



TOWN COUNCIL AGENDA PACKET

UPDATE
9-26-11

**REGULAR MEETING
SEPTEMBER 27, 2011
6:00 p.m.**

<u>Agenda</u>	<i>Amends agenda</i>
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Town of Chino Valley

MEETING NOTICE

TOWN COUNCIL

REGULAR MEETING
TUESDAY, SEPTEMBER 27, 2011
6:00 P.M.

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

AGENDA

AMENDED*

- 1) CALL TO ORDER, INVOCATION; PLEDGE OF ALLEGIANCE; ROLL CALL**
- 2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS**
 - 2a)** Proclamation declaring October 22, 2011 as "Yavapai Big Brothers Big Sisters Day," sponsored by Yavapai Big Brothers Big Sisters.
 - 2b)** Chino Valley Model Aviators' Annual Report to Council by Rick Nichols, Model Aviators Secretary/Treasurer.
- 3a) 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 any criticism.

3b) 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.

4) 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.

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.

- 5) Consideration and possible action to adopt Resolution No. 11-970 endorsing the Arizona Cattle Growers' Association's "Save Arizona's Forest Environment (SAFE) Plan." (Cecilia Watts, General Services Director)
- 6) Consideration and possible action to approve First Amendment to Professional Services Agreement dated November 1, 2010, between the Town of Chino Valley and the Town Prosecutor, Marc E. Hammond, to correct a scrivener's error by extending the term of the Agreement to October 31, 2012. Funding to come from Prosecutor Department's professional services expenditure line in the General Fund. (Cecilia Watts, General Services Director)

Recommended Action: Move to accept Consent Agenda items 5-6.

ACTION ITEMS

- 7) PUBLIC HEARING, followed by consideration and possible action to take administrative action to extend, remove or determine compliance with Ordinance No. 09-719 or adopt Ordinance No. 11-752 to repeal Ordinance No. 09-719 and thereby cause the property's zoning to revert from Planned Area Development ("PAD") along with underlying zoning consisting of "CL" Commercial Light, "MR-1" Multiple Family Residential 1 Acre Minimum, "SR-1" Single family Residential 1 Acre Minimum, and "OS" Open Space to "AR-5" Agricultural Residential 5 Acre Minimum. The zone change previously approved by Ordinance No. 09-719 was done within the context of an approximately 170-acre "PAD" for JC Ranch Retirement Community, which includes Assessor's Parcel Numbers 306-05-030R, 306-05-030U and 306-05-030V, and is generally located on the northwest corner of W. Road 4 North and N. Road 1 West, and includes the Windmill House events facility which is located at 1460 W. Road 4 North. Owner/Applicant: Lavacara Trust/ Joe Cordovana, Trustee. (Pat Clingman, Development Services Director)

Recommended Action: Continue public hearing to the November 8, 2011 Council meeting.

- 8) PUBLIC HEARING, followed by consideration and possible action to take administrative action to extend, remove or determine compliance with Resolution No. 09-899 or adopt Resolution No. 11-968 to repeal Resolution No. 09-899 and thereby cause the Future Land Use Designation of the 2003 General Plan to revert from Commercial to Medium Density Residential 2 acres or less. The

Minor General Plan Amendment previously approved by Resolution No. 09-899 was for approximately 39 acres and was done within the context of an approximately 170-acre Planned Area Development (PAD) for JC Ranch Retirement Community, which includes Assessor's Parcel Numbers 306-05-030R, 306-05-030U and 306-05-030V, and is generally located on the northwest corner of W. Road 4 North and N. Road 1 West, and includes the Windmill House events facility which is located at 1460 W. Road 4 North. Owner/Applicant: La Vacara Trust/Joe Cordovana, Trustee. (Pat Clingman, Development Services Director)

Recommended Action: Continue public hearing to the November 8, 2011 Council meeting.

- 9) MGPA 11-001: PUBLIC HEARING, followed by consideration and possible action to adopt Resolution No. 11-969 approving a Minor Amendment to the 2003 General Plan to change the Future Land Use Designation from Medium Density Residential 2 acres or less to Commercial for an approximately 28-acre portion of Assessor's Parcel Number 306-05-030V, located at 1460 W. Road 4 North, which currently includes the Windmill House events facility. Owner/Applicant: La Vacara Trust/Joe Cordovana, Trustee. (Pat Clingman, Development Services Director)

Recommended Action: Continue public hearing to the November 8, 2011 Council meeting.

- 10) ZC 11-003: PUBLIC HEARING, followed by consideration and possible action to adopt Ordinance No. 11-753 for a Zone Change from "AR-5" Agricultural Residential 5 Acre Minimum to "CL" Commercial Light for an approximately 28-acre portion of Assessor's Parcel Number 306-05-030V, located approximately at 1460 W. Road 4 North, which currently includes the Windmill House events facility. Owner/Applicant: La Vacara Trust/Joe Cordovana, Trustee. (Pat Clingman, Development Services Director)

Recommended Action: Return item back to the Planning and Zoning Commission for a Public Hearing in order to comply with State Statutes and the Town's Unified Development Ordinance, and continue the subject public hearing before Council to the November 8, 2011 Council meeting.

- 11) CUP 11-002: PUBLIC HEARING, followed by consideration and possible action to adopt Ordinance No. 11-754 approving a Conditional Use Permit (CUP) to continue operation of the Windmill House Events Facility and its present uses in the "AR-5" Agricultural Residential 5 Acre Minimum zoning district for an approximately 28-acre portion of Assessor's Parcel Number 306-05-030V, located at 1460 W. Road 4 North, which currently includes the Windmill House events facility. (Pat Clingman, Development Services Director)

Recommended Action: Continue public hearing to the November 8, 2011 Council meeting.

(Staff requests that Council address Executive Session item 15 at this point on the agenda.)

12) PUBLIC HEARING regarding Retail Development Tax Incentive Agreement between the Town of Chino Valley and Jack Tuls, Jr., including:

12a) Consideration and possible action to make the findings required by A.R.S. § 9-500.11 and other findings as set forth in Recommended Action below. (Tom Kack, Town Attorney)

Recommended Action: Expressly find that: (a) a Notice of Intent to enter into a Retail Development Tax Incentive Agreement ("Agreement") was adopted by the Town Council on September 13, 2011, a copy of which is attached to the Retail Development Tax Incentive Agreement as Exhibit B and incorporated therein by this reference; (b) the tax incentive to the Developer contemplated by this Agreement is anticipated to raise more revenue than the amount of the incentive during the duration of this Agreement; (c) the Town has hired an independent third party to review the Agreement and the facts and to verify the findings under (b) above as required by A.R.S. §9-500.11.F; (d) that Developer did not finance such independent third party verification or have input into the selection of the independent third party verifying the findings; and (e) that in the absence of the tax incentive offered to Developer, neither Developer nor a similar retail business facility would locate in the Town in the same time, place or manner as contemplated by the Project, which includes but is not limited to the following, Commercial Retail, Overnight Stay RV Park with or without cabins, located on part of the approximately 60 acre master parcel.

12b) Consideration and possible action to approve the Retail Development Tax Incentive Agreement with Jack Tuls, Jr. through adoption of Resolution No. 11-971. (Tom Kack, Town Attorney)

Recommended Action: Adopt Resolution No. 11-971 approving the Retail Development Tax Incentive Agreement with Jack Tuls, Jr. as to form and content and that the Town shall enter into it and the Mayor shall sign it conditioned upon receipt.

13) Discussion and possible action to reinstate a 40-hour work week for non-exempt sworn police officers in the Chino Valley Police Department, with the exception of the PANT Officer, effective immediately; and approve a \$13,994 budget transfer from Non-Departmental Contingencies to the Police Department budget. Funding matters associated with this item are detailed in the Council Agenda Item Staff Report. (Chuck Wynn, Police Commander; Cecilia Watts, General Services Director)

Recommended Action: Approve reinstatement of a 40-hour work week for non-exempt sworn police officers in the Chino Valley Police Department, with the exception of the PANT Officer, effective immediately, and approve a \$13,994 budget transfer from Non-Departmental Contingencies to the Police Department budget.

- 14)** Consideration and possible action to approve the purchase of an Avaya IP Office 500 Communications System from CDWG through the National IPA Cooperative purchasing program, including all hardware, software, licensing, network assessments, programming, support, onsite installation and training in an amount not to exceed \$131,461. Said system will be located at the 1020 W. Palomino building and will service every department utilizing the Town's computer network connections. Preliminary cost estimates through National IPA Cooperative purchasing program indicate a lower actual cost of \$122,281.22, providing a good buffer for any unanticipated necessary project adjustments. Funding to come from a variety of sources as outlined in the Council Agenda Item Staff Report, with the expense to be offset by savings realized by replacing current Qwest analog service lines with 2 Primary Rate Interface (PRI) digital service connections, fax line reductions, Police call recording service reductions, and staff hour savings, which cost savings have been reflected in the fiscal year 2011/2012 Tentative Budget. (Spencer Guest, IT Technician)

Recommended Action: Approve the purchase of an Avaya IP Office 500 Communications System from CDWG through the National IPA Cooperative purchasing program including all hardware, software, licensing, network assessments, programming, support, onsite installation and training in an amount not to exceed \$131,461.

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).

- 15)** Council may vote to hold an Executive Session pursuant to A.R.S. §38-431.03(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. (Tom Kack, Town Attorney)
- *16)** Council may vote to hold an Executive Session pursuant to A.R.S. §38-431.03(A)(4) to obtain legal advice from its attorneys and to consider its position and instruct its attorneys, or other designated representatives regarding discussions and potential agreement with Sun Edison regarding dedications of property and/or related matters.

1617) ADJOURNMENT

Dated this 26th 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.

CERTIFICATION OF POSTING OF NOTICE

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