

NOTICE OF THE REGULAR AND POSSIBLE EXECUTIVE SESSION OF THE CHINO VALLEY TOWN COUNCIL

**SEPTEMBER 13, 2011
6:00 P.M.**

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Chino Valley Town Council and to the general public that the Chino Valley Town Council will hold a Regular Meeting open to the public on **Tuesday, September 13, 2011 at 6:00 p.m.** in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona. Members of the Town Council will attend either in person or by telephone conference call. As indicated in the agenda, the Chino Valley Town Council may vote to go into Executive Session, which will not be open to the public, to discuss certain matters.

RULES FOR ADDRESSING THE COUNCIL – AMENDED MAY 13, 2010

It is the Council's desire to hear public comment on agenda items. Because it is important to maintain order during the meeting, please adhere to the following rules of order if you wish to speak:

- 1) Members of the public wishing to speak must be first recognized by the Chairman.
- 2) Please state your name and whether or not you are a Town resident in an audible tone for the record.
- 3) TIME LIMIT: 3 MINUTES PER PERSON.
- 4) Remarks shall be limited to the agenda item under consideration.
- 5) All remarks shall be directed to the Mayor and to any or all members of the Council.
- 6) A person wishing to make a presentation that exceeds the three-minute time limit should make such a request of the Town Clerk prior to the meeting.
- 7) Members of the public are expected to observe rules of propriety and decorum.
- 8) Speakers shall not discuss employee performance, employee evaluations, or employee health, family or personal matters.

The **Agenda** for the meeting is as follows:

- 1) **Call to Order, Invocation; Pledge of Allegiance; Roll Call.**
- 2) **Introductions, Presentations and Proclamations**
 - 2a) Proclamation declaring September 17-23, 2011 as “**Constitution Week**,” sponsored by Daughters of the American Revolution, Yavapai Chapter.
 - 2b) Proclamation declaring the week of September 19-25, 2011 as “**Employer Support of the Guard and Reserve Week**,” sponsored by the Arizona Office for Employer Support of the Guard and Reserve.

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. At the conclusion of an open call to the public, individual members of the Council may respond to those who have addressed the Council, may ask staff to review a matter or may ask that a matter be put on a future agenda. However, members of the Council shall not discuss or take legal action on matters raised during an open Call to the Public unless the matters are properly noticed for discussion and legal action.

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.

4) Mayor/Council/Manager Report

This item is for information only. Presentation on information requested by the Mayor and Town Council will be made and questions answered. No action will be taken.

Consent Agenda

All those items listed below may be enacted by one motion and approved as consent agenda items. Any item may be removed from the consent agenda and considered separately if a member of the Council so requests.

- 5) Consideration and possible action to approve the March 22, 2011 Regular Meeting **minutes**.
- 6) Consideration and possible action to approve the April 7, 2011 Study Session **minutes**.
- 7) Consideration and possible action to authorize the Finance Department to apply for and accept Local Transportation Assistance Fund II (**LTAf II**) funds in an amount not to exceed \$10,000, with a local match not to exceed \$2,500. The 25% match will be included in the General Fund Non-Departmental budget when the expenditure of funds occurs.
- 8) Consideration and possible action to authorize the Mayor to sign an Intergovernmental Agreement with the Arizona Department of Transportation (ADOT) in the amount of \$77,475 for the **Section 5311 Rural Transportation Grant** Program. This grant requires a local match valued at \$26,023 which shall be met through volunteer service hours, Town personnel and operating allocations, rider and advertising revenues, Local Transportation Assistance Fund (LTAf) II grant funding, and the Town's general fund.

- 9) Consideration and possible action to approve a **Tow Services Agreement** between the Chino Valley Police Department and Tow Service Providers.

Staff recommended motion: Move to accept Consent Agenda items 5-9.

Action Items

- 10) Consideration and possible action regarding a request by the Yavapai Cattle Growers Association to endorse the Arizona Cattle Growers Association's "Save Arizona's Forest Environment (**SAFE**) Plan."

Staff recommended motion: To be determined per Council discussion.

- 11) ZC-11-004: Consideration and possible action to adopt **Ordinance No. 11-750** to provide for the **zone change** of Assessor's Parcel Number (APN) 306-21-165A from "AR-5" Agricultural/Residential – 5 Acre Minimum to "SR-2.5" Single Family Residential – 2.5 Acre Minimum. Said property consists of approximately 4.6 acres and is located at the southeast corner of W. Road 2 North and Sycamore Vista Drive. Applicants/Owners: Donald J. Roskopf Jr. and Lindsay A. Roskopf.

Staff recommended motion: Move to adopt Ordinance No. 11-750 (Option ____) to provide for the zone change of APN 306-21-165A from "AR-5" to "SR-2.5."

- 12) Site Plan Review (SPR)-11-002: Consideration and possible action to: (a) grant site plan approval to authorize construction of an approximately 7,000 sq. ft. **O'Reilly auto parts** store building on a 1.97 acre parcel in the "CL" Commercial Light zoning district, located at the southeast corner of State Route 89 and E. Center Street directly across from the Chino Valley High School; (b) modify the UDO requirements to allow an increase in the maximum allowed parking spaces from 28 to 43 spaces and, (c) for public safety reasons, allow the proposed lighting to be spread out to illuminate the entire 1.97 acre parcel, including a large portion of vacant land.

Staff recommended motion: Move to grant site plan approval to authorize construction of an approximately 7,000 sq. ft. O'Reilly auto parts store building, to allow an increase in the maximum allowed parking spaces from 28 to 43 spaces and, for public safety reasons, allow the proposed lighting be spread out to illuminate the 1.97 acre parcel.

- 13) PUBLIC HEARING and possible action to adopt **Resolution No. 11-967** declaring "The 2010-2011 Amendments to the **Tax Code** of the Town of Chino Valley" a public record and adopt **Ordinance No. 11-751**, adopting "The 2010-2011 Amendments to the Tax Code of the Town of Chino Valley" by reference.

Staff recommended motion: Move to adopt Resolution No. 11-967 declaring "The 2010-2011 Amendments to the Tax Code of the Town of Chino Valley" a public record and adopt Ordinance No. 11-751, adopting the same by reference.

- 14) Consideration and possible action to approve the **Financial Report** for one month ending July 31, 2011 for fiscal year 2011/2012.

Staff recommended motion: Move to approve the Financial Report for one month ending July 31, 2011 for fiscal year 2011/2012.

- 15) Consideration and possible action to authorize staff to implement one or more of the recommendations listed below, which were set forth in the *Development Services Department Organizational Assessment* prepared by PW Consulting Services, LLC (Paul Wenbert), dated July 12, 2011, and which require Council approval:

- a) **Item 2–Water Resources:** Continue to have Public Works Director serve as Water Resources Director representing the Town with NAMWUA and WAC; and eliminate membership in the Upper Verde River Watershed Protection Coalition. Fiscal Impact: Savings of \$26,667 in Water Enterprise Fund budget due to eliminating membership in Upper Verde River Watershed Protection Coalition.

Staff recommended motion: Move to have the Public Works Director serve as Water Resources Director representing Town with NAMWUA and WAC, and eliminate membership in the Upper Verde River Watershed Protection Coalition.

- b) **Item 3–Capital Improvements Program:** Fill Public Works Department's part-time Civil Engineer position to assist in implementing CIP projects. Fiscal Impact: Cost of this position is already included in the proposed 2011/2012 budget and is funded by the General Fund, Highway User Revenue Fund (HURF), Water Enterprise Fund, and Sewer Enterprise Fund.

Staff recommended motion: Move to fill Public Works Department's part-time Civil Engineer position to assist in implementing CIP projects.

- c) **Item 4–Code Enforcement:** Move Code Enforcement from Development Services to Police Department and change title of current Code Enforcement Officer to Utilities/Zoning Technician. Fiscal Impact: Annual cost savings to General Fund of \$41,000 which represents 80 percent of Code Enforcement Officer costs that will be transferred to the Sewer Enterprise Fund; annual cost addition to General Fund of \$17,000 due to restoring half-time Civilian Officer in Police Department; and no additional net cost to Sewer Enterprise Fund.

Staff recommended motion: Move to move Code Enforcement from Development Services to Police Department and change title of current Code Enforcement Officer to Utilities/Zoning Technician.

- d) **Item 5–GIS/Webmaster Services:** Have GIS/CAD Technician report to General Services Director; and explore IGA with Yavapai County and/or other municipalities to provide GIS services and explore possibility of contracting with private company for webmaster services.

Staff recommended motion: Move to have GIS/CAD Technician report to General Services Director; and explore IGA with Yavapai County and/or other municipalities to provide GIS services and explore possibility of contracting with private company for webmaster services.

- e) **Item 6–Reorganization/Staffing Levels/Realignment of Duties:** Merge Development Services into Public Works Department thereby eliminating Development Services Director position; reclassify Associate Planner to Community Development Supervisor, Utilities Supervisor to Utilities/Streets Supervisor, Engineering Inspector to Streets Supervisor/Engineering Inspector, Public Works Director to Public Works/Community Development Director, and change title of Senior Building Inspector to Building Official. Fiscal Impact: Reduces General Fund expenses by \$84,000 annually by eliminating Development Services Director position. There will likely be some additional costs due to salary increase for some or all of the four aforementioned positions whose responsibilities will increase as a result of this recommendation.

Staff recommended motion: Move to merge Development Services into Public Works Department thereby eliminating Development Services Director position; reclassify Associate Planner to Community Development Supervisor, Utilities Supervisor to Utilities/Streets Supervisor, Engineering Inspector to Streets Supervisor/Engineering Inspector, Public Works Director to Public Works/Community Development Director, and change title of Senior Building Inspector to Building Official.

- 16) Consideration and possible action to revise the Council **agenda format** pursuant to Section 10, Council Rules of Procedure, dated May 13, 2010.

Staff recommended motion: To be determined per Council discussion.

- 17) Council may vote to hold an **Executive Session** pursuant to A.R.S. § 38-431.03(A)(3) and (A)(4) to obtain legal advice from its attorneys and to consider its position and instruct its attorneys regarding pending and potential water resource contract negotiations.

- 18a) Council may vote to hold an **Executive Session** pursuant to A.R.S. § 38-431.03(A)(3) and (A)(4) to obtain legal advice from its attorneys and to consider its position and instruct its attorneys, or other designated representatives, regarding a Retail Development Tax Incentive Agreement between the Town and Jack Tuls, Jr., in connection with the proposed development of a KOA.

- 18b)** Consideration and possible action with regard to approving a Retail Development Tax Incentive Agreement between the Town of Chino Valley and Jack Tuls, Jr., developer of the proposed **KOA** facility.

Staff recommended motion: To be determined per Council discussion.

- 19)** Council may vote to hold an **Executive Session** pursuant to A.R.S. §38-431.03(A)(3) and (A)(4) to obtain legal advice and consider its position and instruct its attorneys regarding negotiations and a potential agreement between the Town and Sun Edison LLC regarding the dedication and improvement of certain road(s) and/or other considerations between the Town and Sun Edison.

20) Adjournment.

Dated this 8th day of September, 2011.

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.