

**MINUTES
ORO VALLEY TOWN COUNCIL
REGULAR SESSION
February 2, 2011
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CANADA DRIVE**

REGULAR SESSION

CALL TO ORDER - At 6:01 PM

ROLL CALL

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

PLEDGE OF ALLEGIANCE

Councilmember Waters led the audience in the Pledge of Allegiance.

UPCOMING MEETING ANNOUNCEMENTS

Town Attorney Tobin Rosin announced the upcoming Town meetings.

COUNCIL REPORTS

Councilmember Hornat stated that he had the privilege today to read to children at the Oro Valley library.

Vice Mayor Snider stated that yesterday, Councilmember Solomon and herself attended a meeting with the Sun City Posse to discuss their concerns regarding eight recent thefts in the area. The Sun City Posse is a group of citizens that patrol the neighborhood.

DEPARTMENT REPORTS

Town Clerk Julie Bower acknowledged artists Helen and Bob Jennette whose artwork is on display in the Council Chambers.

ORDER OF BUSINESS

Mayor Hiremath stated that the order will stand as is.

INFORMATIONAL ITEMS

- A. DIS Customer Feedback Forms and Letter of Appreciation
- B. Public Safety Providers Quarterly Reports

Councilmember Garner asked when the Golder Ranch Fire District took over all 9-1-1 transports.

Golder Ranch Fire Chief Randy Karr stated that Golder Ranch took over 9-1-1 transports on September 1, 2010.

Councilmember Garner asked for clarification regarding benchmark times for Emergency Medical Service (EMS) related calls.

CALL TO AUDIENCE

Mr. John Winfield, Oro Valley resident and student at Ironwood Ridge High School, stated that the student government has been selling "Remember 1/8/11" bands to raise money for the victims fund which helps with medical bills, surgeries, and counseling. The student government has since sold 27,000 bands and has raised \$15,000 for the victim's fund. Mr. Winfield stated that the students at Ironwood Ridge care about the community and asked for everyone's support during this fundraiser event.

Vice Mayor Snider stated that she is proud of the Ironwood Ridge students and thanked them for all of their hard work.

Councilmember Waters stated that the events that took place on 1/8/11 were tragic but the story is really about the people of Tucson and how the community responded and came together.

Mayor Hiremath thanked all of the students at Ironwood Ridge High School for all of their fundraising efforts.

Oro Valley resident Mr. Richard Tracy talked about a newspaper column regarding human capital. Mr. Tracy gave an overview of the Oro Valley Citizen Corps Council and stated that the organization encourages citizens to be prepared in the event of an emergency. Classes are given to train citizens on basic emergency rescue. These trained volunteers then aid first responders in the event of an emergency. Mr. Tracy stated that if anyone is interested, please contact the Police Department and ask for the Citizens Corps Council.

Oro Valley resident Mr. John Musolf stated that he tried to find the meeting information for the budget retreat online but was unable to locate it. Mr. Musolf said that the open meeting laws changed on July 29, 2010 and they now require cities/towns to post agendas on their websites for 12 months. Mr. Musolf asked town staff to look into the changes to the open meeting laws to ensure that the Town is in compliance.

Mr. Vincent Trinidad, Director of Tucson Sports, a division of the Metropolitan Tucson Convention Visitors Bureau (MTCVB) stated that one of their main goals is to bring out of town visitors into the Town. Mr. Vincent said that two years ago in 2009, they hosted the first Ironkids regional and national championship event which was a huge success. Mr. Trinidad said that he is looking forward to the upcoming Ironkids event which will be held on April 6-9, 2011.

Oro Valley resident Ms. Lyra Done thanked Councilmember Gillaspie and Councilmember Garner for all of their hard work in bringing the Ironkid event to the Town of Oro Valley. Ms. Done thanked MTCVB and stated that the Town should continue to support them because they have done a great job.

PRESENTATIONS

There were no presentations.

CONSENT AGENDA

Councilmember Garner requested that item (G) be pulled from the Consent Agenda so that it can be discussed and voted on separately.

- A. Minutes - January 5, 2011
- B. Coyote Run Monthly Report December 2010
- C. Economic Development Division Quarterly Report: October 1, 2010 - December 31, 2010
- D. Procurement Division Quarterly Report - October 1, 2010 - December 31, 2010
- E. Development & Infrastructure Services Department Permitting Division Report - November 2010
- F. Development & Infrastructure Services Department Permitting Division Report - December 2010
- H. Resolution No. (R) 11-09 Authorizing and Approving an Agreement for

Tucson Area Reliability Among the Central Arizona Water Conservation District, the City of Tucson, Flowing Wells Irrigation District, Metropolitan Domestic Water Improvement District, the Town of Marana and the Town of Oro Valley

MOTION: A motion was made by Councilmember Gillaspie and seconded by Vice Mayor Snider to approve the Consent Agenda with the exception of item (G).

MOTION carried, 7-0.

G. Fiscal Year 2010/11 Financial Update Through November 2010

Councilmember Garner referred to attachment "C" and asked for clarification on the interest income.

Finance Director Stacey Lemos stated that the budget was based on the assumption that the interest earning rates would start to increase but the interest earnings rate hasn't increased at all.

Councilmember Hornat asked why there is approximately \$358,000 unspent monies in the Bed Tax fund.

Finance Director Stacey Lemos clarified that it included the bed tax rebate from the Hilton El Conquistador.

MOTION: A motion was made by Councilmember Hornat and seconded by Councilmember Gillaspie to approve item (G).

MOTION carried, 7-0.

REGULAR AGENDA

1. PUBLIC HEARING - DISCUSSION AND POSSIBLE ACTION REGARDING AN APPLICATION FOR A SERIES 12 (RESTAURANT) LIQUOR LICENSE FOR CARRABBA'S ITALIAN GRILL LOCATED AT 7635 N. ORACLE ROAD

Town Clerk Julie Bower gave an overview of the liquor license application.

Mayor Hiremath opened the public hearing.

No comments were received.

Mayor Hiremath closed the public hearing.

MOTION: A motion was made by Councilmember Waters and seconded by Vice Mayor Snider to recommend approval of the issuance of the series 12 Liquor License to the Arizona State Liquor Board for Agent/Owner Ms. Amy Nations for Carrabba's Italian Grill located at 7635 N. Oracle Road.

MOTION carried, 7-0.

2. **RESOLUTION NO. (R) 11-10 DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT ENTITLED CHAPTER 23, ZONING DISTRICTS, SECTION 23.1, DISTRICTS AND BOUNDARIES THEREOF, SECTION 23.8, PROPERTY DEVELOPMENT STANDARDS FOR NONRESIDENTIAL DISTRICTS, SECTION 23.3, TABLE OF PERMITTED USES AND SECTION 23.4, TABLE OF DIMENSIONAL REQUIREMENTS, ATTACHED HERETO AS EXHIBIT "A" AND FILED WITH THE TOWN CLERK**

MOTION: A motion was made by Vice Mayor Snider and seconded by Councilmember Solomon to approve Resolution (R) 11-10 without an emergency clause.

MOTION carried, 7-0.

3. **PUBLIC HEARING: ORDINANCE NO. (O) 11-02 AMENDMENT TO SECTION 23.8.A, C-N NEIGHBORHOOD COMMERCIAL DISTRICT, TABLE 23-1, TABLE OF PERMITTED USES, AND SECTION 23.4, TABLE OF DIMENSIONAL REQUIREMENTS, IN THE ORO VALLEY ZONING CODE REVISED, OV710-005**

Planning Manager David Williams gave an overview of Ordinance No. (O) 11-02. Mr. Williams explained that the intent of this item is to provide more flexibility to users of commercial property, to enable mixed-use development, and to ensure a neighborhood orientation and scale of these types of sites.

Mr. Williams said that the CN District zoning is the least intensive of the commercial zones within Oro Valley. The Code update essentially: Adds additional appropriate uses, increases Floor Area Ratio (FAR), focuses on form, pedestrian friendly design, neighborhood compatibility, and standards for mixed-use development.

The Planning and Zoning Commission reviewed this item and recommended unanimous approval. A technical advisory committee which was comprised of land and title specialist, land use attorneys, developers and various Oro Valley staff were also utilized to receive input.

Planning Manager David Williams described the locations of the proposed zoning changes to the CN District and then displayed the project timeline.

In summary, staff feels that the proposed changes to the CN District will:

- Create more flexible opportunities for development
- Create more congruent standards with C-N intent
- Neighborhood scale and compatibility with residential is addressed
- General Plan consistency with Neighborhood Commercial Office (NCO)
- Additional economic development tool

Discussion ensued regarding design guidelines and the process for changing the zoning to CN.

Mayor Hiremath opened the public hearing.

Oro Valley resident Mr. Bill Adler stated that if the Town is moving to a form based code rather than a loose based code, then the Town doesn't need a chart of permitted uses and the Town doesn't need to be concerned with market demand. Mr. Adler suggested dropping the word "neighborhood". There only needs to be one commercial district plus Technological Park which is a separate matter of use.

Mr. Walter Hope stated that he was part of the committee that reviewed the CN zoning and is here tonight to support the proposed zoning changes. Mr. Hope said that the review was a very collaborative process and that the process and outcome is positive for the community.

Mayor Hiremath closed the public hearing.

Discussion ensued regarding the downside of having just one commercial zoning and a separate zoning for Technological Park.

Discussion ensued regarding requirements for communication centers and antennas.

MOTION: A motion was made by Councilmember Hornat and seconded by Councilmember Gillaspie to adopt, with conditions, Ordinance No. (O) 11-02, amending the Oro Valley Zoning Code Revised as shown in Exhibit "A" with the additional conditions that the following be struck out: ~~SHALL REFLECT THE ARCHITECTURAL THEMES AND COLORS OF ADJACENT RESIDENTIAL DEVELOPMENTS~~ as listed under item 9. ARCHITECTURE and change to conditional rather than permitted uses for the following:

- REHABILITATIVE CARE FACILITY
- SKILLED NURSING CARE FACILITY
- INDEPENDENT LIVING FACILITY (FORMERLY MATURE ADULT RETIREMENT QUARTERS
- OPTICIAN

Councilmember Solomon made a friendly amendment, seconded by Councilmember Hornat to add under Section 9. ARCHITECTURE, a reference to: MEETING THE DESIGN GUIDELINES.

MOTION carried, 7-0.

4. **RESOLUTION NO. (R) 11-11 DECLARING THAT A CERTAIN DOCUMENT ENTITLED CHAPTER 8, BUSINESS REGULATIONS, ARTICLE 8-5, PAWNBROKERS, SECONDHAND DEALERS AND SCRAP METAL DEALERS, ATTACHED HERETO AS EXHIBIT "A", AND FILED WITH THE TOWN CLERK AS A PUBLIC RECORD**

MOTION: A motion was made by Councilmember Solomon and seconded by Councilmember Waters to adopt Resolution No. (R) 11-11.

MOTION carried 7-0.

5. **PUBLIC HEARING - ORDINANCE NO. (O) 11-03 AMENDING THE ORO VALLEY TOWN CODE, ADDING ARTICLE 8-5, PAWNBROKERS, SECONDHAND DEALERS AND SCRAP METAL DEALERS; AND REPEALING ALL RESOLUTIONS, ORDINANCES AND RULES OF THE TOWN OF ORO VALLEY IN CONFLICT HEREWITH**

Police Chief Danny Sharp gave an overview of the proposed ordinance. Chief Sharp stated that it has become common practice in the area for stolen items to be sold at pawnbrokers, secondhand dealers, and scrap metal dealers for cash and then those items are re-sold for a profit.

The Police Department is aware of several documented cases where stolen property was recovered and returned to the rightful owner when appropriate reporting measures were taken. The Police Department believes that the proposed amendments to the Town Code are proactive steps that will prevent or minimize such activities from occurring.

Councilmember Garner asked for clarification regarding the price of the physical license.

Sergeant Dean Nesbitt stated that a normal business license from the Clerk's Office is required.

Sergeant Nesbitt explained how the documentation and retrieval process would work regarding items that are sold at pawnbrokers, second hand dealers and scrap metal dealers.

Councilmember Hornat voiced his concern with the volume of goods traded each day and the possible strain that it will put on police staff.

Chief Sharp stated that the City of Tucson is utilizing this system. If the Town of Oro Valley doesn't adopt some type of regulations, Oro Valley will become a hot spot for selling stolen goods.

Chief Sharp stated that the records are stored in a national database and it will not create much more work for staff.

Mayor Hiremath opened the public hearing.

No comments were received.

Mayor Hiremath closed the public hearing.

MOTION: A motion was made by Councilmember Waters and seconded by Councilmember Gillaspie to approve Ordinance No. (O) 11-03.

MOTION carried, 7-0.

6. **PUBLIC HEARING - ORDINANCE NO. (O) 11-04 AMENDING ORO VALLEY TOWN CODE CHAPTER 3, ADMINISTRATION, ARTICLE 3-6, ADVISORY BOARDS; 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**

Town Attorney Tobin Rosen gave an overview of proposed Ordinance No. (O) 11-04. Mr. Rosin stated that the ordinance is intended to clean up language in Article 3-6, regarding Advisory Boards.

Mayor Hiremath opened the public hearing.

No comments were received.

Mayor Hiremath closed the public hearing.

MOTION: A motion was made by Vice Mayor Snider and seconded by Councilmember Hornat to approve Ordinance No. (O) 11-04.

MOTION carried, 7-0.

7. **DISCUSSION AND POSSIBLE ACTION TO INITIATE A ZONING CODE AMENDMENT TO REQUIRE PUBLIC NOTICE OF PLANNING AND ZONING ADMINISTRATOR INTERPRETATIONS OF THE ZONING CODE**

Planning Manager David Williams stated that this is an informational item initiated by Councilmember Gillaspie to address an activity that happens at a zoning administration level where the planning and zoning administrator has to occasionally make interpretations to clarify the intent of the Code. Council's intent is to publish these interpretations so that the public is aware that such interpretations have been made.

Councilmember Gillaspie stated that the net effect of the zoning administrator's decision is to change law. The intent is to publish these decisions so that the public is made aware of the interpretations.

Mr. Williams clarified that the interpretation will be written and then published for 30 days (either on the Town website or newspaper) during the appeal period. If no appeals are filed, the interpretation will then take effect.

MOTION: A motion was made by Councilmember Gillaspie and seconded by Councilmember Waters to initiate an amendment to the Oro Valley Zoning Code to add a requirement for public notification of Planning and Zoning Administrator interpretations of the zoning code thirty (30) days prior to enactment and that said amendment should target those Zoning Administrator interpretations that have an effect of amending the zoning code and not Zoning Administrator Decisions currently provided by code that are for the purpose of flexibly responding to complex land-use issues.

MOTION carried, 7-0.

FUTURE AGENDA ITEMS

Councilmember Garner requested that an item regarding communication site antennas be placed on a future agenda.

Vice Mayor Snider stated that she would like to bring forward a discussion on ways to assist non-profit organizations within the community through networking means.

Councilmember Gillaspie requested that a future agenda item be brought forward regarding the initiation of expanding the conditional use criteria.

CALL TO AUDIENCE

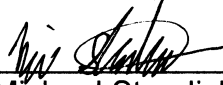
No comments were received.

ADJOURNMENT

MOTION: A motion was made by Vice Mayor Snider and seconded by Councilmember Waters to adjourn the meeting at 7:44 PM.

MOTION carried, 7-0.

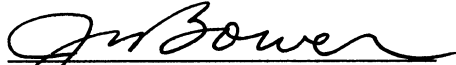
Prepared by:



Michael Standish, CMC
Deputy Town Clerk

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 2nd day of February 2011. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 24th day of March, 2011.



Julie K. Bower, MMC
Town Clerk