

MINUTES
ORO VALLEY TOWN COUNCIL
REGULAR SESSION
July 7, 2010
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CANADA DRIVE

REGULAR SESSION AT OR AFTER 5:00 PM

CALL TO ORDER - 5:00 PM

ROLL CALL

PRESENT:

Satish Hiremath, Mayor
Bill Garner, Vice Mayor
Barry Gillaspie, Councilmember (arrived at 5:06 PM)
Joe Hornat, Councilmember
Mary Snider, Councilmember
Steve Solomon, Councilmember
Lou Waters, Councilmember

EXECUTIVE SESSION - 5:05 PM

MOTION: A motion was made by Councilmember Hornat and seconded by Councilmember Solomon to go into Executive Session pursuant to ARS 38-431.03 (A)(3) for the purpose of discussion and consultation for legal advice regarding the Town Manager position.

MOTION carried, 6-0.

MOTION: A motion was made by Councilmember Waters and seconded by Councilmember Hornat to go out of Executive Session and resume Regular Session at 5:48 PM.

MOTION carried, 7-0.

RESUME REGULAR SESSION AT OR AFTER 6:00 PM

CALL TO ORDER - 6:00 PM

ROLL CALL

PRESENT:

Satish Hiremath, Mayor
Bill Garner, Vice Mayor
Barry Gillaspie, Councilmember
Joe Hornat, Councilmember
Mary Snider, Councilmember
Steve Solomon, Councilmember
Lou Waters, Councilmember

PLEDGE OF ALLEGIANCE

Mayor Hiremath led the audience in the Pledge of Allegiance.

UPCOMING MEETING ANNOUNCEMENTS

Communications Administrator Mary Davis reviewed the upcoming meetings and events.

COUNCIL REPORTS – None.

DEPARTMENT REPORTS

Communications Administrator Mary Davis announced that the town's Environmentally Sensitive Lands Ordinance draft had been posted on the Oro Valley website and that an open house would be held on August 4th. She stated that staff, with a volunteer task force, had put together the 100-page comprehensive document for the community to comment on.

ORDER OF BUSINESS - Mayor Hiremath moved up Item #8 to precede Item #2 on the agenda.

CALL TO AUDIENCE

Gilbert Davidson, Town Manager of Marana, and Josh Wright, Assistant to the Town Manager, recognized Jerene Watson for her recent "Credentialed Manager" designation through the International City/County Manager Association. He stated that she was one of only 28 in the state of Arizona to have received this, and fewer than 1200 managers had been accredited worldwide.

PRESENTATION - Imagine Greater Tucson by Keri Silvyn of Lewis & Roca

Principal Planner Paul Popelka introduced speaker Keri Silvyn. Ms. Silvyn explained that Imagine Greater Tucson's purpose was planning for the future of the greater Tucson region. She also reviewed the group's values and goals, who was involved, and their plan of action. Ms. Silvyn ended the presentation by asking for the Council's support in getting their message out to the Oro Valley community.

Discussion followed regarding the difficulty of guiding such a large group at one time, and Ms. Silvyn stated that professional facilitators were the key to public participation.

CONSENT AGENDA

MOTION: A motion was made by Councilmember Hornat and seconded by Councilmember Waters to approve the Consent Agenda as presented.

MOTION carried, 7-0.

A. Minutes - April 14, 2010, May 12, 19, 2010, June 2, 9, 2010

B. Coyote Run Monthly Report May 2010

- C. Mayor & Council Trip Reports - June 2010
 - D. Cancellation of August 4th and 18th regular Town Council Meetings
 - E. Resolution No.(R) 10 - 42, Authorizing and Approving a Federal Pass-through participant agreement between the Arizona State Parks Board and the Town of Oro Valley for the Cultural Resource Inventory Phase II Preservation Plan
 - F. Resolution No. (R)10 -43, Approving an Intergovernmental Agreement between the Town of Oro Valley and Pima County, City of South Tucson, Town of Sahuarita, Town of Marana, and the City of Tucson for the American Recovery and Reinvestment Act Edward Byrne Memorial Justice Assistance Grant (JAG) Program Award
 - G. Appointment of Mr. Richard Honn and reappointment of Mr. Michael Gardner and Mr. Leo Leonhart to the Stormwater Utility Commission for a term effective July 7, 2010 and expiring on June 30,2012
 - H. Approval of Use of General Fund Contingency Reserves for Steam Pump Ranch Rehabilitation and Stabilization Work
 - I. Information related to a solicitation for a grant application through the U.S. Department of Justice to fill the vacant police officer positions under this federal grant funding program.
8. **DISCUSSION AND POSSIBLE ACTION REGARDING ORDINANCE NO. (O)09-17 PUBLIC PARTICIPATION**

MOTION: A motion was made by Councilmember Hornat and seconded by Councilmember Solomon to move this item to a Study Session in September to allow time for review along with the other series of Development Services items.

MOTION carried, 7-0.

2. **OV12-10-03 CONSIDERATION AND POSSIBLE ACTION REGARDING THE REVISED DEVELOPMENT PLAN FOR THE VILLA FATIMA SKILLED NURSING FACILITY, LOCATED ON THE NORTHWEST CORNER OF RANCHO VISTOSO BOULEVARD AND SUN CITY BOULEVARD** Explanation: Kelly Copeland, represented by Coronado Engineering & Development Inc., requests approval of a revised development plan for the Villa Fatima skilled nursing facility.

Principal Planner Paul Popelka gave a brief introduction of this facility that will serve Alzheimer's disease and dementia patients. He stated that the project will consist of expanding an existing building, and explained some of the concerns that residents had raised. Mr. Popelka reported that the Art Review Commission had approved the public art proposal, the Development Review Board had approved the development and landscape plans, the project met the General Plan policies and Zoning Code requirements as well as the Rancho Vistoso PAD requirements, and that staff recommended approval for this facility.

Development & Infrastructure Services Director Suzanne Smith commented on the information that Council had received on the interior design for this facility and how that would be handled. She stated that during the building plan review process construction documents would be submitted, and staff would be looking for building code and Americans with Disabilities Act (ADA) compatibility code requirements being met. Dialogue continued regarding mitigation of neighbors' concerns and Mr. Popelka commented that the applicant had one neighborhood meeting and a follow-up meeting with individuals. Comments were made in regard to the staff report that referenced the concerns of the citizens in the conditions specified in the technical documentation.

Applicant Paul Nzomo of Coronado Engineering spoke to the Council about the neighborhood concerns and the internal structure. Mr. Nzomo stated that he had been meeting with the state architects in Phoenix and most of the concerns had already been captured in the construction documents. Issues raised by the neighbors included raising the wall by 2 feet, low lighting, and a one-way ingress into Sun City. He stated that all of these requests were met by the facility and a letter had been sent to Rancho Vistoso. Mr. Nzomo added that staff was wonderful to work with and that he was happy to see that Council was willing to revise the development review process.

MOTION: A motion was made by Councilmember Gillaspie and seconded by Councilmember Snider to approve OV1210-03, development plan for Villa Fatima Skilled Nursing Facility subject to the conditions in Exhibit A.

MOTION carried, 7-0.

3. **PUBLIC HEARING - ORDINANCE NO.(O)10 - 05 AMENDING ORO VALLEY TOWN CODE SECTION 11-3-4, "SPEED LIMITS", FOR THE TRAFFIC ROUNDABOUT LOCATED AT HARDY ROAD AND NORTHERN AVENUE; REPEALING ALL RESOLUTIONS, ORDINANCES, AND RULES OF THE TOWN OF ORO VALLEY IN CONFLICT; PRESERVING THE RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN UNDER THIS ORDINANCE.**

Town Engineer Craig Civalier explained that the purpose of this ordinance was to set new speed limits for the Hardy Road and Northern Avenue roundabout and its approaches, which is dictated by Council and town code amendment per Arizona Revised Statutes Title 28. Mr. Civalier stated that the speed limit was determined from an engineering study done in 2006, as well as consultation with the public and the Police Chief, and was recommended at 15 mph in the five-legged roundabout.

Discussion followed regarding the correct posted speed limit on East Hardy Road, and Mr. Civalier confirmed that 35 MPH signage is posted and that the white regulatory signs would be enforced by the police department. The preceding two signs were cautionary warnings for drivers.

Mayor Hiremath opened the public hearing.

Oro Valley resident Lyra Done asked that citizens be educated on the use of the roundabout.

Mayor Hiremath closed the public hearing.

Mr. Civalier stated that information would be in the Explorer newspaper and Communications Administrator Mary Davis confirmed that an educational piece was given out to the high school students before their summer break.

MOTION: A motion was made by Councilmember Snider and seconded by Councilmember Gillaspie to adopt Ordinance No. (O)10-05, Amending Oro Valley Town Code Section 11-3-4, "Speed Limits", for the traffic roundabout located at Hardy Road and Northern Avenue, including its approaches, to 15 miles per hour.

MOTION carried, 7-0.

4. PUBLIC HEARING - ORDINANCE NO. (O)10 - 06, AMENDING THE ORO VALLEY TOWN CODE CHAPTER 8, BUSINESS REGULATIONS, ADDING ARTICLE 8-3, SPECIAL EVENTS PERMIT; AND REPEALING ALL RESOLUTIONS, ORDINANCES AND RULES OF THE TOWN OF ORO VALLEY IN CONFLICT

Police Chief Danny Sharp briefed the Council on the need for a uniform process the public can utilize when applying for special events. He stated there had been issues in the past where staff was unaware of an organized function that had not been permitted by the proper departments.

Parks, Recreation, Library and Cultural Resources Director Ainsley Legner reviewed the history of how special events were previously handled in the town. She reviewed the project team and responsibilities, the recommended ordinance and policy.

Conversation followed regarding private property and spillover, and Ms. Legner explained that private property was currently regulated under the Town Code and that events that were held in an appropriately zoned environment would not need a special event license. Discussion also followed on noise standards, the determination of what a nuisance was according to the Town Code, how Oro Valley would inform organizations about the new process, and concerns about being overly restrictive regarding the traffic control plan, etc. Attention was given to Homeowner's Associations holding block parties and whether or not they would need to apply for the special events permit.

Mayor Hiremath opened the public hearing. There being no speakers, the public hearing was closed.

MOTION: A motion was made by Councilmember Gillaspie and seconded by Vice Mayor Garner to adopt Ordinance No. (O)10-06 with the additional condition that we develop a survey to hand out to applicants and violators, and that it be collected, and that we review the results of the survey in one year for the purpose of understanding how this is actually working in application.

MOTION carried, 7-0.

5. DISCUSSION AND POSSIBLE ACTION REGARDING ENFORCEMENT OF ORO VALLEY ZONING CODE REVISED PROVISIONS RELATED TO TEMPORARY SIGNS

Mayor Hiremath explained that there was a Sign Code Task Force Committee putting together data to present to the town in September. At the same time, the Council was doing something parallel to that and did not intend for the two groups to meet.

Economic Development Manager Amanda Jacobs provided background on sign waivers for businesses and the real estate community, and explained that the relief was mainly for temporary signs. She explained that the Sign Code Task Force had been meeting since February looking at the Town's Sign Code, permanent and temporary signs, real estate and homebuilder signs and she announced that the Task Force recommendations would be brought forward at the September 15th Council meeting. Ms. Jacobs commented that staff has been working with the business community and approved temporary signs for the duration of construction time along Oracle Road. She also stated that staff has been educating owners that put out the prohibited a-frame signs on what is allowable per Town Code and about putting out temporary signs in place of an a-frame.

Ms. Jacobs stated that the Task Force was notified of the July 7th agenda item and the majority recommended an item be brought forward for town staff to be granted administrative responsibility to receive, approve, or deny individual requests for a temporary 30-day extension of the current code in order to assist given businesses until the new sign code proposals are presented, studied, and finalized.

Discussion followed regarding the form that will need to be brought back to Council and that businesses that fall within Master Sign Programs would not be eligible for temporary relief as their development's restrictions go above and beyond the town's restrictions within the Sign Code. Discussion continued about supporting businesses in the current economic climate, and that the reevaluation was in regards to temporary signs and not permanent signs.

Zev Cywan, resident of the town and Sign Code Task Force participant, spoke to the Council about the diverse and diligent task force that worked well together. He also stated that he had written a letter to Council about Councilmember Solomon recusing himself on matters regarding the sign code due to conflict of interest because of his involvement on the Task Force as a member of the Southern Arizona Homebuilders Association. Mayor Hiremath stated that Town Attorney Rosen would decide conflict of interest based on the letter of the law.

Bill Adler, resident of Oro Valley, commented that it was a mistake to speak about temporary relief regarding the sign code. He stated that an application should be created to demonstrate hardship and remedy for the signage desired for the duration of the current recession, which would be beneficial to businesses.

Councilmember Solomon asked for clarification regarding the Town Attorney's interpretation of conflict of interest prior to the vote. Mr. Rosen stated that in order for there to be a conflict of interest for purposes of Arizona law, there must be proprietary or pecuniary interest in the matter being decided. Defined, the councilmember would have to own property being affected by the matter or have a financial stake in it. Because Councilmember Solomon was not compensated and did not have a proprietary interest in the matter of the Sign Code Task Force, there was not a conflict of interest.

MOTION: A motion was made by Councilmember Solomon and seconded by Councilmember Hornat to direct staff to move forward with guidelines for temporary sign relief that will be presented at the July 21, 2010 meeting.

MOTION carried, 7-0.

6. **DISCUSSION AND POSSIBLE ACTION REGARDING COUNCIL LIAISON ASSIGNMENTS FOR FISCAL YEAR 2010-2011**

Town Clerk Kathi Cuvelier reviewed the chart she had prepared listing current and available Council liaison assignments.

COUNCIL LIAISON ASSIGNMENTS EFFECTIVE JULY 7, 2010 - JUNE 30, 2011

Arts Review Commission	Lou Waters
Board of Adjustment	Barry Gillaspie
Development Review Board	Steve Solomon
Finance & Bond Committee	Bill Garner
Historic Preservation Commission	Steve Solomon
Parks & Recreation Advisory Board	Barry Gillaspie
Planning & Zoning Commission	Joe Hornat
Planning & Zoning Commission (alternate)	Barry Gillaspie
Stormwater Utility Commission	Satish Hiremath
Water Utility Commission	Barry Gillaspie
Water Utility Commission (alternate)	Joe Hornat

Outside Agencies

Amphitheater School District	Mary Snider
Amphitheater School District (alternate)	Barry Gillaspie
Legislature; District 26	Joe Hornat
MTCVB	Mary Snider
Northern Pima County Chamber	Mary Snider
Northern Pima County Chamber (alternate)	Joe Hornat
Pima Association of Governments	Satish Hiremath
Pima Association of Governments (alternate)	Barry Gillaspie
Regional Transportation Authority	Satish Hiremath (PAG Representative is required to serve. No alternates allowed.)

Liaison Assignments approved by Mayor and Council July 7, 2010

MOTION: A motion was made by Councilmember Gillaspie and seconded by Councilmember Snider to appoint the Councilmember's as depicted in the matrix in the staff report with the amendments so discussed tonight for the Fiscal Year 2010-2011.

MOTION carried, 7-0.

7. DISCUSSION AND POSSIBLE ACTION REGARDING EXTENSION OF TERMS OF CURRENT BOARD AND COMMISSION MEMBERS WITH TERMS DUE TO EXPIRE JUNE 30, 2010 TO DECEMBER 31, 2010

Town Clerk Kathi Cuvelier reviewed the current Boards and Commissions terms which run from July 1 to June 30. There were 17 members whose terms expired on June 30, 2010, and a request from Council had been made to extend those terms to December 31, 2010 to enable the Council to evaluate the future needs of existing Boards and Commissions and the purpose for which they were established.

Discussion followed that there was a need for this item to be placed on the agenda because of the fact that the renewal term for Boards and Commissions was the same time as when newly elected officials are seated. January 1 would be a better permanent start date for renewal terms so that the Council can make informed appointment choices.

MOTION: A motion was made by Councilmember Snider and seconded by Councilmember Gillaspie to move to extend the terms of the Board and Commission members due to expire June 30, 2010 to expire on December 31, 2010.

MOTION carried, 7-0.

9. FOLLOW-UP DISCUSSION FROM THE JUNE 18 & 19, 2010 TOWN COUNCIL RETREAT

Town Clerk Kathi Cuvelier stated that Councilmember Hornat, with a second from Councilmember Solomon, requested that this item be placed on the agenda for further discussion.

Discussion followed that this was a placeholder to continue discussion on the retreat if necessary. Councilmember's felt that the retreat was revealing, that the learning curve for a majority Council of newly elected officials was huge, and that overall, the event was a rewarding experience with a wonderful facilitator.

10. FUTURE AGENDA ITEMS

Councilmember Waters, with a second by Councilmember Hornat, requested the addition of a special executive session pursuant to ARS §38-431.03(A)(1) to the July 14th agenda to discuss the selection of a Town Manager.

Councilmember Snider, with a second from Councilmember Gillaspie, requested that a discussion and action item regarding a permanent change to Boards and Commissions appointment term dates be placed on an upcoming agenda.

CALL TO AUDIENCE - No speakers.

ADJOURNMENT

MOTION: A motion was made by Councilmember Waters and seconded by Councilmember Gillaspie to adjourn at 7:55 PM.

MOTION carried, 7-0.

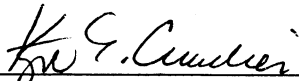
Prepared by:



Tracey L. Gransie
Senior Office Assistant

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular session of the Town of Oro Valley Council of Oro Valley, Arizona held on the 7th day of July 2010. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 23 day of September, 2010.



Kathryn E. Cuvelier, CMC
Town Clerk