

**MINUTES
ORO VALLEY TOWN COUNCIL
November 17, 2010
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CANADA DRIVE**

REGULAR SESSION AT OR AFTER 5:00 PM

CALL TO ORDER - At 5:01 p.m.

ROLL CALL

PRESENT: Satish Hiremath, Mayor
Bill Garner, Vice Mayor
Barry Gillaspie, Councilmember arrived at 5:07 p.m.
Joe Hornat, Councilmember
Mary Snider, Councilmember
Steve Solmon, Councilmember
Lou Waters, Councilmember

EXECUTIVE SESSION AT OR AFTER 5:00 PM

MOTION: A motion was made by Councilmember Snider and seconded by Councilmember Waters to go into Executive Session at 5:01 p.m. to discuss personnel matters in regards to setting Town Manager goals pursuant to ARS 38-431.03(A)(1).

Motion carried, 6-0.

Mayor Hiremath stated that the following staff members would join Council in Executive Session: Town Manager Jerene Watson and Human Resources Director Betty Dickens.

RESUME REGULAR SESSION

CALL TO ORDER - At 6:00 p.m.

ROLL CALL

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

Steve Solmon, Councilmember
Lou Waters, Councilmember

PLEDGE OF ALLEGIANCE - Councilmember Gillaspie led the audience in the pledge of allegiance.

UPCOMING MEETING ANNOUNCEMENTS

Mary Davis announced the upcoming Town meetings.

Town Manager Jerene Watson introduced new Assistant Town Manager Greg Caton.

COUNCIL REPORTS

Councilmember Snider stated that she visited Painted Sky Elementary School today and gave a presentation to the 4th graders on local government.

Mayor Hiremath thanked Water Utility Director Philip Saletta for all of his hard work at the Water Summit.

Mayor Hiremath stated that the main points that were emphasized at the Water Summit is that water is scarce and it's going to be expensive in the future.

Mayor Hiremath stated that he attended a meeting with the Metropolitan Tucson Convention & Visitors Bureau (MTCBV) and site selectors for business conventions/retreats. Mayor Hiremath thanked the MTCBV for all of their great work in portraying Oro Valley in a positive light.

DEPARTMENT REPORTS

Economic Development Manager Amanda Jacobs announced that on November 1st, the Shop Oro Valley campaign kicked off. There will be a drawing every friday for those that return receipts of \$25 or more of goods and/or services purchased in Oro Valley. The campaign ends on January 5th, 2011.

Town Clerk Kathryn Cuvelier announced that the artwork on display in the Council Chambers is by Oro Valley resident and artist Judy Freel.

ORDER OF BUSINESS

Mayor Hiremath stated that the order will stand as is.

INFORMATIONAL ITEMS

- a. DIS Customer Feedback Forms

- b. Staff Recognition Letters
- c. Magistrate Court Report - October 1, 2010
- d. Tobin Sidles Recognition Email

CALL TO AUDIENCE

Oro Valley resident Ms. Jackie Devery stated that the Oro Valley Holiday Parade will take place on December 11th starting at Ironridge High School. The Oro Valley parade committee is pleased to recognize local businesses within the Oro Valley community. For \$50, small businesses can have their business name displayed in the parade. Ms. Devery thanked Hiremath Family Dentistry for sponsoring the event for the 5th consecutive year.

Oro Valley resident Mr. Ken Blanchard thanked Council for all of their support in the 4th annual Edward Jones bag-a-thon. The community helped to raise 25,461 pounds of food for the Interfaith Community Services group.

Oro Valley resident Mr. John Musolf stated that he felt that certain items should not be listed on the Consent Agenda because they are not of a routine, non-controversial nature. Mr. Musolf urged staff to carefully review items before they are placed on the Consent Agenda.

Oro Valley resident Mr. Bill Adler stated that if the Naranja Town Site does not have a master general plan, one should be created. If it does exist, the Town shouldn't ignore the uses in place. Mr. Adler urged Council to stop the process of overlaying additional uses on top of those that have already been adopted.

Oro Valley resident Mr. Don Bristow stated that he was disappointed that staff had made the decision to combine the first of the 90-day business feedback for the temporary sign waiver program into the recommendation for the proposed long-term sign code. Mr. Bristow urged Council to not support the combining of the initial feedback from the temporary sign waiver program with the new sign code decisions.

PRESENTATIONS

- a. PRESENTATION OF PLAQUES OF APPRECIATION TO ROBERT HARRIS AND DAN TOTH FOR THEIR SERVICE ON THE FINANCE AND BOND COMMITTEE

Mayor Hiremath presented a plaque of appreciation to Daniel Toth for his dedication of service to the Town of Oro Valley.

b. PRESENTATION OF ACHIEVEMENT OF EXCELLENCE IN
PROCUREMENT AWARD TO BRIAN GARRITY, PROCUREMENT
ADMINISTRATOR

Mayor Hiremath presented the Excellence in Procurement award to Procurement Administrator Brian Garrity.

c. PRESENTATION OF CERTIFICATES TO GRADUATES OF THE
COMMUNITY ACADEMY - LOCAL GOVERNANCE 101 CLASS

Mayor Hiremath presented certificates to graduates of the Community Academy - local governance 101. The classes covered a variety of topics, including:

- Town History, Organization, Staff's Role
- Local Government & the Law
- The General Plan & Strategic Plan
- Sustainability and Smart Growth
- How to Make Your Voice Heard
- Roles & Duties of Board/Commission Members & How Meetings Are Run

The Fall 2010 graduates are: Roger Angeloni, Donald Bristow, Anne Campbell, Karen Chatterton, Jeremy Christopher, Rick Davis, Ellen Kuhse, Gail Munden, John Pledl, Valerie Pullara, John Scheuring, Kathryn Sinnott, Ronald Todd, Dana Whitson, and Wendy Wise.

1. **CONSENT AGENDA**

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

Councilmember Waters requested that item (K) be removed from the Consent Agenda so that it can be voted on separately.

Vice Mayor Garner requested that items (G), (I), and (J) be removed from the Consent Agenda so that they can be voted on separately.

MOTION: A motion was made by Councilmember Solomon and seconded by Councilmember Hornat to approve the Consent Agenda with the exception of items (G), (I), (J), (K), (M).

MOTION carried, 7-0.

A. Minutes - September 22 & October 6, 2010

B. Development and Infrastructure Services Department, Permitting Division - September 2010 Reports

- C. Economic Development Division Quarterly Report: July 1, 2010 - September 30, 2010
- D. Fiscal Year 2010/11 Financial Update through September 2010
- E. Police Department - September 2010 Statistics
- F. Procurement Division Quarterly Report - July 1, 2010 - September 30, 2010
- H. Public Safety Providers Quarterly Report to Council - July 1, 2010 - September 30, 2010
- L. Approval of 2011 Regular Town Council Meeting Schedule
- N. Reappointment of Mr. C. Kent Russell to the Municipal Property Corporation Board of Directors with term effective through December 31, 2013
- G. **Metropolitan Tucson Convention and Visitors Bureau Quarterly Report: July 1, 2010 - September 30, 2010**

Vice Mayor Garner requested that the information included in the reports be broken down specifically for Oro Valley and that each of the categories that pertain to the Financial Participation Agreement (FPA) be expanded.

Mr. Felipe Garcia stated that he will work with the data to include all of the information requested in future reports.

Oro Valley resident Mr. John Musolf stated that the report needed to be broken down further and clarified.

MOTION: A motion was made by Vice Mayor Garner and seconded by Councilmember Hornat to approve item (G) with the stipulation that a detailed breakdown of the July 1, 2010 - September 30, 2010 be combined with the second quarterly report.

MOTION carried, 7-0.

- I. **Resolution No. (R)10 - 79 Authorizing and Approving an Amendment to the Intergovernmental Master Agreement between Pima County and the Town of Oro Valley for Joint Use of Facility Space**

Vice Mayor Garner asked for clarification regarding:

- Who would be responsible for the equipment if lightning were to strike and destroy the equipment?
- How much extra will it cost to add two more cellular providers?

-Why is the Town splitting 50% of the cost with the County when the Town is providing the space and the land?

Dr. John Moffet stated that:

-The tower will cost approximately \$250,000.

-Revenue will help offset the costs of operating the system.

-If the tower is damaged, the Town is responsible for replacement. If the electronics are damaged, Pima County Wireless Integrated Network is responsible for the replacement.

Mr. John Moffet stated that the 50/50 cost sharing is being carried out evenly across the board with all entities involved.

Discussion ensued between Council and staff as to possible cost savings opportunities, long-term space concerns, and ownership benefits.

MOTION: A motion was made by Councilmember Gillaspie and seconded by Councilmember Snider to adopt (R) 10-79, authorizing and approving an amendment to the Intergovernmental Master Agreement between Pima County and the Town of Oro Valley for joint use of facility space and that town staff set forth methods to document cost avoidance and other revenue generating opportunities.

MOTION carried, 7-0.

J. **Resolution No. (R)10 - 80 Authorizing and Approving an Intergovernmental Agreement Between the Governor's Office of Economic Recovery and the Town of Oro Valley Under the Public Safety Stabilization Program**

Vice Mayor Garner stated that he thought that the placement of this item on the agenda was putting the cart before the horse since the Town is still working on budget projections.

Police Chief Danny Sharp stated that if funding is not available next fiscal year, the police department would look at attrition or not filling positions in order to fund the position.

MOTION: A motion was made by Councilmember Snider and seconded by Councilmember Solomon to adopt (R) 10-80, authorizing and approving an Intergovernmental Agreement between the Governor's Office of Economic Recovery and the Town of Oro Valley under the Public Safety Stabilization Program.

MOTION carried, 7-0.

- K. **Resolution No. (R)10 - 81 Amending Town of Oro Valley Personnel Policies and Procedures Manual to rescind Policy 25, Advisory Board For Oro Valley Employees (ABOVE) and Policy 27, Annual Employee Forum; replacing with an Administrative Directive to accomplish those policies and more**

Councilmember Waters stated that he was concerned with the new policies because they seem to take Council out of the process.

Mayor Hiremath said that the new proposed policies promote a true team building environment and empowers staff to resolve issues.

Discussion ensued amongst Council regarding the new policy.

Town Manager Jerene Watson stated that the policy gives employees a voice and allows the employees to work together to solve problems.

Human Resources Director Betty Dickens gave an overview of the I-Team. The structure allows communication between employees, supervisors, and managers to come up with solutions to problems.

Discussion ensued amongst Council and staff regarding the proposed policy.

MOTION: A motion was made by Mayor Hiremath and seconded by Councilmember Snider to continue item (K) to the December 1st regular meeting.

Roll Call Vote: Yea: Garner, Gillaspie, Hiremath, Snider
Nay: Hornat, Solomon, Waters

MOTION carried, 4-3.

Mayor Hiremath called a recess at 7:38 p.m.

Mayor Hiremath resumed the meeting at 7:45 p.m.

Mayor Hiremath stated that Councilmember Snider left the meeting ill and she is excused for the rest of the meeting.

- M. **OV1203-31F Request for a final plat amendment to remove a requirement regarding rooftop, mechanical equipment screening for the Mercado at Canada Hills, located near the northeast corner of La Canada Drive and Lambert Lane, directly north of the Fry's Food Store**

Planning Manager David Williams gave a brief overview of the final plat amendment.

MOTION: A motion was made by Councilmember Gillaspie and seconded by Councilmember Hornat to deny the request for an amendment to the final plat to remove the requirement for mechanical screening at the Mercado at Canada Hills.

MOTION carried, 6-0.

2. **PUBLIC HEARING - ORDINANCE NO. (O)10 - 14 AMENDING ORO VALLEY TOWN CODE, CHAPTER 15, WATER CODE, ARTICLE 24, STORMWATER, SUBSECTION 15-24-13(K), 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 a brief overview of Ordinance No. (O) 10-14.

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 Garner to adopt Ordinance (O) 10-14, amending Oro Valley Town Code, Chapter 15, Water Code, Article 24, Stormwater, Subsection 15-24-13(K).

MOTION carried, 6-0.

3. **PUBLIC HEARING - RESOLUTION NO. (R)10 - 82 AUTHORIZING AND APPROVING INCREASES IN WATER RATES, FEES AND CHARGES FOR THE TOWN OF ORO VALLEY WATER UTILITY**

Water Utility Director Philip Saletta gave a brief overview of the proposed changes for water rates and fees.

- No increase in the monthly base rates
- No increase in the tiered commodity rates
- No increase in the construction water rate
- Increase the Groundwater Preservation Fee by \$0.20 per 1000 gallons for potable water use
- Increase the Groundwater Preservation Fee by \$0.10 per 1000 gallons for reclaimed water use
- Increase the Meter Installation Fees to recover costs
- Increase the New Service Establishment Fees to recover costs

Water Utility Administrator Shirley Seng gave an overview of the three funds that comprise the Water Utility:

- Enterprise Fund
- Groundwater Preservation Fund
- Alternative Water Resource Development Impact Fee Fund

Water Utility Administrator Shirley Seng discussed the following topics:

- Preferred Financial Scenerio
- Customer Analysis
- Proposed Increase for Meter Fees and New Service Establishment Fees

Discussion ensued amongst the Council regarding the proposed increases in the Groundwater Preservation Fee (GPF), meter installation fees, and the long-term sustainability of the water system.

Mayor Hiremath opened the public hearing.

Oro Valley resident Mr. Don Misener requested that the meter charge be separated from the water charge.

Oro Valley resident Mr. David Godlewski, Government Liason for Southern Arizona Homebuilders Association, stated that he is opposed to the fee increases becuase the aggregate increases are making Oro Valley uncompetitive. Mr. Godlewski urged the Council to consider alternative options to help offset the proposed increases to the water meters.

Oro Valley resident Mr. Jeff Jones questioned whether or not the golf courses should be forced to pay the debt service on the CAP water in the future. Mr. Jones also agreed that the increases should be delayed due to the economic situation and the huge impact that it will have on the Town's tax producing golf courses.

Oro Valley resident Mr. Bill Chrysler, representing the El Conquistador golf course, stated that he is concerned with the proposed increases during these rough economic times.

Oro Valley resident Mr. Bill Adler said that he believes that the water rates are not high enough. The Council should be looking at water availability because it is forcasted that shortages in water allocation will occur in the near future.

Mayor Hiremath closed the public hearing.

MOTION: A motion was made by Mayor Hiremath and seconded by Councilmember Hornat to approve Resolution No. (R) 10-82, authorizing and approving increases in water rates, fees and charges for the Town of Oro Valley Water Utility which shall become effective December 18, 2010, and approving

the increase in the Groundwater Preservation Fee which shall become effective on October 1, 2011.

MOTION carried, 5-1 with Councilmember Gillaspie opposed.

4. ***** ITEM #4 REGARDING ROSEMONT MINE HAS BEEN REMOVED FROM THE AGENDA*****

5. **DISCUSSION AND POSSIBLE ACTION REGARDING THE PUBLIC ART 1% IN-LIEU OPTION**

Planning Manager David Williams gave an overview of the Public Art 1% In-Lieu Option. Issues that have been raised regarding the current requirements include:

- In lieu fee thresholds (if any)
- Consideration of low visibility sites
- Other changes to current requirements

Planning Manager David Williams explained that the main issue is that when the project valuation is between \$250,000 and \$10 million, the owner must put in public art. If the evaluation is less than \$250,000, the owner has the option to pay an in-lieu fee to the Town of Oro Valley public artwork project fund. If the evaluation is over \$10 million, that amount over can also be made as an in-lieu payment.

Planning Manager David Williams provided the following summary:

- Raising the threshold would allow more flexibility for applicant's
- The higher threshold would allow more money for quality art pieces (\$10,000 vs. \$2,500)
- More contributions to Town public art fund likely

MOTION: A motion was made by Councilmember Gillaspie and seconded by Vice Mayor Garner to direct staff to prepare for Council consideration amendments to the Oro Valley Zoning Code Revised, Section 27.3.C.1, that would raise the minimum threshold for in-lieu public art fees to a maximum of \$10,000; would allow in-lieu fees paid to the Public Art Fund to be used for the maintenance of publicly owned artwork; provide for remote locations to be designated for in-lieu fees; and, exempt replacement requirement of failed artwork if the artwork has been properly maintained. Additionally, the Council directs staff to bring back code changes that take into consideration multiple owners of property and how to be equitable in those circumstances.

Discussion ensued amongst the Council regarding:

- Municipalities that do not require private development to put in public art (Albuquerque, Flagstaff, Phoenix, Scottsdale)
- Relocation of public art due to renovations or facilities going into receivership
- Funding the maintenance of public art through the Public Art Fund

MOTION carried, 6-0.

**6. DISCUSSION REGARDING SIGN CODE TASK FORCE
RECOMMENDATIONS RELATED TO TEMPORARY SIGNS**

Economic Development Manager Amanda Jacobs gave an overview of the Sign Code Task Force Recommendations related to temporary signs. The temporary signs discussed included:

- Permitted Signs in a Commercial/Industrial District
 - Real Estate, Lease, Rent and For Sale Signs
 - Seasonal or Special Event Banners
 - Three (3) Day Special Event Banners
 - Flags in Commercial/Residential District
- Permitted Signs in a Residential Zoning District
 - Model Home Banners
 - Model Home Complex, Custom Lot Sales Office Sign - On-Site Signs
 - Offsite Signs (interior and exterior)
 - On-Site subdivision Signs
 - Real Estate, Lease, Rent and For Sale Signs

Oro Valley resident and Sign Code Task Force Member Mr. Bob Semple clarified that there has been a change to real estate signs recently to include a website address. The signs have gone from a rectangular sign to a more square sign.

Oro Valley resident Mr. Robert Cahoon stated that the industry standard for real estate signs is 18 inches high by 2 feet wide. Mr. Cahoon also said that there are state laws regarding signage that need to be followed.

Oro Valley resident Mr. Don Bristow stated that maintaining the current code is the only choice to maintain a balance between the residents and the real estate industry needs. Mr. Bristow urged the Council to respect the neighborhoods and protect each one's unique character and community environment.

Oro Valley resident Mr. Bill Adler stated that he is concerned with temporary signs at or near the public right-of-way. The signs placed at these locations need to be heavily restricted in order to maintain the scenic values of the community.

7. FUTURE AGENDA ITEMS

Councilmember Solomon requested that the Council review the Naranja Townsite Development Plan, seconded by Councilmember Waters.

Councilmember Gillaspie requested a future presentation to the Council regarding legal issues surrounding the rights for water pumping at the Oro Valley Country Club golf course, seconded by Councilmember Hornat.

CALL TO AUDIENCE

Oro Valley resident Mr. Gil Alexander stated that the current language in the Town Code regarding the definition of an artist is too specific and therefore is excluding non-professionals from being able to create artwork for the Town. Mr. Alexander also asked the Council to review the maintenance provisions regarding public artwork because there are certain pieces of artwork that are falling apart and need maintenance.

ADJOURNMENT

MOTION: A motion was made by Councilmember Waters and seconded by Vice Mayor Garner to adjourn the meeting at 10:08 p.m.

MOTION carried, 6-0.

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 17th day of November, 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