

**MINUTES
ORO VALLEY TOWN COUNCIL
December 1, 2010
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CANADA DRIVE**

REGULAR SESSION AT OR AFTER 5:00 PM

CALL TO ORDER - At 5:00 p.m.

ROLL CALL

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

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

Pursuant to ARS 38-431.03(A)(4) discussion or consultation with the Town Attorney in order to consider the Council's position and instruct the Town Attorney regarding the Pima County Library Intergovernmental Agreement

MOTION: A motion was made by Councilmember Snider and seconded by Councilmember Waters to go into Executive Session at 5:02 p.m. pursuant to ARS 38-431.03(A)(4) discussion or consultation with the Town Attorney in order to consider the Council's position and instruct the Town Attorney regarding the Pima County Library Intergovernmental Agreement (IGA).

MOTION carried, 5-0.

MOTION: A motion was made by Councilmember Hornat and seconded by Councilmember Waters to go out of Executive Session at 5:45 p.m.

MOTION carried 7 - 0.

RESUME REGULAR SESSION AT OR AFTER 6:00 PM

CALL TO ORDER - At 6:01 p.m.

ROLL CALL**PRESENT:**

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

PLEDGE OF ALLEGIANCE

Mayor Hiremath led the audience in the Pledge of Allegiance.

UPCOMING MEETING ANNOUNCEMENTS

Ms. Davis presented the upcoming Town meetings.

COUNCIL REPORTS

Councilmember Waters congratulated everyone for participating in the El Tour and thanked the Police Department for all of their hard work.

DEPARTMENT REPORTS

Chief Sharp stated that last night, 30 participants graduated from the Police Citizen's Academy. Chief Sharp thanked Town Manager Jerene Watson and Suzanne Smith for their participation and hard work.

Communications Administrator Mary Davis announced that the Solar Parking Project will commence next week on Dec 15-30. Parking will be limited. More information is available on the Town's website.

ORDER OF BUSINESS:

The order will stand as is.

INFORMATIONAL ITEMS

There were no informational items.

CALL TO AUDIENCE

Ms. Jackie Devery with the Oro Valley holiday parade committee gave an update on the status of the Holiday Parade and mentioned that the businesses in town are hurting, but they are very happy about the new Sign Code revisions.

Oro Valley resident Donald Bristow expressed concern regarding possible conflict of interest regarding the Sign Code and Development Review Board amendments.

Oro Valley resident Bill Adler commented on the recent strategic planning retreat held November 20, 2010 and asked who is charged with running the Town - Elected Officials or the Town Manager? He felt that the Council and staff need to understand their roles and the Council-Manager form of government.

Oro Valley resident Richard Tracey thanked the Council for their service. He felt that the Council seems to be attacked on process and not on content. He suggested if rules need to be changed, than change them so they facilitate more efficient government. He expressed concerns about the Police Officers who did not receive step plan increases.

PRESENTATIONS

a. **PLAQUE OF APPRECIATION TO MARY CASWELL FOR HER SERVICE ON THE PLANNING AND ZONING COMMISSION FROM JULY 2009 TO OCTOBER 2010**

Mayor Hiremath presented a plaque of appreciation to Mary Caswell for her service on the Planning and Zoning Commission from July 2009 to October 2010.

b. **PRESENTATION BY TUCSON REGIONAL ECONOMIC OPPORTUNITIES, INC. VICE PRESIDENT OF REGIONAL DEVELOPMENT, MICHAEL S. GUYMON**

Executive Vice President David Welsh pointed out an inbound media piece that highlighted Oro Valley on site selection and highlights the Roche project. He then introduced Michael Guymon, the new Vice President of regional partners for TREO. He stated that Mr. Guyman is well known in the commercial real estate circle and that he is thrilled to have him at TREO.

Michael Guymon thanked the Council for the opportunity to attend the recent Economic Development Summit and stated that he looked forward to working with the town and building on the synergy created by Oro Valley.

1. **CONSENT AGENDA**

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

MOTION carried 7 - 0.

- A. Coyote Run Monthly Report September 2010
 - B. Coyote Run Monthly Report October 2010
 - C. Fiscal Year 2010/11 Financial Update through October 2010
 - D. Development & Infrastructure Services Department Permitting Division October 2010 Reports
 - E. Resolution No. (R)10-83 Authorizing and Approving a Drainage and Maintenance Easement Between the Town of Oro Valley and In-N-Out Burger, Inc.
 - F. Resolution No. (R)10-84 Authorizing and Approving a Subgrantee Agreement between the Town of Oro Valley and the Arizona Department of Homeland Security to Fund Overtime and Mileage Under the Operation Stonegarden Program
 - G. Resolution No. (R)10-85 Authorizing and Approving a Subgrantee Agreement Between the Town of Oro Valley and the Arizona Department of Homeland Security to Fund the Purchase of Binoculars and Thermal Imaging/Night Vision Equipment Under the Operation Stonegarden Program
 - H. Resolution No. (R)10-86 Authorizing and Approving an Amendment to the Intergovernmental Agreement Between the Town of Oro Valley and the Pima County Regional Flood Control District Extending the IGA for the Lomas de Oro Wash Channelization Project and the Oro Valley Estates Drainage Improvement Project (Phase II) an Additional Year to December 31, 2011
 - I. Resolution No. (R)10-87 Authorizing and Approving Drainage Easements Between the Town of Oro Valley and Nine Homeowners Along Lomas de Oro Wash for the Federal Emergency Management Agency (FEMA) Channel Drainage Improvement Project
 - J. Amending the 2010 Town Council Liaison Assignments by adding Councilmember Mary Snider as an Alternate Liaison to the Parks & Recreation Advisory Board for Councilmember Barry Gillaspie
 - K. ***ITEM K HAS BEEN REMOVED FROM THE AGENDA***
2. **PRESENTATION AND TOWN COUNCIL ACCEPTANCE OF THE TOWN'S FINANCIAL AUDIT FOR FISCAL YEAR ENDED JUNE 30, 2010**

Finance Director Stacey Lemos stated that Heinfeld, Meech and Company, P.C., CPA has completed the Town's annual audit. No issues or concerns were raised during the audit.

Auditor Corey Arvizu and Jim Rebenar reviewed the results of the Town's comprehensive annual audit and highlighted the financial statements for the Town. It was stated that no red flags were raised concerning the financial health of the Town. It was pointed out that next year, the standards will slightly change regarding fund balance and pension reporting.

Discussion followed on how the Town Council can give input to the auditors before next year's audit begins regarding the risk assessment process and the future unfunded liabilities with the Town's participation in the State Retirement System or the Public Safety Retirement System, known as long term unfunded liabilities.

Mr. Arvizu stated that the Town's General Fund balance of 40% is healthy based on the economic condition of the country.

MOTION: A motion was made by Councilmember Hornat and seconded by Councilmember Snider to accept the Town's Financial Audit for Fiscal Year ended June 30, 2010.

MOTION carried 7 - 0.

3. **PUBLIC HEARING DISCUSSION AND POSSIBLE ACTION REGARDING AN APPLICATION FOR A SERIES 12 (RESTAURANT) LIQUOR LICENSE FOR NOBLE HOPS GASTROPUB LOCATED AT 1335 W. LAMBERT LANE #101**

Applicant Suzanne Kaiser stated that they are excited to come to Oro Valley and explained that Gastropub Restaurant is a new concept that is a gourmet Pub with great food and unique beer. Opening is scheduled for January 28, 2010.

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

MOTION: A motion was made by Councilmember Waters and seconded by Councilmember Gillaspie to recommend approval to the State of Arizona Liquor Board of the Series 12 restaurant liquor license for Noble Hops Gastropub located at 1335 W. Lambert Lane #101.

MOTION carried 7 - 0.

4. **DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FOR AUTHORIZATION TO USE GENERAL FUND CONTINGENCY RESERVE**

FUNDS FOR CITIZEN SATISFACTION SURVEY

MOTION: A motion was made by Councilmember Waters and seconded by Vice Mayor Garner to put off the authorization to use General Fund Contingency Funds for a Citizen Satisfaction Survey until the next fiscal year cycle.

MOTION carried 7 - 0.

***5. ITEM 5 HAS BEEN REMOVED FROM THE AGENDA**

- 6. RESOLUTION NO. (R)10-81 REPEALING TOWN OF ORO VALLEY PERSONNEL POLICY NUMBER 25, ADVISORY BOARD FOR ORO VALLEY EMPLOYEES (ABOVE), AND PERSONNEL POLICY NUMBER 27, ANNUAL EMPLOYEE FORUM, OF THE PERSONNEL POLICIES AND PROCEDURES MANUAL REGARDING EMPLOYEE RELATIONS, REPLACING THESE WITH ADMINISTRATIVE DIRECTIVE 33 WHICH PROVIDES A FRAMEWORK FOR EXPANDED EMPLOYEE VOICE (CONTINUED FROM 11/17/10)**

Human Resources Director Betty Dickens reviewed the proposed amendments recommended in Resolution No. (R)10-81.

MOTION: A motion was made by Councilmember Gillaspie and seconded by Councilmember Solomon to adopt Resolution (R)10-81 with the following amendment to Administrative Directive 33, Section 4: to state that bi-annual employee exchanges with the Town Manager are a tool that will be explored for interest by the employees, if desired, as a compliment to the self directed team approach and that the Town Council shall have annual meetings with the employee groups as directed by the employees, in other words, they set the format of the meeting and any future changes to Administrative Directive 33 Section 4 be brought before the Council.

MOTION carried 6 - 1 with Councilmember Hornat opposed.

- 7. RESOLUTION NO. (R)10-88 AMENDING THE APPENDICES TO THE TOWN COUNCIL PARLIAMENTARY RULES AND PROCEDURES AND CODE OF CONDUCT TO UPDATE THE APPOINTMENT PROCESS AND TERM LIMIT PROVISIONS RELATING TO TOWN OF ORO VALLEY VOLUNTEERS**

Assistant to the Town Manager Kevin Burke gave a brief overview of the proposed modernization of the town's Boards and Commissions and proposed amendments to the town's Parliamentary Rules & Procedures.

MOTION: A motion was made by Councilmember Solomon and seconded by Councilmember Hornat to adopt Resolution No. (R)10-88, amending appendices

to the Town Council Parliamentary Rules and Procedures and further directed staff to initiate revisions to Town Code Section 3-6.

MOTION carried 7-0.

A. DISCUSSION AND POSSIBLE ACTION REGARDING THE FINANCE AND BOND COMMITTEE

MOTION: A motion was made by Vice Mayor Garner and seconded by Councilmember Hornat to dissolve the Finance & Bond Committee.

MOTION carried 7 - 0.

B. DISCUSSION AND POSSIBLE ACTION REGARDING THE PARKS AND RECREATION ADVISORY BOARD (PRAB)

MOTION: A motion was made by Councilmember Snider and seconded by Councilmember Gillaspie to direct staff to initiate additional revisions to the Oro Valley Town Code Section 3-6 and implement recommended changes to the PRAB meeting format and schedule as shown in attachment A.

MOTION carried 7 - 0.

C. DISCUSSION AND POSSIBLE ACTION REGARDING THE DEVELOPMENT REVIEW BOARD AND ART REVIEW COMMISSION

Mayor Hiremath opened the floor for public comment. The following members of the public commented on the proposed new Conceptual Design Review Board (CDRB):

Oro Valley resident Michael Schoeppach stated that he would have liked for the Development Review Board to be consulted to help develop the new board.

Oro Valley resident Mike Zinkin stated that the concept was not a bad idea and asked that the new Board be kept as a resident board.

David Godlewski, government liaison with the Southern Arizona Homebuilder's Association stated that the proposed changes are a step in the right direction. He felt that the changes will streamline the development review process. He asked that all voting members have appropriate expertise in the discipline.

Oro Valley resident Bill Adler stated his objections to the proposed concept of the formation of the CDRB.

MOTION: A motion was made by Councilmember Solomon and seconded by Councilmember Waters to create the Conceptual Design Review Board, with

duties and composition as outlined in Attachment 3, with the modifications of increasing the voting members from five to seven, implementing staggered terms, re-evaluating and bringing back to Council the qualifications for those members and in conjunction with this change that new development standards and guidelines be brought forth to the Council, and direct staff to initiate revisions to the Town Code and Zoning Code to effect this result. I further move to disband the operation of the Development Review Board and Art Review Commission and terminate the current members of each of these respective public bodies effective upon adoption of Town Code and Zoning Code revisions implementing the Conceptual Design Review Board with an amendment by Councilmember Gillaspie to mandate that all members be residents of the Town of Oro Valley.

MOTION carried 7 - 0.

8. FUTURE AGENDA ITEMS

No future agenda items were requested.

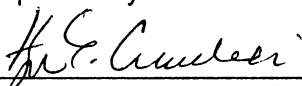
CALL TO AUDIENCE - No speakers.

ADJOURNMENT

MOTION: A motion was made by Vice Mayor Garner and seconded by Councilmember Waters to adjourn the Town Council meeting at 9:20 p.m.

MOTION carried 7 - 0.


Prepared by:



Kathryn E. Cuvelier, CMC
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 1st day of December 2010. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 12 day of January, 2011.



Kathryn E. Cuvelier, CMC
Town Clerk