West Palomino Road
PO Box 406
Chino Valley, AZ 86323

Attention: Ron Gritman

For: SR 89: Center Street to Road 4 South Sidewalk Enhancement

Professional Services from July 01, 2012 to July 28, 2012

Fee

Total Fee	102,858.00			
Percent Complete	100.00	Total Earned	102,858.00	
		Previous Fee Billing	97,450.22	
		Current Fee Billing	5,407.78	
		Total Fee		5,407.78

TOTAL THIS INVOICE **\$5,407.78**

If you have any questions regarding this invoice, please contact Todd Cencimino at 602.333.2200.

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **7. e.**

Meeting Date: 09/11/2012
Contact Person/Dept: Ron Grittman, Public Works
 Phone: 928-636-2646 x-1223
Item Type: Action-Presentation
Estimated length of staff presentation: 10 minutes
Physical location of item: Townwide

AGENDA ITEM TITLE:

Consideration and possible action to approve an Intergovernmental Agreement between the Town of Chino Valley and Yavapai County Flood Control for the construction of the first of three flood control projects.

RECOMMENDED ACTION:

Approve the Intergovernmental Agreement between the Town and Yavapai County Flood Control for the construction of the Road 3 North at Town Hall Drainage Improvements.

SITUATION AND ANALYSIS:

On January 11, 2012, the Town of Chino Valley submitted five flood control projects to the Yavapai County Flood Control District for consideration of funding. On July 23, 2012, we were notified that the County will fund three flood control projects over the next three years.

These projects are:

1. Road 3 North at Town Hall (ADMS Project #4) at a cost of \$268,250.00
2. Chino Meadows Unit 5 at Peavine Trail (ADMS Project #3) at a cost of \$1,084,600.00
3. Road 2 South at Highway 89 (ADMS Project #6) at a cost of \$235,770.00

Project 1 will be designed and constructed this fiscal year. Staff have already contacted a local engineering firm and are awaiting a proposal. Depending upon the availability of funds from Yavapai County Flood Control District The engineering for Project 2 may occur in the spring of 2013 with construction beginning late summer/early fall of 2013. In the event that Yavapai County Flood Control District is not able to fund engineering for Project 2 until July 2013, the project construction will be delayed approximately six to eight months. Project 3 is slated for FY 14/15.

Yavapai County officials will be presented with the IGA at their first meeting in September.

As this agenda memorandum is written, the IGA has not been to the Town. The formal IGA will be distributed once it is formally available.

Fiscal Impact

Fiscal Impact?: Yes

If Yes, Budget Code:

Available: \$268,250

Funding Source:

Funds to come from Yavapai County Flood Control District.

Attachments

Letter To County

Project maps

Intergovernmental Agreement

The Town of Chino Valley
Engineering Department
1020 West Palomino Road
P.O. Box 406
Chino Valley, Az 86323



Town Hall Telephone (928) 636-2646
Town Hall Fax (928) 636-2144
Engineering Telephone (928) 636-7140
Engineering Fax (928) 636-7141

January 11, 2012

Mr. Charlie Cave
Flood Control
Yavapai County
500 South Marina Street
Prescott, AZ 86303

RE: 2012-2017 Flood Control Projects for the Town of Chino Valley

Dear Mr. Cave,

Attached is the written request from the Town of Chino Valley to fund a five year stormwater program. This request is pursuant to your message dated April 26, 2011. In your message, you stated that the County is looking for projects that are of a participatory nature and is achievable in construction under the fiscal year that the project is funded. Chino Valley is committed to being a active participant with Yavapai County in the successful construction of these projects.

As you know, in fiscal year 2010/11, Yavapai County funded the Town of Chino Valley for an Area Drainage Master Study (ADMS.) On March 30, 2011 this project was completed. Yavapai County has been presented with a copy of this study. As a participant to the project's success, the Town of Chino Valley paid to have the entire "metropolitan" area of Chino Valley photographed and developed 2' topographic contours. Because of the Town's commitment to be equal partner with Yavapai County in stormwater projects, we were able to assure that this project was a complete success.

The ADMS ranked numerous stormwater projects needed based on several parameters, including estimated cost, homes/businesses benefited, properties impacted, recurring town maintenance, and others important criteria. The Town would like to proceed with some of these solutions, and respectfully requests that Yavapai County (County,) through flood control taxes collected from the citizens of Chino Valley, participate toward the completion of these enhancements.

The Town of Chino Valley has already begun to use Community Development Block Grant (CDBG) funding to resolve a stormwater problem already identified in the



ADMS. This is shown as a Project on attached sheet 2. This project will include the construction of a detention basin, underground stormwater piping, and a box culvert to resolve flooding and secondary access issues within the Chino Meadows area. This project will significantly decrease the flooding that impacts numerous residents within the subdivision. This project is fully funded by the Town of Chino Valley CDBG with no requested contribution from Yavapai County Flood Control District. The total cost for this CDBG project is \$398,000.

Listed below are 5 of the top-ranked and most crucial fixes identified in the ADMS that the Town requests funding:

1. Road 3 North at Town Hall (ADMS Project #4, Attached Sheet 1)

Problem

Current drainage structures under Road 3 North and the outlet channel are undersized for the existing 100-year event drainage condition. There are multiple complaints and access problems during large storm events. Over the past several years several residents have actually had stormwater flow inside their residence. This project will alleviate the flooding and provide access along Road 3 North during larger stormwater events.

Solution

Analysis of the existing retention pond south of Road 3 North will be required to determine if it has adequate capacity for the 100-year. A new outlet will be constructed for the existing pond utilizing box culverts (provided by the Town of Chino Valley) under Road 3 North, and a channel that will connect to the existing stormwater system within the Appaloosa Meadows subdivision. Preliminary engineering already suggests that there is adequate capacity for this volume of water because it follows the historical drainage patterns. The box culverts under Road 3 North have already been purchased and delivered to the Town of Chino Valley. They are eight, pre-fabricated box sections with bases, each measuring 10' long, 8' wide and 4' high. The proposed channel will most likely require land acquisition. Drywells may be installed to assure that the detention pond empties within 36 hours after the storm event, attenuating the flow rate and volume continuing to the north.

Cost

The estimated cost for the design and construction of this project is \$268,250, which does not include the already-purchased box culverts valued at \$70,000. The value of the box culverts and the roadway work at Road 3 North and Gilson Road will serve as a portion of the Town's contribution to this project.

2. Chino Meadows Unit 5 at Peavine Trail (ADMS Project #3, Attached Sheet 2)

Problem

Chino Meadows Unit 5 is heavily impacted by drainage passing under and in some cases, over the Peavine Trail, affecting multiple homes and roadways. Existing channels are undersized and heavily eroded. The area is also served by a single access point, Sharon Lane. The CDBG project that the Town of Chino Valley is funding will provide an all weather secondary access for this region.



Solution

Drainage analysis will need to be completed, including the design and installation of a series of retention/detention ponds with drywells and a controlled outlet structure on the east side of the Peavine Trail to reduce flow through Chino Meadows Unit 5 and redirect flow to the north to a more confined channel. Improvements to the existing channel from the Peavine trail box culvert outlet down to the Santa Cruz Wash will also be included in this project. The project will also need to evaluate the channel that crosses Little Doggie Draw Lane and Porcupine Pass Road.

Cost

The estimated cost for the design and construction of this project is \$1,084,600.

3. Road 1 East to Santa Cruz Wash (ADMS Project #7, Attached Sheets 3 and 4)

Problem

The small size of the existing drainage structure under Road 1 East causes water from the Santa Cruz Wash to back up behind Road 1 South and overtop during large storm events. This occurs at multiple locations, impacting several homes and causing frequent road closures.

Solution

Install a retention/detention pond with drywells and a controlled outlet structure and convey storm water east through a new culvert in Road 1 South to an additional regional retention/detention pond on County-owned land. Right-of-way and land acquisition will be necessary from landowners as well as the County. A possible increase in flow to the Santa Cruz Wash may require a FEMA Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR.) Drywells may be installed to assure that the detention ponds empty within 36 hours after the storm event, thereby attenuating the flow rate and volume continuing to the east at the Santa Cruz Wash.

Cost

The estimated cost for the design and construction of this project is \$2,480,225.

4. Road 2 South at Highway 89 (ADMS Project #6, Attached Sheet 4)

Problem

Drainage backwater frequently floods the business parcel to the west of the Maverick gas station and ponds at a low point on Road 2 South just west of Hwy 89. Road closure and access are frequent problems during a storm event at this location.

Solution

This problem can be solved by installing a large catch basin west of the Maverick, a grate structure across Road 2 South, and connecting storm drain to the ADOT right-of-way and existing drainage facilities. Adjacent to Highway 89, the existing channel will be extended or widened accordingly. Right-of-way and land acquisition will be necessary from landowners. Drywells may be installed to



assure that the detention ponds empty within 36 hours after the storm event, thereby attenuating the flow rate and volume continuing to the north.

Cost

The estimated cost for the design and construction of this project is \$235,770.

5. Cemetery Draw at Juniper Drive (ADMS Project #2, Attached Sheet 5)

Problem

Existing homes and roads within the Chino Meadows area are frequently flooded during large storm events from Cemetery Draw. There is no existing channelization or infrastructure for the draw. There are approximately 50-75 homes that are impacted from these stormwater events. Ample vacant property exists immediately upstream from the effected area and Juniper Lane (ROW owned by the Town) offer a unique ability to foster a solution. In addition, there is frequent, on-going maintenance, repair to damaged roadways, and clean-up after storm events by Town staff.

Solution

The solution will include installing a retention/detention pond with drywells and a controlled outlet structure near the northwest corner of the Highlands Ranch subdivision. ROW will be required from property owners that are currently inundated by Cemetery Draw and will be used construct a regional detention pond. The outlet structure would convey stormwater along Juniper Lane to the Santa Cruz Wash. The Town of Chino Valley is installing a new 10 barrel box culvert at the Santa Cruz Wash and Road 2 North with the capacity to convey 6,400cfs when the FEMA 100 year storm flow is 5,400cfs. A FEMA CLOMR and LOMR would most likely be required. Flooding conditions would be greatly improved for homes between Juniper Drive and Road 2 North in the Chino Meadows area. This would also reduce the Town maintenance for the surrounding residences and roadways.

Cost

The estimated cost for the design and construction of this project is \$1,107,075.

These projects offer a great benefit to the citizens of Chino Valley. To fund a series of multi-year stormwater projects will offer Chino Valley something that hasn't existed. Thank you for your consideration, and I look forward to hearing from you.

If you have any questions please feel free to contact me at (928) 636-7140.

Sincerely,

Ron Grittmann, P.E.
Public Works Director/Town Engineer

C Carol Springer, Yavapai County Board of Supervisors
Phil Bourdon, Yavapai County Engineer





SCALE VARIES
PER EXHIBIT



LYON ENGINEERING
Civil Engineers • Land Surveyors
1650 Willow Creek Road, Prescott, Arizona 86301
Phone: (602) 770-1100, Fax: (602) 770-0060

CHINO VALLEY - AREA DRAINAGE MASTER STUDY

REACHES: 608-609 AND 607
FLOW DEPTH > 3" (0.25')

LYON ENGINEERING, INC.
© COPYRIGHT 2011

DRAWN: BAB

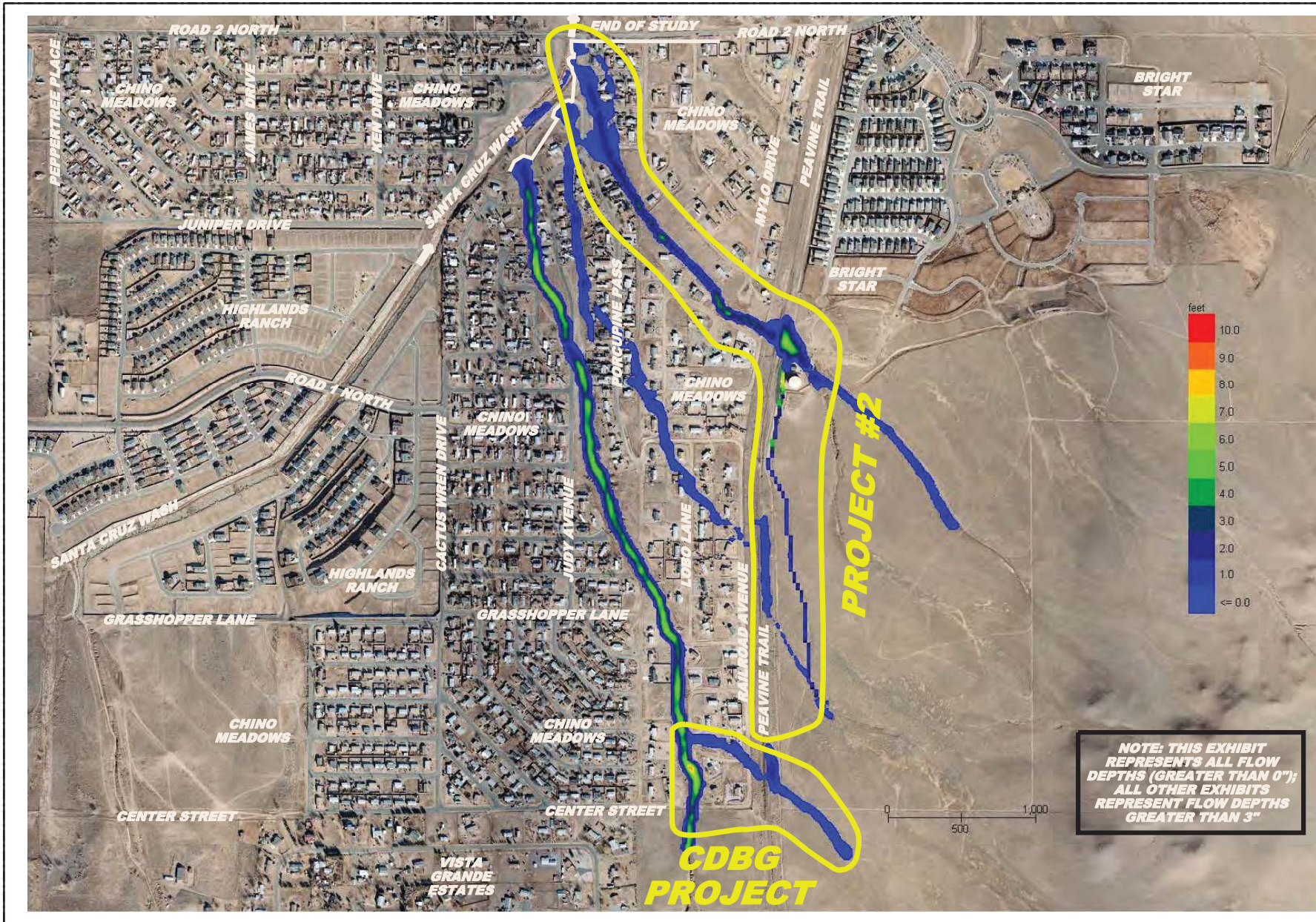
DESIGN: BAB

CHECKED: RGP

LYON JOB NO.: 487-12

SHEET NO.

1



SCALE VARIES
PER EXHIBIT

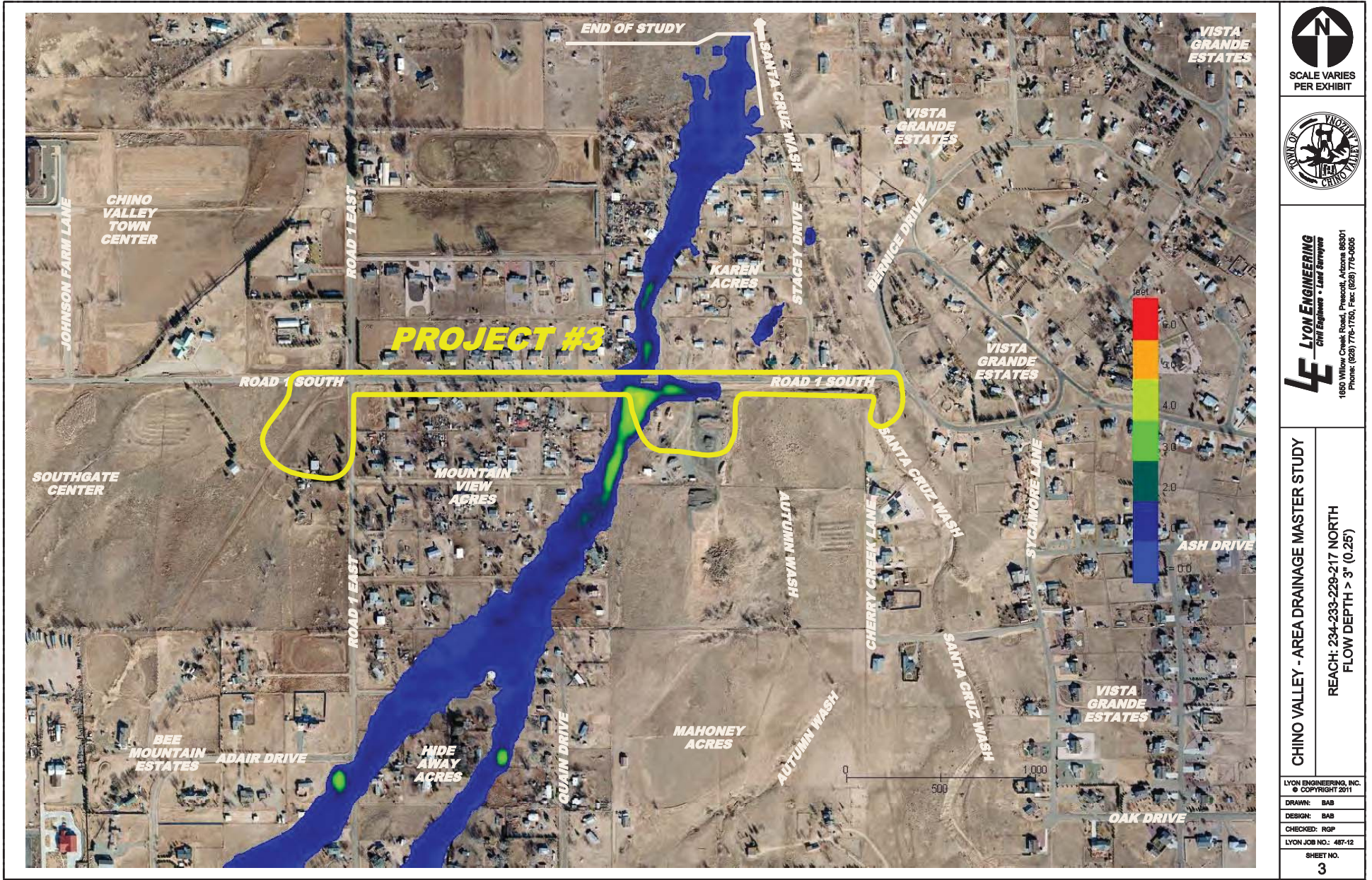


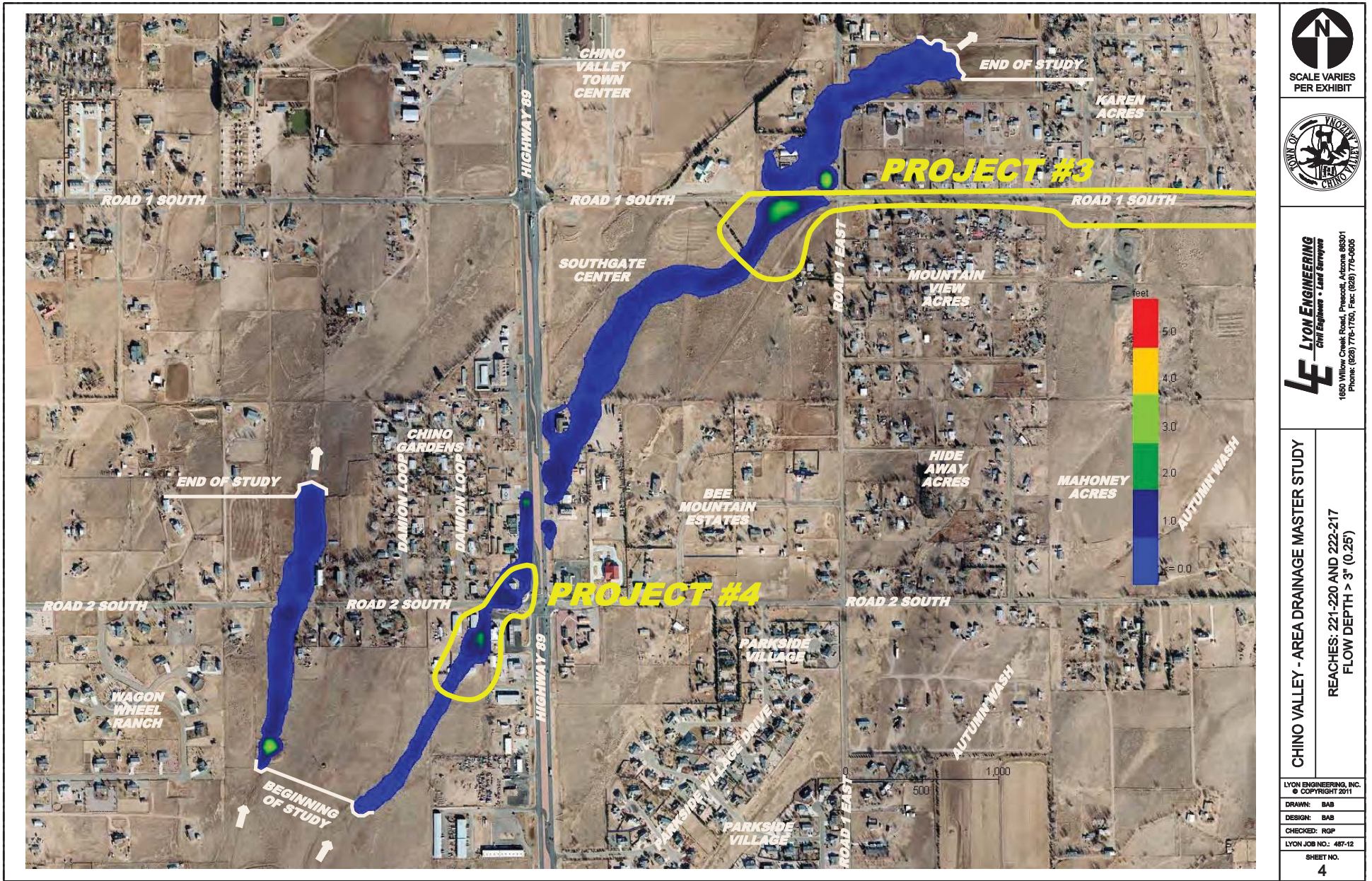
LYON ENGINEERING
Civil Engineers • Land Surveyors
1650 Willow Creek Road, Prescott, Arizona 86301
Phone: (602) 770-1100, Fax: (602) 770-0060

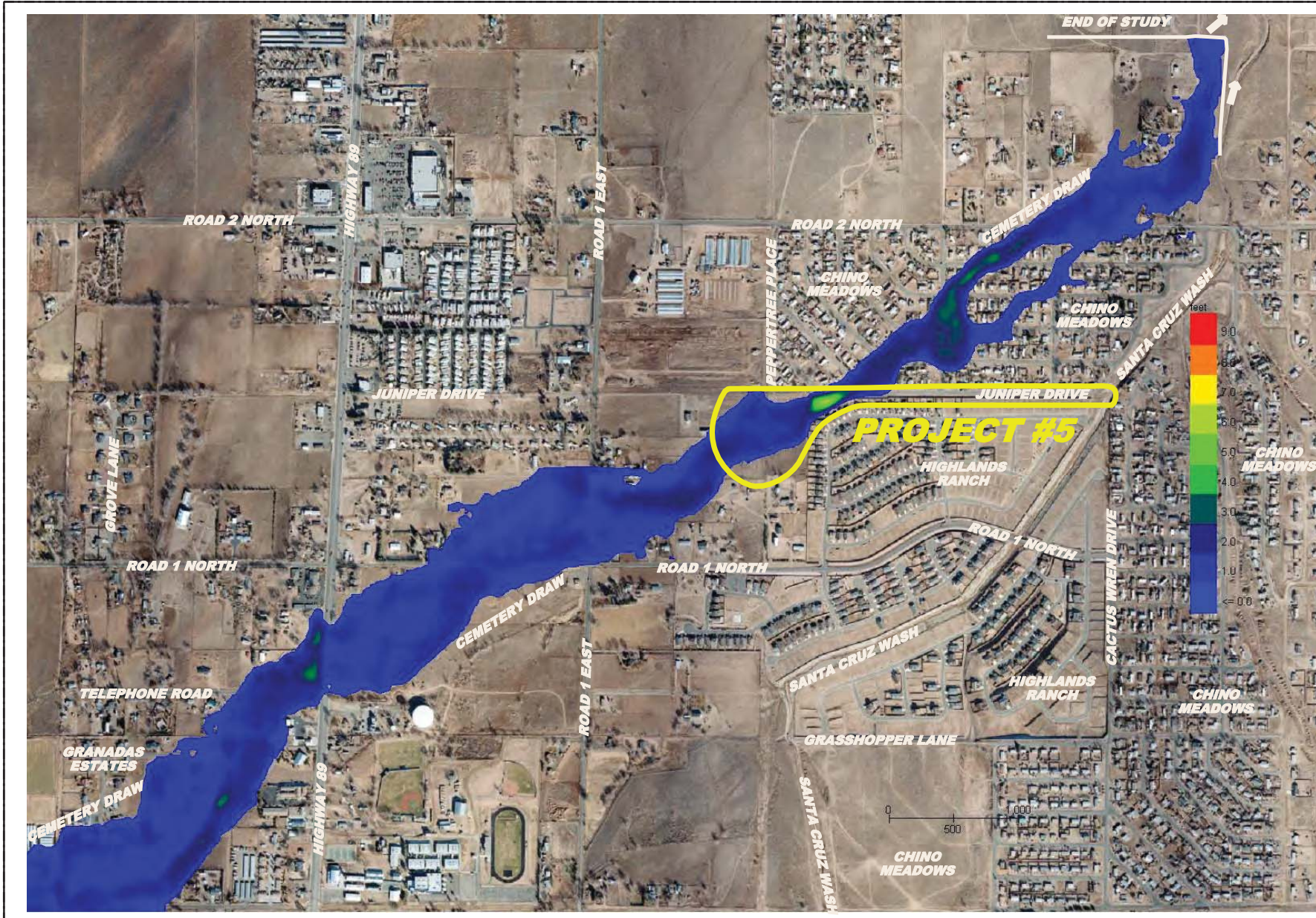
CHINO VALLEY - AREA DRAINAGE MASTER STUDY

REACHES: 218-211, 209, AND 210
FLOW DEPTH > 0.00"

LYON ENGINEERING, INC. © COPYRIGHT 2011	
DRAWN:	BAB
DESIGN:	BAB
CHECKED:	RGP
LYON JOB NO.:	487-12
SHEET NO.	2







SCALE VARIES
PER EXHIBIT



LYON ENGINEERING
Civil Engineers • Land Surveyors
1650 Wilcox Creek Road, Prescott, Arizona 86301
Phone: (602) 770-1100, Fax: (602) 770-0060

CHINO VALLEY - AREA DRAINAGE MASTER STUDY
REACH: 219-214-206 (CEMETERY DRAW) NORTH
FLOW DEPTH > 3" (0.25')

LYON ENGINEERING, INC.
© COPYRIGHT 2011
DRAWN: BAS
DESIGN: BAS
CHECKED: RGP
LYON JOB NO.: 487-12
SHEET NO.
5

When recorded in the Office of the
Yavapai County Recorder return to:

Yavapai County Flood Control District
500 S. Marina St.
Prescott, AZ 86303

INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT, made this 4th day of September 2012, by and between the YAVAPAI COUNTY FLOOD CONTROL DISTRICT, a special district legally created in the State of Arizona (hereinafter called "District") and the Town of Chino Valley, a municipal corporation of the State of Arizona, (hereinafter call "Town") for a period commencing, September 4, 2012, and extending through completion of the named project.

This agreement provides for financial contribution from the District to the Town in support of the ADMS Project #4; Road 3 North at Town Hall DI Project. This agreement is funded in an amount not to exceed \$268,250 for Fiscal Year 2012/2013. Funding contributions for the project in future fiscal years will be dependant on project progress and funding availability. Funding for future Fiscal Years must be requested in writing and will be at the discretion of the Board of Directors of the Yavapai County Flood Control District. All design, engineering, bidding, contracts, inspection and project management shall be the sole responsibility of the Town. The District's involvement in the project is limited to financial contribution as approved by the Board of Directors.

WITNESSETH:

WHEREAS, the District and the Town have the authority to enter into Intergovernmental Agreements pursuant to Arizona Revised Statutes, Section 11-952, Section 48-3603(9) and Section 9-240(5); and,

WHEREAS, the Town lies within the legal boundaries of the District (Yavapai County); and,

WHEREAS, property owners within the corporate limits of the Town pay ad valorem taxes to support the District; and,

WHEREAS, the Town has experienced storm water control and flooding problems for a number of years in various locations; and,

WHEREAS, the District is authorized to expend funds for flood control projects (including storm water control) and has approved and budgeted amounts necessary to provide funding assistance for flood mitigation work.

NOW, THEREFORE, IT IS AGREED as follows:

PURPOSE

1. The purpose of this Agreement is to authorize the Flood Control District to pay and contribute to the Town funds in support of the Town's ADMS Project #4; Road 3 North at Town Hall DI Project. Funding for Fiscal Year 2012-2013 shall not exceed Two Hundred Sixty Eight Thousand, Two Hundred Fifty Dollars (\$268,250.00). Funding contributions

for the projects in future fiscal years will be dependant on project progress and funding availability and will be at the discretion of the Board of Directors of the Yavapai County Flood Control District. The District shall make said contributions to the Town in partial payments based upon periodic invoices from the Town. Invoices shall be provided to the District for review prior to reimbursement. The District agrees to pay said invoices monthly or upon an alternate schedule as agreed to between the Town and District.

2. The Town shall use said District funds exclusively for reimbursement of approved costs associated with the projects described above.
3. The Town shall be responsible for the administration, right-of-way acquisition, design, construction, inspection and materials necessary to complete the project.

DURATION

The term of this Agreement is for the entire period of construction of the ADMS Project #4; Road 3 North at Town Hall DI Project. This Agreement is subject to cancellation pursuant to ARS §38-511.

RENEWAL

The Parties may, upon mutual written consent, extend this agreement as necessary to carry out its purposes. Upon a written request from the Town, the Board of Directors of the District may provide additional funding for this agreement in future Fiscal Years if the project is not completed within Fiscal Year 2012/2013.

SEVERABILITY

The parties agree that if any part or parts of this Intergovernmental Agreement are held to be void or unenforceable by a court of competent jurisdiction, the remaining parts of the Agreement shall remain in full force and effect.

ENTIRE AGREEMENT

This Agreement contains the entire agreement between the parties with respect to the subject matters herein, and it may be amended, modified, or waived only by an instrument in writing signed by both parties.

CONFLICT OF INTEREST

This Agreement is subject to cancellation pursuant to ARS §38-511.

INDEMNIFICATION

The Town and the Flood Control District each agree to hold the other party harmless and indemnify the other for any loss, liability, or damages arising from any action, omission, or negligence of each party's employees, officers, or agents, regarding the performance of this Intergovernmental Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officials on the aforementioned date.

TOWN OF CHINO VALLEY

YAVAPAI COUNTY FLOOD
CONTROL DISTRICT

Chris Marley, Mayor

Thomas Thurman, Chairman
Yavapai County Flood Control District
Board of Directors

ATTEST:

ATTEST:

Cecilia Watts, Deputy Clerk
Town of Chino Valley

Ana Wayman-Trujillo, Clerk of the Board
Yavapai County Flood Control District

APPROVED AS TO CONTENT
AND FORM:

APPROVED AS TO CONTENT
AND FORM:

Town Attorney

Deputy County Attorney

INTERGOVERNMENTAL AGREEMENT DETERMINATION

In accordance with A.R.S. §11-952, this proposed Intergovernmental Agreement for funding contributions for flood mitigation work performed by the Town has been reviewed by the undersigned town attorney who has determined that said Agreement is in appropriate form and is within the powers and authority of the Town of Chino Valley.

Town Attorney

Date: _____

In accordance with A.R.S. §11-952, this proposed Intergovernmental Agreement for funding contributions for flood mitigation work performed by the Town has been reviewed by the undersigned town attorney who has determined that said Agreement is in appropriate form and is within the powers and authority of the Yavapai County Flood Control District.

Deputy County Attorney

Date: _____

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **7. f.**

Meeting Date: 09/11/2012
Contact Person/Dept: Ron Grittman, Public Works
 Phone: 928-636-2646 x-1223
Item Type: Action-Presentation
Estimated length of staff presentation: 5 minutes
Physical location of item: None

AGENDA ITEM TITLE:

Consideration and possible action to purchase two 2011 Ford Expedition 4x4 XL Police Unit as replacements to two existing units that will be retired for mileage in the amount of \$77,528.52 from Berge Ford and Arizona Emergency Products.

RECOMMENDED ACTION:

Approve the purchase of two 2011 Ford Expedition 4x4 XL Police Units from Berge Ford and Arizona Emergency Products in the amount of \$77,528.52.

SITUATION AND ANALYSIS:

In January 2012 the finance committee received a presentation regarding the use of \$235,000. These funds were generated from the second defeasance of the Greater Arizona Development Authority loans. Through the defeasance process, these funds were committed to be used on the acquisition of vehicles and equipment. The following is a summary of the proposed pieces of equipment to acquire:

Proposed Vehicle/Equipment	Cost Estimate
Purchase 2012 Police Cruiser Ford Crown Victoria. This vehicle will replace police units that have reached or exceeded their mileage limitations.	\$35,000
Purchase 2012 Police Cruiser Ford Expedition. This vehicle will replace police units that have reached or exceeded their mileage limitations.	\$40,000
Purchase Crack Seal Machine. A crack seal machine is a piece of equipment that is towed behind a truck that is used to spray an asphalt material into cracks within the roadway thereby sealing them from allowing water to infiltrate the roadway and undermine the surface.	\$40,000
Purchase Bucket Truck with a 40' extension arm. A bucket truck will be used to replace elevated lights on various campuses of the Town and hang the banner across Highway 89. Currently, this service is either hired out to an electrician or, as in the case of the banner, is donated by Chino Rentals	\$45,000
Purchase Lee Boy Paving Machine. This paying machine will be used by in-house crews to lay down asphalt on the Town's roadway system and intersections. Currently, the Town's chip sealed roadways do not hold up to traffic loadings. This equipment will allow the Town to pave our roadways with asphalt purchased directly from the asphalt plant rather than chip seal. Training for Public Works crews will be required.	\$50,000
Subtotal	\$210,000

Any funds remaining as left over from the above purchases will be used to purchase a 2012/13 Ford Crown Victoria as an administration vehicle.	\$25,000-\$30,000
Total	\$235,000

The Finance Committee memorandum shows the purchase of one Expedition and one Crown Victoria. Ford has stopped making the Crown Victoria. Therefore, staff recommends the purchase of an additional Expedition. The additional \$2,528.52 will come from the remaining funds to purchase an administrative vehicle.

Fiscal Impact

Fiscal Impact?: yes

If Yes, Budget Code:

Available: \$77,528.52

Funding Source:

Funds to be transferred from the remaining funds from the Greater Arizona Development Authority debt defeasance located in the Debt Service Fund and disbursed from Miscellaneous Capital Projects line in the Capital Improvement Fund.

Attachments

Acquisition Fund Summary

Arizona Emergency Quote

Berge Ford Quote

Town of Chino Valley			
Use of Defeasance Remaining Funds Summary			
US Bank Acquisition fund # 144925003			
	Vehicle Equipment Purchases 08-95-5583		
	Original Budget	Purchases to Date	Balance Remaining
2012 Police Cruiser Ford Crown Vic	\$35,000	\$38,764	(\$3,764)
2012 Police Cruiser Ford Crown Vic	\$40,000	\$38,764	\$1,236
Crack Seal Machine	\$40,000		\$40,000
Bucket Truck	\$45,000		\$45,000
Lee Boy Paving Machine	\$50,000		\$50,000
Remaining Funds Admin Vehicle	\$25,000		\$25,000
	\$235,000	\$77,529	\$157,471

DATE: 8/21/12

QUOTE PREPARED FOR:

Town of Chino Valley

Ricky DeLaHuerta

BY: Theresa Worthen

Berge Ford Fleet

Government Sales

480 497-7544

tworthen@bergeford.com

Vehicle Description: 2013 Ford Expedition Fleet SSV

Base Price: \$28,442.00

UP-GRADE OPTIONS:

- 1. trailer tow package \$345.00**
- 2. no other adds/FOB Mesa, AZ**
- 3.**
- 4.**
- 5.**

Bid price (w/option)	\$28,787.00
Tire tax	\$ 5.00
Sales Tax (9.05%)	\$ 2,605.23
Total delivered price	\$31,397.23

==>

Dealer: F71175

2013 EXPEDITION

Page: 1 of 1

Order No: 0001 Priority: J4 Ord FIN: KA595 Order Type: 5B Price Level: 315

Ord Code: 102A Cust/Flt Name: TOWN OF CHINO PO Number:

	RETAIL	DLR INV		RETAIL	DLR INV
U1G 4X4 XL	\$39830	\$37141.00	B4A NET INV FLT OPT	NC	\$7.00
.119" WHEELBASE			DEST AND DELIV	995	995.00
Z1 OXFORD WHITE			TOTAL BASE AND OPTIONS	38990	34565.65
F CLOTH BUCKET			TOTAL	38990	34565.65
L STONE			*THIS IS NOT AN INVOICE*		

102A EQUIP GRP (2230) (1946.00)

.FLEET SPEC SERV

995 .FF 5.4L SOHC V8 NC NC

446 .6-SPD AUTO O/D NC NC

JTT XL 5-PASSENGER NC NC

425 50 STATE EMISS NC NC

536 TRAILER TOW 395 345.00

SP DLR ACCT ADJ (1520.00)

SP FLT ACCT CR (475.00)

FUEL CHARGE 18.65

F1=Help F2=Return to Order

F3/F12=Veh Ord Menu

F4=Submit F5=Add to Library

S099 - PRESS F4 TO SUBMIT

QC203052

Specs Only

lead time 10-12 weeks after order



Quotation

Date Jun 1, 2012	Page 1
Order Number QTE0003317	

Arizona Emergency Products

3433 E Wood St
Phoenix, AZ 85040
Phone: (602) 453-9111
Fax: (602) 453-3743

Sold To:

Chino Valley Public Works, Town of
P O Box 406
Chino Valley, AZ 86323-0406

Ship To:

Chino Valley Public Works, Town of
1020 W Palomino Rd
Chino Valley, AZ, 86323

Reference Expedition Build 2012	PO Number	Customer No. CHI10602	Salesperson BPY	Order Date Jun 1, 2012	Ship Via	Terms NET30
---	------------------	---------------------------------	---------------------------	----------------------------------	-----------------	-----------------------

Year 2013	Make Ford	Model Expedition	Color	State Contract # NA
---------------------	---------------------	----------------------------	--------------	-------------------------------

Qty. Ord.	Item / Vendor Part Number	Description	Unit Price	Extended Price
		Rick DeLaHuterta 928-710-4350		
		All Pricing is per the Yavapai County Contract # 111201		
1.00	LBAR01375 / EPL8000-Expedition	EPL8000 Pinnacle Interior Light Bar, Ford Expedition Mount, Red/Blue with Center Takedowns.	611.0000	611.00
1.00	FLAS00095 / ETHFSS-SP	100% SS multi pattern headlight flasher no connectors	33.0000	33.00
2.00	LEDS00356 / EGHST1J	SOUND OFF GHOST SERIES LED. RED/BLUE SPLIT	76.9500	153.90
2.00	LEDS00360 / ENT2B3R	Sound Off Intersector LED light, Red..•New! Innovative Inter	121.0000	242.00
1.00	LBAR00013 / EL3H08A00J	ULTRALITE 8 MODULE INTER LED LIGHTBAR R/B SPLIT	349.5000	349.50
2.00	LEDS00344 / EL3SNB	SOUND OFF 3 3 LED MINI SURFACE MNT LGT BLUE Uses AA-SOUNDOFF	43.3400	86.68
2.00	LEDS00347 / EL3SNR	Sound Off 3 Up Ultra Mini LED RED..Uses AA-Soundoff-Mini-Brk	43.3400	86.68
Quotation continued on next page ...				



Quotation

Date Jun 1, 2012	Page 2
Order Number QTE0003317	

Arizona Emergency Products

3433 E Wood St
Phoenix, AZ 85040
Phone: (602) 453-9111
Fax: (602) 453-3743

Sold To:

Chino Valley Public Works, Town of
P O Box 406
Chino Valley, AZ 86323-0406

Ship To:

Chino Valley Public Works, Town of
1020 W Palomino Rd
Chino Valley, AZ, 86323

Reference Expedition Build 2012	PO Number	Customer No. CHI10602	Salesperson BPY	Order Date Jun 1, 2012	Ship Via	Terms NET30
---	------------------	---------------------------------	---------------------------	----------------------------------	-----------------	-----------------------

Year 2013	Make Ford	Model Expedition	Color	State Contract # NA
---------------------	---------------------	----------------------------	--------------	-------------------------------

Qty. Ord.	Item / Vendor Part Number		Description	Unit Price	Extended Price
2.00	LEDS01552	/ EL3SNBRK290H	LED3 - Dual Side-by-Side 90° Bracket..	2.9900	5.98
1.00	FLAS00084	/ ETFBSANFL	Flashback taillight flasher with amp plug	42.5000	42.50
1.00	SPOT00212	/ 96020-0002	LH Spot Light, Black 6" 160,000 CP Post Mounted	119.9900	119.99
1.00	SPOT00108	/ 240	Unity Installation Kit for Expedition Post-LH	34.9900	34.99
1.00	SIRE00186	/ 3892L6-LA	Mastercom full feature 100 watt siren with light alert, ha wire public address microphone, electronic air horn, sir	427.6200	427.62
1.00	SPEA00087	/ C3100EN07	100 watt speaker with 2007 Ford Expedition bracket	150.5900	150.59
1.00	DOME00005	/ ECVDMLTAL00	SOUND OFF WHITE/RED ALL LED DOMELIGHT-UNIVERSAL	39.5000	39.50
1.00	CONS00365	/ C-3010	Havis Shield 30" Flat Console with vehicle mounting brackets	282.0000	282.00
1.00	CONS00320	/ C-TMW-EXPD-02	HAVIS 2007-11 FORD EXPED.TUNNEL MOUNT ASSEMBLY	95.2500	95.25
1.00	CONS00050	/ C-CUP2-I	4" Faceplate cupholder	31.5000	31.50
1.00	CONS00396	/ C-ARM-102	Havis-Shields Side Mount Adjustable Amrest	51.7500	51.75

Quotation continued on next page ...



Quotation

Date Jun 1, 2012	Page 3
Order Number QTE0003317	

Arizona Emergency Products

3433 E Wood St
Phoenix, AZ 85040
Phone: (602) 453-9111
Fax: (602) 453-3743

Sold To:

Chino Valley Public Works, Town of
P O Box 406
Chino Valley, AZ 86323-0406

Ship To:

Chino Valley Public Works, Town of
1020 W Palomino Rd
Chino Valley, AZ, 86323

Reference	PO Number	Customer No.	Salesperson	Order Date	Ship Via	Terms
Expedition Build 2012		CHI10602	BPY	Jun 1, 2012		NET30

Year	Make	Model	Color	State Contract #
2013	Ford	Expedition		NA

Qty. Ord.	Item / Vendor Part Number	Description	Unit Price	Extended Price
1.00	FACE00197 / C-LP-4	Havis Console, Accessory, Plate, Internal mount, 2" Mounting	37.5000	37.50
1.00	CONS00364 / C-AP-1395	Havis Shield 13" x 9" Carpeted Storage Compartment.	58.5000	58.50
3.00	CONS00357 / C-MCB	Havis mic clip bracket	10.5000	31.50
1.00	PRIS00032 / PK0419EPD07AC	#10VS CRP Coated Poly Partition for 07-* Expedition w/AC & S	580.0300	580.03
1.00	PRIS00064 / PK0123EPD072NI	#12VS 2nd Expanded Metal Partition for 07-* Expedition w/SCA	279.3000	279.30
3.00	ANTE00364 / NMOKHFUDFME*	Twenty-Five (25) Foot Radio Coax Cable Kit with FME Connector and a NMO Mount (No Antenna)	13.5000	40.50
3.00	ANTE00056 / NMOCAPB	LARSEN BLACK PLASTIC RAIN CAP FOR NMO MOUNT	3.5000	10.50
1.00	PATC00015 / 03-0107C	Ford Expedition 2007 and newer w/o rear A/C includes circuit	475.0000	475.00
1.00	AIRB00011 / US2-GM	Universal passenger air bag cut-off switch (US2-GM-ADP-P)	192.5000	192.50
1.00	AIRB00001 / RASL	Remote Air Bag Status Light.	23.8000	23.80

Quotation continued on next page ...



Quotation

Date Jun 1, 2012	Page 4
Order Number QTE0003317	

Arizona Emergency Products

3433 E Wood St
Phoenix, AZ 85040
Phone: (602) 453-9111
Fax: (602) 453-3743

Sold To:

Chino Valley Public Works, Town of
P O Box 406
Chino Valley, AZ 86323-0406

Ship To:

Chino Valley Public Works, Town of
1020 W Palomino Rd
Chino Valley, AZ, 86323

Reference	PO Number	Customer No.	Salesperson	Order Date	Ship Via	Terms
Expedition Build 2012		CHI10602	BPY	Jun 1, 2012		NET30

Year	Make	Model	Color	State Contract #
2013	Ford	Expedition		NA

Qty. Ord.	Item / Vendor Part Number	Description	Unit Price	Extended Price
1.00	AIRB00043 / US2-GM-ADP-SC	Universal side curtain air bag cut-off switch	227.5000	227.50
		Shop Supplies		75.00
35.00	LABO90060 / LABOR	Installation Labor	52.5000	1,837.50
		Shipping and Handling		200.00

Terms & Conditions:

*Estimate is valid for 60 days.
*Our Installations are backed by a lifetime quality warranty.
*Fully Authorized Master Distributor for all lines we carry. We sell it, we back it. Period.
*Financing Available
*No returns on special order items. All other returns are subject to 25% restocking fee.

Thank you for the opportunity to earn your business.

SIGNATURE _____

Parts	4,801.06
Labor / Services	1,837.50
Shipping / Misc.	275.00
Order Discount	0.00
Subtotal	6,913.56
Total sales tax	453.47
Total order	7,367.03

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **7. g.**

Meeting Date: 09/11/2012
Contact Person/Dept: Jami Lewis, Town Clerk
 Phone: 928-636-2646 x-1208
Item Type: Action
Estimated length of staff presentation: None
Physical location of item: Town wide

AGENDA ITEM TITLE:

Discussion and possible action regarding amendments to the Town Code sections relating to traffic control citations and traffic signs.

RECOMMENDED ACTION:

To be determined per Council discussion.

SITUATION AND ANALYSIS:

It has been suggested that certain town code sections be amended to allow for the enforcement of certain traffic code sections to be enforced under the town code. Additionally, it has been suggested that the town code be modified to provide that town speed limit signs be considered prima facie evidence of speed limits.

Fiscal Impact

Fiscal Impact?: No

If Yes, Budget Code:

Available:

Funding Source:



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **7. h.**

Meeting Date: 09/11/2012
Contact Person/Dept: Jami Lewis, Town Clerk
 Phone: 928-636-2646 x-1208
Item Type: Action
Estimated length of staff presentation: None
Physical location of item: N/A

AGENDA ITEM TITLE:

Discussion and possible action regarding procurement of legal services for the Town and possible recruitment process.

RECOMMENDED ACTION:

To be determined per Council discussion.

SITUATION AND ANALYSIS:

Vice-Mayor Carl Tenney would like to discuss the possibility of the Town seeking to hire an in-house Town Attorney and possible recruitment process for such. Should Council determine to pursue this, he also recommends assigning 2 or 3 councilmembers to assist staff in the recruitment process.

Fiscal Impact

Fiscal Impact?: Yes

If Yes, Budget Code: TBD

Available:

Funding Source:



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. **7. i.**

Meeting Date: 09/11/2012
Contact Person/Dept: Jami Lewis, Town Clerk
Phone: 928-636-2646 x-1208
Item Type: Action

AGENDA ITEM TITLE:

Consideration and possible action to approve the July 2, 2012 special meeting minutes.
(Absent: Councilmember Turner)

RECOMMENDED ACTION:

Approve the July 2, 2012 special meeting minutes.

Attachments

July 2, 2012 minutes

DRAFT

MINUTES OF THE SPECIAL COUNCIL MEETING OF THE TOWN COUNCIL OF THE TOWN OF CHINO VALLEY

**Monday, July 2, 2012
5:00 P.M.**

The Town Council of the Town of Chino Valley, Arizona, met for a Special Meeting in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on Monday, July 2, 2012.

Present: Mayor Chris Marley; Vice-Mayor Carl Tenney; Councilmember Mike Best; Councilmember Darryl Croft; Councilmember Dean Echols; Councilmember Linda Hatch

Absent: Councilmember Lon Turner

Staff Present: Interim Town Manager Robert Smith; General Services Director Cecilia Watts; Town Attorney Tom Kack; Magistrate John Walker; Town Engineer/Public Works Director Ron Gritman; Utilities Supervisor Chris Bartels; Town Clerk Jami Lewis (recorder)

1) **CALL TO ORDER; ROLL CALL**

Mayor Marley called the meeting to order at 5:05 p.m.

- 2) Council may vote to hold an executive session pursuant to A.R.S. § 38-431.03(A)(1) and (A)(4) for discussion or consideration of employment, appointment, or salary for the position of Town Magistrate, and for discussion or consultation with its attorneys in order to consider its position and instruct its attorneys regarding the Town's position regarding the negotiation of a contract for the same. (Magistrate Evaluation Committee)

Council did not hold an executive session.

- 3) Consideration and possible action to approve Employment Agreement for Presiding Magistrate with John Walker, as amended, for a three-year term effective July 1, 2012 and ending June 30, 2015, in the amount of \$85,500 for each of the first two years of this Agreement, with a possible increase for the third year of this Agreement. (Magistrate Evaluation Committee)

Mayor Marley reported that at the meeting on June 26, 2012, Council voted on a version of the subject agreement that came from the town attorney's office, not the version referred to Council by the Magistrate Evaluation Committee ("MEC").

Town Attorney Tom Kack reported that he had revised the MEC's version as follows:

- Section 2(B)(2) and (3) Termination: He removed language under good cause

termination related to the Town's determination to no longer provide municipal court services, as he was trying to leave some flexibility under a subsequent provision that allowed the Town to give notice of its intent to terminate the agreement if it found it could no longer support the Court due to financial constraints.

- Section 4 Essential Duties: He added language that made hearing officer duties an option if there were no conflicts, instead of making it mandatory, per his understanding of the MEC's intent.

Magistrate John Walker stated that:

- He questioned language that implied that the Town could elect to not fund the Court for any reason, not just financial constraints, as outsourcing the Court for other than financial reasons opened the Town to legal risk.
- He recommended striking a reference to the Town as a "former" jurisdiction, as once the Town had established a Court, it was required to keep providing it in some way by keeping it in Town, or contracting with the Justice of the Peace or other entity.
- He was willing to act as a hearing officer with or without additional compensation, but he disagreed with it being a contractual requirement.

Council discussion and comments:

- It was important that the Town have the flexibility to contract out the Court if the Town could no longer support it, but language that allowed the Town to not fund the Court for any reason might invalidate the agreement.
- The agreement needed to reference the "Justice of the Peace Court," not just "Justice of the Peace."
- One preferred to appoint a separate hearing officer altogether and strike it from the agreement, while some others preferred language proposed by Judge Walker or the MEC that reserved the option to ask him to act as hearing officer with no adjustment to his salary.

Council concluded that they would vote on the MEC's version with one change to remove the word "former" before jurisdiction.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Linda Hatch to approve Employment Agreement for Presiding Magistrate John Walker with the following changes: Section 2(B)(3) shall read as follows: "In the event that the Town notifies the Presiding Magistrate of its intent to terminate this Agreement due to financial constraints and that can no longer provide a Municipal Court in the Town of Chino Valley, the date of termination of this Agreement shall be the date that the jurisdiction of the Chino Valley Municipal Court is actually transferred to the appropriate Justice of the Peace Court in Yavapai County or other court which has the constitutional and statutory authority to exercise jurisdiction over matters arising within the jurisdiction of Chino Valley. The Town shall provide six (6) months prior notice to the Presiding Magistrate of the Town's intent to terminate this Agreement on the above ground, and the Town may not terminate this Agreement on this ground prior to June 30, 2014." Section 4: scrub and replace the last paragraph with the Judge's wording: "While not an essential duty of his appointment, the Presiding Magistrate may serve as a Hearing Officer under the provision of Town Ordinance 10-741."

Vote: 6 - 0 PASSED - Unanimously

4) **ADJOURNMENT**

MOVED by Councilmember Darryl Croft, seconded by Councilmember Linda Hatch to adjourn at 5:47 p.m.

Vote: 6 - 0 PASSED - Unanimously

Chris Marley, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Chino Valley, Arizona held on the 2nd day of July, 2012. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 11th day of September , 2012.

Jami C. Lewis, Town Clerk