

**MINUTES  
ORO VALLEY TOWN COUNCIL  
REGULAR SESSION  
January 19, 2011  
ORO VALLEY COUNCIL CHAMBERS  
11000 N. LA CANADA DRIVE**

**REGULAR SESSION AT OR AFTER 5:00 PM**

**CALL TO ORDER - at 5:02 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

**EXECUTIVE SESSION**

**MOTION:** A motion was made by Vice Mayor Snider and seconded by Councilmember Gillaspie to go into Executive Session at 5:02 p.m. for the purpose of receiving legal advice regarding annexation pursuant to ARS 38-431.03(A)(3).

**MOTION** carried, 7-0.

Mayor Hiremath stated that the following staff members would join Council in Executive Session: Town Manager Jerene Watson, Assistant Town Manager Greg Caton, Chief Civil Deputy Attorney Joe Andrews, Town Clerk Julie Bower, Finance Director Stacey Lemos, Assistant to the Town Manager Kevin Burke, and Finance Analyst Art Cuaron.

**RESUME REGULAR SESSION**

**CALL TO ORDER - at 6:10 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**

Mayor Hiremath led the audience in the Pledge of Allegiance.

Mayor Hiremath stated that Oro Valley resident Mr. Zev Cywan passed away Monday morning. Mayor Hiremath requested a moment of silence for Mr. Cywan and his family as well as for all of those affected by the events on January 8th at the Safeway Plaza.

## **UPCOMING MEETING ANNOUNCEMENTS**

Assistant Town Manager Greg Caton announced the upcoming Town meetings.

## **COUNCIL REPORTS**

Councilmember Hornat reported that the Planning and Zoning Commission now has a full seven member body and is looking forward to working with them.

## **DEPARTMENT REPORTS**

There were no reports.

## **ORDER OF BUSINESS**

Mayor Hiremath stated that the order will stand as is.

## **INFORMATIONAL ITEMS**

There were no informational items.

## **CALL TO AUDIENCE**

No comments were received.

## **PRESENTATIONS**

- A. Oro Valley Police Explorer Troop Participation in Chandler Explorer Competition

Assistant Police Chief Larry Stevens recognized the Oro Valley Explorer Post 2011 for their participation in the Chandler Explorer Tactical competition held on January 14-16. Mr. Stevens stated that he was very impressed by the efforts of the Explorers and it was very clear that a large amount of effort and training went into preparing for the competition.

Assistant Police Chief Larry Stevens recognized the Explorer Advisors: Officer Mattocks, Officer Kleinberg, and Officer Benjamin.

Officer Mattocks introduced the Explorers Post 2011. Officer Mattocks stated that the Explorers took the training to heart and performed very well. The competition included a total of 700 Explorers and the Oro Valley Post competed in sixteen events over three days.

Mayor Hiremath stated that it was a phenomenal event and it was great to see teams cheering on other teams as they competed. Mayor Hiremath thanked Chief Sharp and everyone else who was involved.

## **CONSENT AGENDA**

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

- A. Police Department - November 2010 Statistics
- B. Tucson Regional Economic Opportunities, Inc. Quarterly Report: July 1, 2010 - September 30, 2010
- C. Resolution No. (R) 11-05, Declaring as a public record that a certain document known as Oro Valley Zoning Code Revised, Chapter 21, Review and Decision-Making Bodies; Chapter 23, Zoning Districts; Chapter 24, Supplementary District Regulations, Sections 24.1, 24.2, 24.5 and 24.7; Chapter 27, General Development Standards, Sections 27.2 and 27.6; Chapter 31, Definitions, and a new Section 27.10, Environmentally Sensitive Lands, Attached Hereto as Exhibit "A", and an Environmentally Sensitive Lands Planning Map, Attached Hereto as Exhibit "B" and filed with the Town Clerk; and declaring an emergency to exist
- D. Resolution No. (R) 11-06 Authorizing and Approving a Memorandum of Agreement Between the Town of Oro Valley and the Pima County Superior Court to Refer Juveniles Charged with Misdemeanor Domestic Violence Offenses to the Domestic Violence Alternative Center
- E. Resolution No. (R) 11-07 Accepting From Lin Trust and TF Naranja Group L.L.C. a Special Warranty Deed for Dedication of Public Right-of-Way From Certain Real Property Located in Pima County Along La Cholla Boulevard

- F. OV12-05-36B Copperstone Development LLC requests a time extension to January 19, 2013 for an approved development plan for property located between Hardy Road and Calle Concordia on the west side of Oracle Road

**MOTION:** A motion was made by Councilmember Solomon and seconded by Councilmember Hornat to approve the Consent Agenda with the exception of item (G).

**MOTION** carried, 7-0.

**G. Resolution No. (R)11-08 Adopting the Town of Oro Valley 2011 Strategic Plan**

Discussion ensued amongst the Council regarding the purpose of a Strategic Plan, how it will be used by the Town and the reasoning why certain items are included and excluded from the Strategic Plan.

Town Manager Jerene Watson clarified that Strategic Plans are generally overarching documents that guide the community and that priority setting regarding specific items usually takes place during the budget process.

Mayor Hiremath stated that things that the Town is already doing well do not have to be included in the Strategic Plan. The Strategic Plan is for those things that the Town would like to see get done or focus on.

**MOTION:** A motion was made by Councilmember Waters and seconded by Vice Mayor Snider to adopt Resolution (R) 11-08 Adopting the Town of Oro Valley 2011 Strategic Plan.

**MOTION** carried, 7-0.

**REGULAR AGENDA**

**1. PUBLIC HEARING - DISCUSSION AND POSSIBLE ACTION  
REGARDING AN APPLICATION FOR A SERIES 12 (RESTAURANT)  
LIQUOR LICENSE FOR GRAIN RIVER ASIAN BISTRO RESTAURANT  
LOCATED AT 12985 N. ORACLE ROAD #125**

Assistant Police Chief Larry Stevens stated that the Police Department completed a background investigation on the applicant and there is no objection to the issuance of the series 12 liquor license.

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 Gillaspie to recommend approval of the issuance of the Series 12 Liquor License to the Arizona State Liquor Board for Ms. Chih Ting Lin for Grain River Asian Bistro Restaurant located at 12985 N. Oracle Road #125.

**MOTION** carried, 7-0.

**2. PUBLIC HEARING - DISCUSSION AND POSSIBLE ACTION  
REGARDING AN APPLICATION FOR A SERIES 12 (RESTAURANT)  
LIQUOR LICENSE FOR J. MARINARA'S RESTAURANT LOCATED AT  
8195 N. ORACLE ROAD #105**

Assistant Police Chief Larry Stevens stated that the Police Department completed a background investigation on the applicant and there is no objection to the issuance of the series 12 liquor license.

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 Solomon to recommend approval of the issuance of the Series 12 Liquor License to the Arizona State Liquor Board for Ms. Eileen Marie Bonk for J. Marinara's Restaurant located at 8195 N. Oracle Road #105.

**MOTION** carried, 7-0.

**3. DISCUSSION AND POSSIBLE ACTION REGARDING THE TEMPORARY  
SIGN WAIVER PROGRAM**

Economic Development Manager Amanda Jacobs gave an overview of the temporary sign waiver program. The Town Council approved a temporary sign waiver program from August 2, 2010 through February 1, 2011. To date, the Development and Infrastructure Services Department has received forty four (44) applications, of those, thirty five (35) have been issued. Of the thirty-five businesses that were approved under the temporary sign waiver program, seventeen (17) businesses were required to submit economic data. At this time, sixteen (16) businesses have submitted data.

Approximately 75% of the businesses showed an increase in business and 25% of the businesses showed a decrease in overall business.

Economic Development Manager Amanda Jacobs stated that it was difficult to make an accurate analysis of whether or not the sign code waiver worked for the following reasons:

- Temporary Sign relief occurred during the Holidays
- Large number of snowbirds were in Town
- Number of businesses still used other means of advertising
- No year over year comparison

Staff is recommending to let the temporary sign waiver program expire on February 1st as well as not allowing the use of A-frames.

Councilmember Solomon stated that he would like staff to bring back design guidelines for freestanding banners.

Discussion ensued amongst the Council regarding the temporary sign waiver program and the economic data that was submitted by the businesses that utilized the sign waiver program.

Mr. John Piccoli, owner of Ace Hardware, stated that he gave a large amount of data to the Council to review. Mr. Piccoli said that he was able to hire workers because the signs have brought in more business and he urged the Council to look over the sign waiver program and improve it.

Economic Development Manager Amanda Jacobs clarified that new businesses can display banners two times a year for a period of thirty days. Seasonal or Special Event banners can be utilized four times a year for a period of thirty days. Temporary signs on the day of the event are allowed four times a year for a one day period.

Oro Valley resident Mr. Bill Adler stated that the temporary sign waiver program is a good idea even though the results were inadequate and the abuse was excessive. There is evidence that the sign waiver program has helped. Mr. Adler stated that he would support the sign waiver program throughout the year.

Oro Valley resident Mr. Don Bristow said that sales were up before the sign waiver program started. The sign waiver program is difficult to analyze because of all of the variables. Tools are in place to help the businesses. Mr. Bristow said that the Town should look at ways to better educate the citizens and developers regarding the sign code.

Economic Development Manager Amanda Jacobs clarified that the temporary sign waiver program started August 2, 2010.

Mayor Hiremath recommended having the temporary sign code waiver program end once the sign code is adopted so that there is no gap.

Discussion ensued amongst the Council regarding the temporary sign waiver program and the suggested time frame to end the program.

Councilmember Garner stated that he had initially not supported the program and still did not support it. The reason was because A-frames were being allowed and that was in direct conflict with the Town Zoning Code. There were no standards for A-frames. He had seen A-frames that were hand painted, of varying sizes, lengths and quality. If standards for banners were being developed, he did not want to leave out standards for A-frames.

Councilmember Solomon stated that A-frames create less clutter than banners but there needs to be enforcement.

Councilmember Gillaspie stated that A-frames degenerate the area and don't look as nice and don't draw in high end business.

Councilmember Garner stated that the Town should scrutinize businesses who claim hardships in order to qualify for the temporary sign waiver program.

Vice Mayor Snider inquired as to the enforcement guidelines for the temporary sign waiver program.

Development and Infrastructure Services Director Suzanne Smith stated that the signs are inspected when they are first displayed to make sure that they do comply with what was approved on the plan. Code compliance has also re-initiated their bi-weekly - weekend sign compliance runs.

**MOTION:** A motion was made by Councilmember Gillaspie and seconded by Vice Mayor Snider to sustain the temporary sign waiver for thirty (30) days after the adoption of the new sign code.

**MOTION** carried, 7-0.

4. **PUBLIC HEARING - ORDINANCE NO. (O) 11-01 ADOPTING THE ENVIRONMENTALLY SENSITIVE LANDS ORDINANCE, AMENDING THE ORO VALLEY ZONING CODE REVISED, CHAPTER 21, REVIEW AND DECISION-MAKING BODIES, CHAPTER 23, ZONING DISTRICTS, CHAPTER 31, DEFINITIONS, AND ADDING A NEW SECTION 27.10, ENVIRONMENTALLY SENSITIVE LANDS, ATTACHED HERETO AS EXHIBIT "A", AND AN ENVIRONMENTALLY SENSITIVE LANDS PLANNING MAP, ATTACHED HERETO AS EXHIBIT "B"; REPEALING ALL RESOLUTIONS, ORDINANCES, AND RULES OF THE TOWN OF ORO VALLEY IN CONFLICT THEREWITH; PRESERVING THE RIGHTS AND DUTIES THAT HAVE BEEN ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN THEREUNDER**

Planning Division Manager David Williams gave an overview of the Environmentally Sensitive Lands Ordinance (ESLO) and stated that the purpose of the ESLO is to implement the community vision of conserving natural, cultural and scenic resources within the community.

The ESL Ordinance will also bring requirements together in a cohesive manner so that it helps facilitate the planning process.

Mr. Williams outlined the ESL process and stated that the foundation of the process has been built on public input. Mr. Williams exclaimed that the basis for the science of the ESL came from the Sonoran Desert Conservation Plan (SDCP). The SDCP for Pima County was developed by over one hundred research scientists and cultural resource specialists. The Town of Oro Valley refined the county plan by performing on the ground mapping to clearly identify resources and to take growth expectations into account.

Planning Division Manager David Williams outlined the Resource Management Areas which consists of three tiers. These tiers represent the amount of open space that must be reserved.

- Tier I 66%
- Tier II 25%
- Tier III 0%

The proposed ESL Ordinance also addresses the hillside code in order to:

- Simplify Methods
- Target Specific Slopes
- Preserve Ridgelines
- Incentives

Mr. Williams discussed the inclusion of a Cultural Resources section which the code has been previously silent on and gave an overview of the Scenic Resource Category.

Mr. Williams stated that the Town of Oro Valley proposed ESL Ordinance has distinct benefits which include:

- Creates certainty of open space requirements
- Respect economic development objectives
- Approach respects current economic conditions
- Tools to develop in challenging terrain
- Comprehensive array of incentives
- Opportunities to decrease infrastructure costs

Discussion ensued amongst the Council regarding the proposed ESL Ordinance.



Mr. David Godlewski with the Southern AZ Homebuilders Association thanked the Council for their willingness to research the ESL Ordinance. Mr. Godlewski stated that this is a very significant land use regulation and urged the Council to move cautiously and listen to all of the input given.

Ms. Amber Smith with the Metropolitan Pima Alliance (MPA) stated that she was encouraged by the discussion tonight and thanked staff for working very diligently on the ESL Ordinance. Ms. Smith said that the MPA focuses on a collaborative process in order to create sustainable land use policy. A major issue for the MPA is that the Town asks for many things but doesn't guarantee that they will follow through if those criteria are met.

Mr. Richard Maes, representing Rancho Vistoso and the developer Vistoso Partners stated that he has worked with staff on this very complex issue. Mr. Maes stated that if the proposed regulations were in effect when Stone Canyon was developed, it wouldn't exist under the regulations proposed in the ESL Ordinance. It is not financially viable for developers to give up the majority of their property before they ever build the first roadway. Mr. Maes felt that the guideline that stated that a rooftop should not be seen from a park or a Pima County walking trail is extreme. Fifteen to twenty foot setbacks for fences, swimming pools, ramadas and buildings are extreme. Mr. Maes also stated that it is unrealistic to redo the Archeological-Cultural Resources guidelines every ten years.

Oro Valley resident Ms. Mary Walker, a retired environmental chemist, thanked the Council and staff for all of the work that they have done on the ESL Ordinance. Ms. Walker urged the Council to continue to preserve the Oro Valley land in order to protect the wildlife. The protection of ESL will enrich the life of present and future generations. Ms. Walker stated that she was concerned with the protection of property values.

Oro Valley resident Mr. Don Chatfield exclaimed that he was thrilled to be here and happy to have the Council bring the ESL forward. Mr. Chatfield stated that the time is right to bring the ESL forward because it is good for business. The Town should take advantage of its natural surroundings. Mr. Chatfield said that he believes that the document is ready to adopt.

Councilmember Gillaspie clarified that the ESL Ordinance is to streamline and make more efficient the regulations that will apply to the property once the rezoning is granted. The current codes will make it more difficult on pieces of property because the current General Plan talks about significant resource areas which are not defined.

Mayor Hiremath closed the public hearing.

**MOTION:** A motion was made by Mayor Hiremath and seconded by Councilmember Hornat to continue Ordinance (O) 11-01 to the February 16th Council meeting and any questions from Council will be submitted to Planning Manager David Williams or Assistant to the Town Manager Kevin Burke and then distributed to the rest of the Council and the Council sub-groups will continue to be briefed regarding the ESL matters.

**MOTION** carried, 4-3 with Garner, Gillaspie, and Solomon opposed.

### **FUTURE AGENDA ITEMS**

No agenda items were requested.

### **CALL TO AUDIENCE**

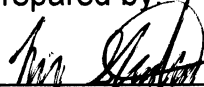
No comments were received.

### **ADJOURNMENT**

**MOTION:** A motion was made by Councilmember Garner and seconded by Vice Mayor Snider to adjourn the meeting at 8:33 p.m.

**MOTION** carried, 7-0.

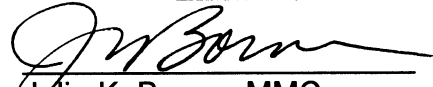
Prepared by:



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 19<sup>th</sup> day of January 2011. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 21<sup>st</sup> day of March, 2011.

  
Julie K. Bower, MMC  
Town Clerk