

**MINUTES
ORO VALLEY TOWN COUNCIL
REGULAR SESSION
September 15, 2010
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CANADA DRIVE**

REGULAR SESSION

CALL TO ORDER - at 6:02 p.m.

ROLL CALL

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

EXCUSED: Mary Snider, Councilmember

PLEDGE OF ALLEGIANCE - Mayor Hiremath led the audience in the Pledge of Allegiance.

UPCOMING MEETING ANNOUNCEMENTS - Communications Administrator Mary Davis announced the upcoming Town meetings.

COUNCIL REPORTS - No reports.

DEPARTMENT REPORTS

Town Engineer Craig Civalier reported that the southern monument sign on Oracle Road was nearly complete.

Communications Administrator Mary Davis stated that Development and Infrastructure Services Director Suzanne Smith and Ms. Davis were invited to speak on a regional panel with the Metropolitan Pima Alliance regarding government efficiency and improving customer service.

CALL TO AUDIENCE

Oro Valley resident Joan Gallagher stated that she read an article regarding removing boards and commissions and felt that would be a mistake. She explained that people have responded to situations that arise and that volunteers were what made Oro Valley, a great town.

Oro Valley resident Don Bristow stated that he was disappointed that Item H was on the Consent Agenda. He explained that an emergency did not exist that would

pre-empt the 30 days of publishing a notice. He stated that Council and staff should review the situation.

PRESENTATIONS - There were no presentations.

1. CONSENT AGENDA

MOTION: A motion was made by Vice Mayor Garner and seconded by Councilmember Gillaspie to approve the Consent Agenda with the exceptions of items I, J, K and M.

MOTION carried, 6-0.

- A. Minutes - July 7, 21, 2010
- B. Fiscal Year 2010/11 Financial Update through July 2010
- C. Magistrate Court Report - September 1, 2010
- D. Mayor and Council Trip Reports - August 2010
- E. Police Department - July 2010 Statistics
- F. Tucson Regional Economic Opportunities, Inc. (TREO) Quarterly Report: April 1, 2010 - June 30, 2010
- G. Resolution No. (R) 10 - 57, A Resolution of the Mayor and Council of the Town of Oro Valley, Arizona, Authorizing The Articles of Incorporation for the Water Conservation Alliance of Southern Arizona (Water CASA)

~~*H. Resolution No. (R) 10 - 58, Declaring As A Public Record That Certain Document Entitled Chapter 28, Signs, Attached Hereto As Exhibit "A" and Filed with the Town Clerk; And Declaring An Emergency to Exist~~

- I. **Resolution No. (R) 10 - 59, A Resolution of the Mayor and Council of the Town of Oro Valley, Arizona, Authorizing and Approving a Financial Participation Agreement between the Town of Oro Valley and Tucson Regional Economic Opportunities, Inc. (TREO)**

Councilmember Solomon stated that having a regional partner like Tucson Regional Economic Opportunities (TREO) benefitted Oro Valley.

It was explained that a site selector was hired by an interested party to interview a town as a potential company site. It was noted that a site selector would contact TREO to show them potential sites.

Oro Valley resident and TREO Vice President David Welsh stated that the aerospace and defense industry was the bread and butter of the community. He addressed the fact that TREO had undergone reorganization in the last six

months. He stated that the private sector was now involved as much as the public sector and that it was written in the bylaws to maintain a balance between the two.

MOTION: A motion was made by Councilmember Solomon and seconded by Councilmember Waters to approve Item I with the friendly amendment that a representative from TREO would be available to the Council when quarterly reports are due to answer questions.

MOTION carried, 6-0.

J. Resolution No. (R)10 - 60, Amending Rule 5.2 (D), Notice and Agenda, of the Town of Oro Valley, Arizona Town Council Parliamentary Rules & Procedures

MOTION: A motion was made by Councilmember Gillaspie and seconded by Vice Mayor Garner to deny Item J and accept a friendly amendment to Rule 5.2(D) which codifies that the Town Manager's report would occur at the beginning of the Council agenda

MOTION carried, 6-0.

K. Resolution No. (R) 10 - 61, Authorizing the Mayor and Council of the Town of Oro Valley to execute an Intergovernmental Agreement between the Town of Oro Valley and the Regional Transportation Authority (RTA) of Pima County for Count Down Pedestrian Heads and a Wireless Signal Link System

MOTION: A motion was made by Councilmember Gillaspie and seconded by Councilmember Waters to approve Item K.

MOTION carried, 6-0.

L. Resolution No. (R)10 - 62, Amending the terms of office for Board and Commission members from a fiscal year to a calendar year

M. Resolution No. (R)10 - 63, Ratifying the appointment of members to the Town of Oro Valley Police Public Safety Personnel Retirement System Board

MOTION: A motion was made by Councilmember Hornat and seconded by Councilmember Waters to continue the item to the October 20, 2010 Council meeting.

Mayor Hiremath stated that more research was needed for this item.

MOTION carried, 6-0.

N. Resolution No. (R)10 - 64, Supporting the implementation of aggregated net metering by the Arizona Corporation Commission to expand opportunities for solar energy production

2. ~~**PUBLIC HEARING – ORDINANCE NO. (O)10 – 11, AMENDING ORO VALLEY ZONING CODE REVISED, CHAPTER 28: SIGNS ADOPTING A NEW ORO VALLEY ZONING CODE REVISED (OVZCR) CHAPTER 28, SIGNS AND REPEALING THE CURRENT OVZCR CHAPTER 28; SIGNS; REPEALING ALL RESOLUTIONS, ORDINANCES AND RULES OF THE TOWN OF ORO VALLEY IN CONFLICT THEREWITH; PRESERVING THE RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN THEREUNDER; AND DECLARING AN EMERGENCY TO EXIST**~~
3. **RESOLUTION NO. (R)10 - 65, DISCUSSION AND POSSIBLE ACTION REGARDING THE TOWN OF ORO VALLEY INVESTMENT POLICY UPDATE**
 - Interim Assistant Town Manager and Finance Director Stacey Lemos presented the item. She stated that the current policy was adopted eight years ago and that there had not been any revisions since that time. She stated that the revisions would modernize the policy to best practice standards, comply with statutes and allow for additional diversification opportunities.

She stated that the next steps would be:

- ◆ To evaluate the Town's cash flow needs
- ◆ To seek diversification of portfolio beyond the Local Government Investment Pool (LGIP)
- ◆ To establish quarterly investment reporting

Mayor Hiremath opened the floor for public comment.

Oro Valley resident Ben Baker would like to see Oro Valley money invested in the Town. He explained that he would like to see Council bring something to the Town that the residents would want.

MOTION: A motion was made by Councilmember Hornat and seconded by Councilmember Solomon to approve Resolution No. (R)10-65

MOTION carried, 6-0.

4. **OV1208-12, REQUEST FOR APPROVAL OF A DEVELOPMENT PLAN FOR ORO VALLEY RETIREMENT RESIDENCE, AN INDEPENDENT LIVING FACILITY LOCATED ON THE NORTHEAST CORNER OF LAMBERT LANE AND HIGHLANDS DRIVE**

Planning Division Manager David Williams presented the item. He stated that the project proposed 111 units on an 8.5 acre site on north Lambert Lane. He noted that the Highlands Wash drainage channel bisected the site.

He reviewed the Zoning and Development Standards:

- ♦ R-4 Townhouse District
- ♦ Independent Living Facility
 - Common dining and group activities
 - Occupants that do not require medical care
 - Sleeping units with partial kitchens allowed
 - Parking - an alternative proposal to provide less parking than required was accepted

He reviewed the neighborhood outreach that had been conducted:

- ♦ Applicant held a number of meetings with Highlands neighborhood residents
- ♦ Per the pending Public Participation Ordinance, staff conducted a neighborhood meeting at the Conditional Use Permit (CUP) stage

He reviewed the CUP conditions:

1. Odor Abatement Plan required
2. A ten foot wide, landscaped buffer at the northern and eastern boundary of the eastern portion of project site must be provided
3. Truck deliveries would be limited to 6:00 a.m. to 10:00 p.m.
4. Noise mitigation study required to assess the need for a sound wall

Discussion noted the following:

- ♦ A landscape buffer was necessary due to the residential nature of the area
- ♦ A ten foot buffer yard would be created on both sides of the drainage area
- ♦ The landscaping would not comply with the Water Harvesting Landscape Code as the plan was submitted prior to enacting the Code
 - Worked with the applicant to use drought tolerant plants
 - There would be a detention pond regardless of compliance with the Water Harvesting Landscape Code
- ♦ There would be two entrances off Lambert Lane to add access onto Highlands Drive
- ♦ The art plan was denied which delays the project
 - The applicant will appeal the denial before Council on October 6, 2010
- ♦ Maximum height of the buildings was 25 feet

Ron Jackson of Lenity Group presented the applicant presentation. He reviewed the resident statistics:

- ♦ Average age - mid to upper 80's
- ♦ Good health - do not require medical assistance
- ♦ Seek the lifestyle by choice rather than need
- ♦ About 80% do not drive
- ♦ Mostly single; 20% couples
- ♦ Seeking new friends and a community environment

He reviewed the services the residents receive:

- ♦ Three meals per day, seven days a week
 - Served restaurant style
- ♦ Housekeeping and linen service
- ♦ Social and physical activities

- Volunteer opportunities
- ◆ 24/7 on site management
- ◆ Van service; all day, every day
- ◆ Chapel, beauty salon, movie room, exercise rooms, game rooms, libraries, private rooms for family gatherings and many smaller gathering areas throughout the building
- ◆ All services and utilities are included in rent
- ◆ No lease or buy-in

He stated that the exterior and interior architecture was designed to have a residential feel. He noted that the building height was limited to 25 feet so that neighboring residents would not lose their views.

He explained that Lenity provided the following for the community:

- ◆ Serves the goals of Oro Valley by providing safe and comfortable living for local residents
- ◆ Meets a strong need for such a community in Oro Valley
- ◆ Financial Impact
 - \$1M in development fees
 - \$500,000 annually in salaries, benefits and local contracts

Mayor Hiremath opened the floor for public comment.

Oro Valley resident Bill Adler stated that he was concerned with the structure of the main building as it should meet 14 criteria according to the Zoning Code. He noted that the building was not consistent with the surrounding neighborhood. He stated that the Zoning Code should not be ignored and that the plan could be simplified by redesigning.

Oro Valley resident William Baker of Highland Estates stated that he was generally in favor of the development. He noted his concern regarding the hundred year flood aspect of the wash that would run through the development. He stated that he was seeking information about the westbound right turn lane and whether it would be abolished.

Councilmember Hornat requested that staff answer Mr. Baker's questions.

It was explained that:

- ◆ The drainage way through the middle of the development would be improved by the Lambert Lane construction
- ◆ Lambert Lane was sized for a hundred flood
- ◆ Lambert Lane would eventually be four lanes and would not need a right turn lane as there was an eight foot shoulder

Councilmembers concurred that it was time to review and improve the Zoning Code.

Mayor Hiremath stated that this should be flagged as a teaching example for boards and commissions training

Councilmember Waters recommended reviewing areas of the Zoning Code that slow the process down such as the Conceptual Art Process.

MOTION: A motion was made by Councilmember Gillaspie and seconded by Councilmember Hornat to approve OV1208-12, development plan for Oro Valley retirement residence and independent living facility located on the northeast corner of Lambert Lane and Highlands Drive

MOTION carried, 6-0.

5. FUTURE AGENDA ITEMS

Councilmember Solomon requested to direct staff to revise and update the Zoning Code with regard to architectural and development guidelines. The request was seconded by Councilmember Waters.

Councilmember Hornat requested a Pool Study update. Town Manager Jerene Watson stated that the update could be included in the "Council Foreward".

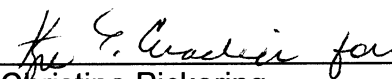
CALL TO AUDIENCE - There were no speakers.

ADJOURNMENT

MOTION: A motion was made by Councilmember Waters and seconded by Vice Mayor Garner to adjourn the meeting at 7:47 p.m.

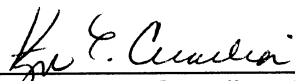
MOTION carried, 6-0.

Prepared by:


Christina Pickering
Senior Office Specialist

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 15th day of September 2010. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 26 day of October, 2010.


Kathryn E. Cuvelier, CMC
Town Clerk