

**AGENDA
ORO VALLEY TOWN COUNCIL
REGULAR SESSION
November 17, 2010
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE**

**REGULAR SESSION AT OR AFTER 5:00 PM
CALL TO ORDER
ROLL CALL**

**EXECUTIVE SESSION AT OR AFTER 5:00 PM
Pursuant to ARS 38-431.03(A)(1) Personnel Matters - Setting Town Manager Goals**

**RESUME REGULAR SESSION AT OR AFTER 6:00 PM
CALL TO ORDER
ROLL CALL
PLEDGE OF ALLEGIANCE
UPCOMING MEETING ANNOUNCEMENTS
COUNCIL REPORTS
DEPARTMENT REPORTS**

The Mayor and Council may consider and/or take action on the items listed below:

ORDER OF BUSINESS: MAYOR WILL REVIEW THE ORDER OF THE MEETING

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 – At this time, any member of the public is allowed to address the Mayor and Town Council on any issue *not listed on today's agenda* . Pursuant to the Arizona Open Meeting Law, individual Council Members may ask Town Staff to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "Call to Audience." In order to speak during "Call to Audience" please specify what you wish to discuss when completing the blue speaker card.

PRESENTATIONS

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

- b. PRESENTATION OF ACHIEVEMENT OF EXCELLENCE IN PROCUREMENT AWARD TO BRIAN GARRITY, PROCUREMENT ADMINISTRATOR
- c. PRESENTATION OF CERTIFICATES TO GRADUATES OF THE COMMUNITY ACADEMY - LOCAL GOVERNANCE 101 CLASS
- 1. **CONSENT AGENDA**
(Consideration and/or possible action)
 - 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
 - G. Metropolitan Tucson Convention and Visitors Bureau Quarterly Report: July 1, 2010 - September 30, 2010
 - H. Public Safety Providers Quarterly Report to Council - July 1, 2010 - September 30, 2010
 - 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
 - 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
 - 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
 - L. Approval of 2011 Regular Town Council Meeting Schedule
 - 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
 - N. Reappointment of Mr. C. Kent Russell to the Municipal Property Corporation Board of Directors with term effective through December 31, 2013

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.
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
4. DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION NO. (R) 07-55, THE TOWN'S FORMAL POSITION ON DEVELOPMENT OF PROPOSED ROSEMONT MINE IN THE SANTA RITA MOUNTAINS
5. DISCUSSION AND POSSIBLE ACTION REGARDING THE PUBLIC ART 1% IN-LIEU OPTION
6. DISCUSSION REGARDING SIGN CODE TASK FORCE RECOMMENDATIONS RELATED TO TEMPORARY SIGNS
7. **FUTURE AGENDA ITEMS** (The Council may bring forth general topics for future meeting agendas. Council may not discuss, deliberate or take any action on the topics presented pursuant to ARS 38-431.02H)

CALL TO AUDIENCE – At this time, any member of the public is allowed to address the Mayor and Town Council on any issue ***not listed on today's agenda***. Pursuant to the Arizona Open Meeting Law, individual Council Members may ask Town Staff to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "Call to Audience." In order to speak during "Call to Audience" please specify what you wish to discuss when completing the blue speaker card.

ADJOURNMENT

POSTED: 11/05/10
3:00 p.m.
tg

When possible, a packet of agenda materials as listed above is available for public inspection at least 24 hours prior to the Council meeting in the office of the Town Clerk between the hours of 8:00 a.m. – 5:00p.m.

The Town of Oro Valley complies with the Americans with Disabilities Act (ADA). If any person with a disability needs any type of accommodation, please notify the Town Clerk's Office at least five days prior to the Council meeting at 229-4700.

INSTRUCTIONS TO SPEAKERS

Members of the public have the right to speak during any posted public hearing. However, those items not listed as a public hearing are for consideration and action by the Town Council during the course of their business meeting. Members of the public may be allowed to speak on these topics at the discretion of the Chair.

If you wish to address the Town Council on any item(s) on this agenda, please complete a speaker card

located on the Agenda table at the back of the room and give it to the Town Clerk. **Please indicate on the speaker card which item number and topic you wish to speak on, or if you wish to speak during “Call to Audience”, please specify what you wish to discuss when completing the blue speaker card.**

Please step forward to the podium when the Mayor announces the item(s) on the agenda which you are interested in addressing.

1. For the record, please state your name and whether or not you are a Town resident.
2. Speak only on the issue currently being discussed by Council. Please organize your speech, you will only be allowed to address the Council once regarding the topic being discussed.
3. Please limit your comments to 3 minutes.
4. During “Call to Audience” you may address the Council on any issue you wish.
5. Any member of the public speaking must speak in a courteous and respectful manner to those present.

Thank you for your cooperation.

Item #: a.

TC Regular Session

Date: 11/17/2010

Submitted By: Arinda Asper, Town Manager's Office

Information

Subject

DIS Customer Feedback Forms

Attachments

Link: [DIS Customer Feedback Forms](#)



AUG 13 2010

Town of Oro Valley
Building Safety
11000 N. La Canada
Oro Valley, AZ 85737
Fax (520) 742-1022

MEETING OUR CUSTOMER'S NEEDS IS IMPORTANT TO US. WE WELCOME YOUR SUGGESTIONS AND COMMENTS AND ENCOURAGE YOU TO FILL OUT THIS FORM.

1. Were the steps for the permit, development or GIS process clearly explained and understandable?

1 2 3 4 5
Poor Satisfactory Excellent

2. Were permits or development approval received within an acceptable time frame?

1 2 3 4 5
Poor Satisfactory Excellent

3. Was the service professional, courteous and helpful?

1 2 3 4 5
Poor Satisfactory Excellent

4. What was your overall feeling regarding your experience with Community Development?

1 2 3 4 5
Poor Satisfactory Excellent

5. Did you experience a problem getting the information you needed?

No Yes

If yes, which department? _____

What was the nature of the problem? _____

6. Would you like to name any employee(s) that you feel provided exceptional service?

William was very helpful on initial visit.
Shirley very friendly + efficient on "pick up" visit.

7. Any general comments?

This municipality has its act together! We
are also processing permits in Pima County,
Tucson + other So. Az areas.

Signature (optional)

Contact Phone (optional)

8/12/10
Date

Thank you for taking your time to help us improve!



AUG 17 2010

Town of Oro Valley
Building Safety
11000 N. La Canada
Oro Valley, AZ 85737
Fax (520) 742-1022

MEETING OUR CUSTOMER'S NEEDS IS IMPORTANT TO US. WE WELCOME YOUR SUGGESTIONS AND COMMENTS AND ENCOURAGE YOU TO FILL OUT THIS FORM.

1. Were the steps for the permit, development or GIS process clearly explained and understandable?

1 2 3 4 5
Poor Satisfactory Excellent

2. Were permits or development approval received within an acceptable time frame?

1 2 3 4 5
Poor Satisfactory Excellent

3. Was the service professional, courteous and helpful?

1 2 3 4 5
Poor Satisfactory Excellent

4. What was your overall feeling regarding your experience with Community Development?

1 2 3 4 5
Poor Satisfactory Excellent

5. Did you experience a problem getting the information you needed? No Yes
If yes, which department? _____
What was the nature of the problem? _____

6. Would you like to name any employee(s) that you feel provided exceptional service?

7. Any general comments?

TRIED TO REACH LIVE
PERSON 2 HR AFTER BEING PUT
LN LOOP BY YOUR AUTO DATED MENU

John A. Vule
Signature (optional)

531-9358
Contact Phone (optional)

8/16/10
Date

Thank you for taking your time to help us improve!



SEP 4 2010

MEETING OUR CUSTOMER'S NEEDS IS IMPORTANT TO US. WE WELCOME YOUR SUGGESTIONS AND COMMENTS AND ENCOURAGE YOU TO FILL OUT THIS FORM.

1. Were the steps for the permit, development or GIS process clearly explained and understandable?

1 Poor 2 3 Satisfactory 4 5 Excellent

2. Were permits or development approval received within an acceptable time frame?

1 Poor 2 3 Satisfactory 4 5 Excellent

3. Was the service professional, courteous and helpful?

1 Poor 2 3 Satisfactory 4 5 Excellent

4. What was your overall feeling regarding your experience with Community Development?

1 Poor 2 3 Satisfactory 4 5 Excellent

5. Did you experience a problem getting the information you needed? No

If yes, which department?

ARS first -

Yes
The indicated the permit not found in the system.

What was the nature of the problem?

Telephone - Not user friendly.

MB + 7 digit number put me in a loop - I could not talk to an individual, including Steve Crawford who left the message on my door

6. Would you like to name any employee(s) that you feel provided exceptional service? (I tried a half dozen times)

7. Any general comments?

also I left a voice mail on Tuesday, nobody returned my call. I finally had to come in person to get an inspection time.

John Page
Signature (optional)

797-9861
Contact Phone (optional)

9/3/10
Date



Development and Infrastructure Services Department
11000 N. La Cañada Drive • Oro Valley, Arizona 85737
www.orovalleyaz.gov

Meeting our Customer's needs is important to us. We welcome your suggestions and comments and encourage you to fill out this form.

1. Were the steps for the permit, development or GIS process clearly explained and understandable? *YES*
2. Were permits or development approval received within an acceptable time frame? *N/A*
3. Was the service professional, courteous and helpful?
YES, VERY MUCH SO!
4. What was your overall feeling regarding your experience with Community Development?
GREAT
5. Did you experience a problem getting the information you needed? *NO*
If yes, which department? _____
What was the nature of the problem? _____

6. Would you like to name any employee(s) that you feel provided exceptional service?
DAVE WILLET
7. Any general comments?

CR WHEPPER

520 544 9606

10/1/01

Name (Please Print)

Contact Phone (Optional)

Date

Thank you for taking your time to help us improve!

Item #: b.

TC Regular Session

Date: 11/17/2010

Submitted By: Arinda Asper, Town Manager's Office

Information

Subject

Staff Recognition Letters

Attachments

Link: [Staff Recognition Letters](#)

**Howard A. Richmond II
1890 West Hawkrigde St
Tucson, AZ 85737**

SEP 27 2010

September 23, 2010

Chief Daniel G. Sharp
Town of Oro Valley
11000 N. La Canada Dr
Oro Valley, AZ 85737

La Cholla Airpark Traffic Study

Dear Chief Sharp,

On behalf of the Board of Directors of the La Cholla Airpark, I would like to thank you for your assistance in our traffic speeding study in the Airpark.

In particular I would like to thank Sgt. Matthew Horetski for his assistance and leadership and Officer Mike Bott who assisted him. Their professionalism and can-do attitude are a credit to your department and really helped us to understand the traffic problem we have been dealing with.

Please express our appreciation to Sgt Horetski and Officer Bott for their work.

Sincerely

Howard A. Richmond II

— Cc: Mayor Satish I Hiremath



8888 Keystone Crossing
suite 1450
INDIANAPOLIS, IN 46240

OCT 18 2010

October 15, 2010

The Honorable Barry Gillaspie
Councilmember
Town of Oro Valley
Administration Building
11000 North La Cañada Drive
Oro Valley, Arizona 85737

Dear Councilmember Gillaspie,

I hope you are well.

I wanted to send you a note to recognize the outstanding work of Jerene Watson, Town Manager, Amanda Jacobs, Economic Development Manager and Tobin Rosen, Town Attorney. As you know, our firm, Ginovus, represented Roche-Ventana on the project announced in Oro Valley this week. There are not enough words to express our appreciation and gratitude for their efforts to ensure this project located in Oro Valley. Their creativity, collaboration and professionalism were evident throughout our process during the past year.

Our firm has had the good fortune in working on projects in 43 states in the United States and parts of Mexico and Canada during the past decade. As a result of our work and the work of others, our clients have selected sites in 20 different states. This process went well as compared to ones in other areas of the United States. Jerene's, Amanda's and Tobin's ability to move quickly and deliver on what they said made our client's decision an easy one.

Thank you for your personal support of the project as well. You were there from the early days of the project and your hard work made a real difference on the project. We appreciate the confidence expressed in our client's project by the investment of town dollars. We look forward to the next project we bring to Oro Valley.

Sincerely,

A handwritten signature in cursive script that reads 'Larry Gigerich'.

Larry Gigerich
Managing Director

TC Regular Session

Date: 11/17/2010

Magistrate Court Report - October 1, 2010

Information

Subject

Magistrate Court Report - October 1, 2010

Summary

Discussion

Fiscal Impact

Attachments

Link: [Magistrate Court Report](#)

Link: [Case Filings](#)



Memorandum

To: Mayor and Councilmembers
From: George A. Dunscomb, Town Magistrate
CC: Jerene Watson, Town Manager; Daniel Sharp, Chief of Police
SUBJ: Magistrate Court Report
Date: 10.13.2010

The Numbers

The total number of filings in September was 569, with 536 citations, 8 Orders of Protection, 5 injunctions against Harassment, and 23 DUI's.

A jury trial is scheduled for October 28th and 29th.

Fire Lane Parking Violation Issue

In January 2007, the Town Council repealed and replaced the limited version of a fire code previously in the Town Code with the International Fire Code, a comprehensive 480-page document. This change also included the repeal of an ordinance prohibiting parking in "fire lanes." Due to the complexity of the newly adopted fire code and limitations on staff time at the Court, the Police Department and the Legal Department, citations continued to be written and fines were collected for fire lane parking violations. Now that information regarding the code changes has been conveyed to all departments we will be refunding those fines. The total collected was about \$2700, and we will be able to get back about \$1000 paid to the State as surcharges. I will be glad to discuss this further if you wish.

ATTACHMENT:

Oro Valley Case Filings 2010 - 2011

**ORO VALLEY MAGISTRATE COURT CASE FILINGS
FY 2010 - 2011**

MONTH	2009-2010					2010-2011				
	DUI	OTHER CITATIONS	OOP	IAH	TOTAL	DUI	OTHER CITATIONS	OOP	IAH	TOTAL
JULY	27	853	10	2	892	5	627	4	4	640
AUG	27	603	14	7	651	21	658	15	4	698
SEPT	35	537	4	6	582	23	536	8	2	569
OCT	27	657	4	3	691					0
NOV	17	570	7	7	601					0
DEC	31	543	7	9	590					0
JAN	37	762	7	2	808					0
FEB	20	650	2	5	677					0
MAR	33	636	5	12	686					0
APR	29	423	5	5	462					0
MAY	16	488	8	2	514					0
JUN	27	647	9	5	688					0
TOTAL	326	7369	82	65	7842	49	1821	27	10	1907

Item #: d.

TC Regular Session

Date: 11/17/2010

Submitted By: Rachel Mooney, Legal

Information

Subject

Tobin Sidles Recognition Email

Attachments

Link: [Tobin Sidles Recognition Email](#)

From: Janet
Sent: Tuesday, October 26, 2010 7:48 AM
To: Sidles, Tobin
Subject: Dogs off leashes

Thank you for talking with us a couple of weeks ago. I wanted you to know, the HOA has put up a very "official" looking sign at the entrance to the open property west of us, posting the PC leash information, up to and including picking up after the little critters. I greatly appreciate your support in the matter.

Everyone from the person answering the phone, to office personnel and the police officers, have always been pleasant and helpful to me, no matter what the situation. The OVPD most especially with regard to the open acreage out back. I only see what I see when I am walking my pets, there are signs of all kinds of activity back there, however, I am sure it is in the dark of night.

I am one old lady who feels safe here. Again, thank you for your help.

Janet Hefferan
8263 N. Oracle Rd # 35

TC Regular Session

Date: 11/17/2010

Requested by: Kathryn Cuvelier, Town Clerk **Submitted By:** Kathryn Cuvelier, Town Clerk's Office

Department: Town Clerk's Office

Information

SUBJECT:

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

SUMMARY:

Robert Harris served on the Finance and Bond Committee from February 2007 to October 2010. He will receive a Plaque of Appreciation for volunteering his time to serve on the Finance and Bond Committee. Dan Toth served on the Finance and Bond Committee from July 2007 to October 2010. He will receive a Plaque of Appreciation for volunteering his time to serve on the Finance and Bond Committee.

DISCUSSION:

N/A

FISCAL IMPACT:

N/A.

CONCLUSION/RECOMMENDATION:

N/A.

SUGGESTED MOTION:

This is a presentation.

Attachments

Link: [Dan Toth](#)

Link: [Bob Harris](#)

Lemos, Stacey

From: dtoth165@comcast.net
Sent: Monday, October 11, 2010 2:09 PM
To: Lemos, Stacey
Cc: Asper, Arinda; Burke, Kevin; Watson, Jerene; lamm@briteagle.net; Chuck Kill; Phyllis Harris
Subject: Re: Meeting to Discuss Finance & Bond Committee with Council Working Group

Hi Stacey,

Please accept this as my resignation as a member of the Finance and Bond committee. It has been a great pleasure working with you and your staff over the past several years. I trust that whatever changes the Town Council determines concerning the Town's board and commissions will be guided by you and your staff's capable hands. I want to thank you for the opportunity to be a member of such a highly competent and esteemed team. I wish you all the best.

Dan

----- Original Message -----

From: "Stacey Lemos" <slamos@orovalleyaz.gov>
To: "lamm@briteagle.net" <lamm@briteagle.net>, "Chuck Kill " <chuckkill@msn.com>, "dtoth165@comcast.net" <dtoth165@comcast.net>, "Phyllis Harris" <montague1@comcast.net>
Cc: "Arinda Asper" <aasper@orovalleyaz.gov>, "Kevin Burke" <kburke@orovalleyaz.gov>, "Jerene Watson" <jwatson@orovalleyaz.gov>
Sent: Friday, October 8, 2010 3:21:33 PM
Subject: Meeting to Discuss Finance & Bond Committee with Council Working Group

Good Afternoon,

As you are aware, the Town Council is in the process of evaluating several of the Town's boards and commissions, including the Finance and Bond Committee. A Council working group has been formed to evaluate each committee, and the group that is looking at Finance and Bond consists of Mayor Hiremath, Vice Mayor Garner and Councilmember Hornat. An initial working group meeting was held this week on Tuesday, 10/5 to go over the Finance and Bond Committee's scope and current duties.

You are invited to attend the next working group meeting that has been scheduled for **Friday, October 22nd from 10:30 – 11:30 AM** in the Kachina Conference Room in the Town Hall Administration Building. Attached please find a memo dated September 9th discussing the board and commission evaluation process, as well as a memo with staff's recommendation that was discussed with the working group at the 10/5 meeting. At this time, we do not have anything on the agenda for our regular quarterly FBC meeting that was scheduled for Monday, Oct. 25th, so will be cancelling that meeting.

Please feel free to contact me with any questions and to let me know if you will be attending the meeting on October 22nd.

Thank you,

Stacey Lemos, CPA
 Interim Assistant Town Manager

Town of Oro Valley, AZ
 11000 N. La Canada Dr.
 Oro Valley, AZ 85737
 Phone: (520)229-4732
 Fax: (520)297-0428
slamos@orovalleyaz.gov

10/27/2010

Lemos, Stacey

From: Bob Harris [montague1@comcast.net]
Sent: Friday, October 08, 2010 5:34 PM
To: Lemos, Stacey; lamm@briteagle.net; 'Chuck Kill '; dtoth165@comcast.net
Cc: Asper, Arinda; Burke, Kevin; Watson, Jerene; Phyllis Harris
Subject: Re: Meeting to Discuss Finance & Bond Committee with Council Working Group

Stacey,

I have a commitment on the 22nd and thus cannot make the scheduled meeting.

I also agree with your recommendation. The Town Council needs to determine in what substantive areas they want advice, and then set up ad hoc groups for that purpose.

Since the existing Finance Committee seems to serve little or no purpose from the Council's perspective, I am hereby resigning as a Committee member. I've enjoyed working with you and your staff over the past several years, I respect the work you have done--and best of luck in the future!

Bob Harris

----- Original Message -----

From: Lemos, Stacey
To: 'lamm@briteagle.net' ; 'Chuck Kill ' ; 'dtoth165@comcast.net' ; 'Phyllis Harris'
Cc: Asper, Arinda ; Burke, Kevin ; Watson, Jerene
Sent: Friday, October 08, 2010 3:21 PM
Subject: Meeting to Discuss Finance & Bond Committee with Council Working Group

Good Afternoon,

As you are aware, the Town Council is in the process of evaluating several of the Town's boards and commissions, including the Finance and Bond Committee. A Council working group has been formed to evaluate each committee, and the group that is looking at Finance and Bond consists of Mayor Hiremath, Vice Mayor Garner and Councilmember Hornat. An initial working group meeting was held this week on Tuesday, 10/5 to go over the Finance and Bond Committee's scope and current duties.

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Please feel free to contact me with any questions and to let me know if you will be attending the meeting on October 22nd.

Thank you,

Stacey Lemos, CPA
 Interim Assistant Town Manager

Town of Oro Valley, AZ
 11000 N. La Canada Dr.
 Oro Valley, AZ 85737
 Phone: (520)229-4732
 Fax: (520)297-0428
slemos@orovalleyaz.gov

10/27/2010

TC Regular Session

Date: 11/17/2010

Requested by: Stacey Lemos, Interim Assistant Town Manager

Submitted By: Stacey Lemos, Finance

Department: Finance

Information

SUBJECT:

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

SUMMARY:

For the third year in a row, Oro Valley's Procurement Division has received national recognition. The National Purchasing Institute has honored the Town and its Procurement Administrator, Brian Garrity, with its 15th annual Achievement of Excellence in Procurement Award (AEP Award).

DISCUSSION:

The AEP Award program is sponsored by every major public procurement association in the country and is recognized as a benchmark of excellence in the profession. This award is earned by those organizations that demonstrate excellence by obtaining a high rating score on extensive criteria designed to measure innovation, professionalism, productivity, e-procurement and leadership attributes of the procurement organization. The Town would like to recognize Mr. Garrity's leadership in his field by making a presentation of the award this evening.

FISCAL IMPACT:

N/A

CONCLUSION/RECOMMENDATION:

N/A

SUGGESTED MOTION:

This is a presentation.

TC Regular Session

Date: 11/17/2010

Requested by:

Matt Michels, Senior Planner

Submitted By: Matt Michels,
Development
Infrastructure
Services

Department:

Development Infrastructure Services

Information

SUBJECT:

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

SUMMARY:

The Town of Oro Valley is pleased to recognize the graduates of the Town's inaugural Community Academy-Local Governance 101 class.

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

DISCUSSION:

The Community Academy provides residents with an opportunity to learn more about their community, including classes on Town organization, sustainability, and the role of citizens in the planning process. It serves to inform, educate, and engage residents to be active participants in building and sustaining their community. Members of the graduating class are listed in Attachment A.

Specialized Community Academy classes for appointed Board and Commission members are tentatively scheduled to begin in the Spring.

FISCAL IMPACT:

N/A

CONCLUSION/RECOMMENDATION:

N/A

SUGGESTED MOTION:

This is for presentation only.

Attachments

Link: [Attachment A - Graduate List](#)

Community Academy-Local Governance 101
Fall 2010 Graduates

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
Wendy Wise

TC Regular Session

Date: 11/17/2010

Submitted By: Kathryn Cuvelier, Town Clerk's Office

Department: Town Clerk's Office

Information

SUBJECT:

Minutes - September 22 & October 6, 2010

SUMMARY:

DISCUSSION:

FISCAL IMPACT:

CONCLUSION/RECOMMENDATION:

SUGGESTED MOTION:

Attachments

Link: [9 22 10 Minutes](#)

Link: [10 06 10 Minutes](#)

MINUTES
ORO VALLEY TOWN COUNCIL
STUDY SESSION
September 22, 2010
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CANADA DRIVE

STUDY SESSION

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

ROLL CALL

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

Mayor Hiremath acknowledged Councilmember Snider's birthday.

Mayor Hiremath stated that item number three (3) will be discussed first since the presenter is in Town from Phoenix.

3. Discussion regarding the assessment of options for insurance to augment Risk Retention Pool Coverage

Safety/Risk Manager Bob Easton gave a brief overview of the Town's current insurance coverage.

- Current coverage is more than adequate
- No need to augment or broaden coverage at this time
- Deductibles have been increased which have saved a fairly significant amount on premium costs

The Town's current limit for any single claim is \$2,000,000 and if that limit would be exceeded, the \$10,000,000 excess limit would cover any overage.

The auto policy consists of a \$2,500 deductible for at fault claims. Boiler and machinery (equipment breakdowns) have a \$1,000 deductible. Inland marine (misc. equipment) has a \$500 deductible and municipal liability (negligent actions) has a \$100,000 deductible.

Mr. Ed Bantel from Southwest Risk Services explained the Town's land use lawsuits coverage.

-\$2,000,000 limit

-Free consultation regarding land use issues

-No deductible: Town pays 20% of the claim and AMRRP pays 80%. However, the Town remains responsible for the following:

-The time and cost of collecting and providing copies of documents

-The time and cost of staff interviews or depositions

-The loss of staff productivity while they spend time at a court trial

-20% of the legal fees, costs and plaintiffs damages

Discussion ensued regarding the claims process and general events that are covered by the Arizona Municipal Risk Retention Pool (AMRRP).

Town Attorney Tobin Rosen stated that unlike a traditional insurance agency, AMRRP works with the town to determine ways to bring certain claims into coverage instead of trying to exclude claims.

Mr. Ed Bantel said that when calculating premiums, the AMRRP looks at the loss ratio (The amount of money AMRRP pays out to a Town/City as opposed to the amount of money collected by AMRRP from the Town/City). Those members that have a lower loss ratio have lower premiums and those with higher loss ratios have higher premiums.

1. Presentation and Status Report Regarding Golder Ranch Fire District (GRFD) Annexations

Assistant to the Town Manager Kevin Burke gave an overview of the Golder Ranch Fire District annexation efforts.

-Town Council approved an Ordinance in 1995 which allowed Golder Ranch Fire District to extend its boundaries by annexing property within the jurisdiction of the Town

-Starting in 2006, Golder Ranch Fire District began a phased annexation process to bring property within the Town boundaries as well as adjacent property in unincorporated Pima County, into the Golder Ranch Fire District boundaries

-First two annexation phases have been successfully completed

-Property owner signatures are being obtained for the third and final annexation phase

Fire Chief Randy Karr and Division Chief John Sullivan gave an overview of the Golder Ranch Fire District and their annexation efforts.

Division Chief John Sullivan stated that Golder Ranch Fire District is a political subdivision of the State and is likened to a County Fire Department.

Golder Ranch Fire District:

- Governed by Arizona Revised Statutes 48-805
- Services 215 square miles of Pima and Pinal Counties
- Provides emergency medical services to over 373 square miles

Division Chief John Sullivan said that the Golder Ranch Fire District focuses on the three P's: Prepare, Prevent, and Protect. The Fire District prepares by continually training, offering public education and outreach, emergency operations planning and water resource planning. The Fire District promotes prevention by utilizing the Fire Code, reviewing plans, performing inspections and conducting investigations. The Fire District protects by offering medical and ambulance transport services, motor vehicle collision assistance and fire services.

Division Chief John Sullivan stated that the Golder Ranch Fire District also provides non-emergent services such as desert creature removal, home safety inspections, blood pressure evaluations, and fire extinguisher training.

Medical and ambulance services comprise over 70% of the total call volume. As of September, 2009, Golder Ranch Fire District has resumed full ambulance services in the Town for everything north of Hardy Road.

Division Chief John Sullivan stated that health care costs in the state of Arizona are among the highest in the nation. These costs include pre-hospital costs and hospital room costs.

Division Chief John Sullivan discussed the annexation process and stated that the annexation process first started in 2006 when the Golder Ranch Fire District, Rural Metro, and the Town met and discussed standards of services. A plan was created to ensure that a services delivery model was in place in order to address the standards that were adopted. Essentially, a standard was required that didn't have the infrastructure to support it. Golder Ranch Fire District has since built additional fire stations in order to meet the adopted standards.

Roughly 99.5% of the Town is already served by a fire district. Currently, there are 120 parcels in Oro Valley that do not pay taxes for emergency services and have not been transitioned in. Golder Ranch Fire District would like to annex these parcels.

Division Chief John Sullivan said that the annexation process is similar to the Town's annexation process in that at least 50% of the property owners would have to support the annexation and sign a petition.

Division Chief John Sullivan stated that county islands pose problems because there is no dedicated emergency service provider assigned to those areas which can then lead to delayed response times.

Division Chief John Sullivan stated that if an additional unit/station was created, emergency response times will improve.

Division Chief John Sullivan said that there is opposition to the proposed annexation of La Cholla Airpark because some citizens are worried that their taxes will increase and they won't see any increase in services.

Division Chief John Sullivan clarified that the Golder Ranch Fire District is not legally bound to assist with calls from the non-annexed areas but each time they do respond, the taxpayers of Oro Valley pick up the tab.

Golder Ranch Fire District - Proposed La Cholla Annexation status:

- Total of 250 signatures needed to pass the annexation
- Currently, 175 signatures have been collected

Discussion ensued between Council regarding:

- Water pressure and infrastructure problems located at La Cholla Airpark
- Alternative services to assist La Cholla Airpark
- Costs associated with responding to emergencies in La Cholla Airpark
- Fuel tanks located in La Cholla Airpark
- Signage indicating "No Emergency Coverage" for those areas that choose not to be annexed
- Legal requirements regarding the annexation process

Fire Chief Randy Karr said that the main issue at hand is an equity issue. If services are rendered, they should be paid for by those that use them.

Fire Chief Randy Karr stated that Golder Ranch Fire District has prepared an extensive campaign to inform the public about the goals of the proposed La Cholla Airpark annexation.

2. Discussion Regarding Water Rates Analysis Report

Water Utility Director Philip Saletta gave a brief overview of the Water Rates Analysis. Mr. Saletta stated that the Water Utility staff started the water rates analysis in mid June. The Water Utility Commission and the Finance Subcommittee met several times since the start of the analysis and on September 13th, the Water Utility Commission reviewed and approved the Water Rates Analysis Report.

Water Utility Director Philip Saletta reviewed:

- Customer comments from last year's Water Rates Analysis
- Cost recovery of fees
- Concern for cash balances
- Uses of Groundwater Preservation Fee

- Concern for economic situation
- No increase in base and commodity rate for FY 10-11

Water Utility Director Philip Saletta discussed several water utility cost savings which included:

- The reduction of outstanding debt improved the debt service coverage ratio
- Management of water resources related to recovery wells, long term storage credits & extinguishment credits
- Budget reductions in operating costs and capital projects

Water Utility Director Philip Saletta stated that the Water Utility has three funds that are separate from the general fund. These consist of the Water Utility, Enterprise, and Impact Fee Funds. These three funds are combined to calculate the debt service coverage ratio which is one of the main drivers of the water rates.

Water Utility Director Philip Saletta gave an overview of the current Enterprise Fund operating expenses, Water Utility debt, Water Utility annual debt service, and the AWRDIF fund projected revenue for FY 10-11.

Water Utility Director Philip Saletta gave a brief history of the Groundwater Preservation Fee (GPF).

- Established GPF in water rates in 2003
- Currently, GPF is being used to pay for:
 - The debt associated with the acquisition of wastewater effluent for the reclaimed water system and the Town's CAP water
 - Series 2003 bonds to finance construction of Phase I of the Reclaimed Water Delivery System
 - 2007 WIFA loan to finance construction of Phase 2 of the Reclaimed Water Delivery System
 - Studies of alternatives for the future delivery of CAP water
- Future debt on CAP water infrastructure
 - GPF increases are paced with the future delivery of CAP water in 2016

Water Utility Director Philip Saletta provided a history of GPF increases since FY 03-04 and gave an overview of Council water policies which included:

- Water Utility is self supporting with rate based revenues
- No transfer of excess revenues to General Fund
- Water rates and charges reviewed annually
- Debt service coverage ratio of 1.30
- Cash reserves of at least 5% of budget
- Reduced or subsidized rates will be paid by General Fund
- Avoid sudden or large scale shifts in rates
- Rate structure to encourage water conservation
- Rate structure to encourage use of reclaimed water
- Cost of Service approach (AWWA methodology)

Water Utility Administrator Shirley Seng gave a brief overview of the Enterprise Fund, the Alternative Water Resource Development Impact Fee Fund, and the Potable Water System Development Impact Fee Fund.

Water Utility Administrator Shirley Seng discussed:

- The process for reviewing and recommending new water rates.
- Proposed rate increases for potable water, reclaimed water, and cost recovery charges pertaining to new service establishment fees and meter installation fees
- Financial impact to an average residential customer

Discussion ensued between Council regarding:

- Effects of proposed rate increases on golf courses
- Allocation of Groundwater Preservation Fees
- Timeline for the delivery of CAP water and alternative options
- Sufficient reserves for CAP water construction costs
- Policy regarding cash reserves
- Water meter replacement project
- Process for paying bonds

4. FUTURE AGENDA ITEMS

Vice Mayor Garner requested that an item be placed on a future Work Study agenda regarding the various CAP water delivery options as well as the different partners involved in the process.

Mayor Hiremath clarified that this information will be distributed internally rather than holding a study session.

ADJOURNMENT

MOTION: A motion was made by Councilmember Hornat and seconded by Councilmember Gillaspie to Adjourn at 8:08 p.m.

MOTION carried, 7-0.

Prepared by:

Michael Standish
Deputy Town Clerk

I hereby certify the foregoing minutes are a true and correct copy of the minutes of the work session of the Town of Oro Valley Council of Oro Valley, Arizona held on the 22nd day of September 2010. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2010

Kathryn E. Cuvelier, CMC
Town Clerk

MINUTES
ORO VALLEY TOWN COUNCIL
October 6, 2010
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CANADA DRIVE

REGULAR SESSION AT OR AFTER 6:00 PM

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

ROLL CALL

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

EXCUSED: Barry Gillaspie, Councilmember

PLEDGE OF ALLEGIANCE

Mayor Hiremath led the audience in the Pledge of Allegiance.

Mayor Hiremath reported that Mr. Bob Delaney passed away on September 23, 2010. Mr. Delaney was an active member of the community and a long time supporter of many programs and services within the Town.

Parks, Recreation, Cultural Resources & Library Director Ainsley Legner stated that Mr. Bob Delaney was the Vice-Chair of the Parks and Recreation Advisory Board and he will be remembered as a kind, respectful man who loved to serve the community.

Communications Administrator Mary Davis said that the contributions made by Mr. Bob Delaney were significant and long lasting, but the contributions he made to our lives were timeless and will forever be remembered. Mr. Delaney was a gentle giant, a giving soul and most importantly, a good friend.

Oro Valley resident Terry Parish stated that he remembered Mr. Bob Delaney as a father, stepfather, mentor, and as a friend. Mr. Delaney was a soldier for the community and he always looked for the positive in every situation.

Mayor Hiremath reported that Mr. Greg Albert also passed away. Mr. Albert was a loving husband and dedicated father, leaving behind his wife and three

children. He left behind a legacy of professionalism, integrity, and a sincere desire to help make Oro Valley a vibrant business community.

UPCOMING MEETING ANNOUNCEMENTS

Communications Administrator Mary Davis announced the upcoming Town meetings.

COUNCIL REPORTS

No reports received.

DEPARTMENT REPORTS

Town Clerk Kathryn Cuvelier stated that artwork from Oro Valley resident Phyllis Kutcher will be on display in the Council chambers for the month of October.

Town Clerk Kathryn Cuvelier introduced new Deputy Town Clerk, Mike Standish.

ORDER OF BUSINESS:

Mayor Hiremath stated that the order will stand as is.

CALL TO AUDIENCE

Oro Valley resident Mr. Don Bristow commented on the temporary sign program and requested Council to direct the Town Manager to stop issuing more temporary sign hardship waivers until the approval, implementation, and follow up process and procedures are improved.

Oro Valley resident Sue Bishop thanked the Mayor and Town staff for creating the new 2010 economic development video. Non-profit arts and cultural organizations are a vital amenity to the Town because they help to seek and retain businesses, residents, and visitors. Ms. Bishop stated that she would like to see a stronger presence of the theater arts in the community.

PRESENTATIONS

a. **PRESENTATION OF PROCLAMATION DECLARING THE MONTH OF OCTOBER 2010 AS NATIONAL ARTS & HUMANITIES MONTH**

Mayor Hiremath presented a proclamation to Sue Bishop and Kate Marquez declaring the month of October 2010 as National Arts and Humanities month.

b. ***PRESENTATION OF PROCLAMATION DECLARING OCTOBER 17-23, 2010 AS FRIENDS OF LIBRARIES WEEK**

Mayor Hiremath presented a proclamation to Martha Briggs, representing the *Friends of Libraries*, declaring the week of October 17-23 as Friends of Libraries week.

1. **CONSENT AGENDA**

Councilmember Hornat requested that item B be removed from the consent agenda to be voted on separately.

Councilmember Snider requested that items F and G be removed from the consent agenda to be voted on separately.

MOTION: A motion was made by Councilmember Hornat and seconded by Councilmember Waters to approve the Consent Agenda with the exceptions of items B, F, and G.

MOTION carried, 6-0

- A. Minutes - September 1, 2010
- C. Development & Infrastructure Services Department Permitting Division Report - August 2010
- D. Resolution No. (R)10-66 Authorizing and Approving Amendment Number 1 to Addendum 1 of the Intergovernmental Agreement between the Town of Oro Valley and the City of Tucson relating to Effluent and to Reclaimed Water
- E. Resolution No. (R) 10-67, Adopting Issuance and Post-issuance Compliance Procedures Relating to Tax-Exempt Bonds, Tax Credit Bonds, Build America Bonds (Direct Pay), Tax Credit Bonds (Direct Pay), and Recovery Zone Bonds for the Town of Oro Valley, Arizona; and Providing for an Effective Date
- B. **Coyote Run Monthly Report - August 2010**

Councilmember Hornat asked for clarification regarding the \$10,000 increase in expenses from the previous month.

MOTION: A motion was made by Councilmember Hornat and seconded by Councilmember Snider to approve item B.

MOTION carried, 6-0.

F. Resolution No. (R)10-63, Ratifying the Appointment of Members to the Town of Oro Valley Police Public Safety Personnel Retirement System Board (continued from September 15, 2010)

Councilmember Snider thanked all of the citizens who volunteered for the PSPRS Board.

MOTION: A motion was made by Councilmember Snider and seconded by Councilmember Hornat to approve item F.

MOTION carried, 6-0.

G. Appointment of members to the Arts Review Commission with terms effective through December 31, 2010

Councilmember Snider thanked the three new members for volunteering for the Arts Review Commission.

Councilmember Waters stated that the three new members are very talented and he is looking forward to working with them in the future.

MOTION: A motion was made by Councilmember Snider and seconded by Councilmember Waters to approve item G.

MOTION carried, 6-0.

2. RESOLUTION NO. (R)10-68, PROVIDING NOTICE OF INTENT TO INCREASE WATER RATES, FEES AND CHARGES FOR THE ORO VALLEY WATER UTILITY

Water Utility Director Philip Saletta gave a brief overview of the Notice of Intent to increase water rates, fees & charges and discussed the following:

- Statutory requirements
- Mayor and Council water policies
- Preferred financial scenario
- Customer analysis
- Groundwater Preservation Fee (GPF)
- Review of schedule

Discussion ensued between Council regarding:

- Proposed water rates
- Allocation of funds generated from the proposed rate increase
- Base and Commodity rates
- Central Arizona Project (CAP) water

Oro Valley resident Jeff Jones urged the Council to be aware of the unintended consequences of raising water rates or fees.

MOTION: A motion was made by Councilmember Snider and seconded by Councilmember Hornat to approve Resolution No. (R) 10-68.

MOTION carried, 6-0.

3. **PUBLIC HEARING DISCUSSION AND POSSIBLE ACTION REGARDING AN APPLICATION FOR A SERIES 12 (RESTAURANT) LIQUOR LICENSE FOR THE KEG RESTAURANT & BAR LOCATED AT 12005 N. ORACLE ROAD.**

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 Mr. David Campbell and principals at The Keg Restaurant and Bar located at 12005 N. Oracle Road, Oro Valley, AZ 85737.

MOTION carried, 6-0.

4. **PUBLIC HEARING DISCUSSION AND POSSIBLE ACTION REGARDING AN APPLICATION TO ADD SAMPLING PRIVILEGES TO AN ACTIVE SERIES 9 (LIQUOR STORE) LIQUOR LICENSE FOR SAFEWAY FOOD & DRUG #1521 LOCATED AT 12122 N. RANCHO VISTOSO BOULEVARD.**

Mayor Hiremath opened the public hearing.

No comments were received.

Mayor Hiremath closed the public hearing.

MOTION: A motion was made by Councilmember Hornat and seconded by Councilmember Waters to recommend approval of the issuance of the Series 9S Liquor License to the Arizona State Liquor Board for Safeway Inc. dba Safeway Food & Drug #1521 located at 12122 N. Rancho Vistoso Boulevard, Oro Valley, AZ 85737.

MOTION carried, 6-0.

5. **OV1209-20 CONSIDERATION AND POSSIBLE ACTION REGARDING A DEVELOPMENT PLAN FOR THE PANDA EXPRESS RESTAURANT, LOCATED AT THE SOUTHEAST CORNER OF ORACLE ROAD AND MAGEE ROAD WITHIN ESCONDIDO PLAZA**

Planning Manager David Williams gave a brief overview of the Development Plan for the Panda Express restaurant.

MOTION: A motion was made by Councilmember Solomon and seconded by Councilmember Hornat to approve, subject to the conditions in Exhibit A, OV1209-20 development plan for the Panda Express restaurant.

EXHIBIT "A"
OV1209-20
Panda Express
October 6, 2010

Engineering

1. Address all redlined comments within the attached Development Plan. Provide a detailed comment response letter and please return all redlined originals back to the Town of Oro Valley.
2. Provide the recorded information of all streets and easements where indicated by the redlines.
3. Sheet DP2: Update the "easement line" line-type and the "existing 8" dia. Sewer line" line-type to match what is shown within the Legend Table and on other sheets.
4. Sheet DP3: identify the drainage wall opening within the new trash enclosure by its Detail No.
5. Sheet DP3: Provide a 0.5% minimum slope where redlined adjacent to the Trash Dumpster.
6. Landscape: Please match the easement and utility information as shown on the Development Plan.

MOTION carried, 6-0.

6. **OV510-007 DISCUSSION AND POSSIBLE ACTION REGARDING APPEAL OF THE DECISION OF THE ART REVIEW COMMISSION'S (ARC) DENIAL OF THE CONCEPTUAL PUBLIC ART FOR ORO VALLEY RETIREMENT RESIDENCE, LOCATED AT 30 WEST LAMBERT LANE BY HARVEST DEVELOPMENT LLC, REPRESENTED BY LENITY GROUP**

Planning Manager David Williams gave a brief overview of the Oro Valley Retirement Residence and the proposed metal art installation by artist Joe Tyler.

Mr. Moutafis, Chairman of the Arts Review Committee, stated that he was concerned with staff recommending approval based on aesthetics. The Arts Review Commission should review the art and make recommendations since they have the expertise.

Mr. Moutafis reviewed the proposed artwork and stated that some proposed pieces were acceptable but others lacked clarity and/or didn't fit with the theme.

Zev Cywan, Vice Chair of the Art Review Commission (ARC), stated that (ARC) did fulfill its duties because the Commission:

- Evaluated the aesthetics of the proposed public art
- Facilitated the integration of the artwork into public accessible spaces
- Considered improvements and threats to public health, safety, and welfare by ensuring that public artwork does not pose any safety hazards and is accessible to all members of the community.

Mr. Cywan stated that he was concerned over the duplication of artwork regarding exhibits #1 and #2 and also the durability of the proposed artwork since similar metal pieces by artist Joe Tyler have had rust issues.

Mr. Cywan further stated that the proposed artwork lacked a maintenance plan that outlines how repairs/maintenance shall be completed.

Mr. Dan Roach, principal architect and owner of Lenity Group, stated that he felt that the Art Review Commission did not execute their duties for the same reasons that the Art Review Commission thought that they did fulfill their duties.

Mr. Roach stated that there is no requirement in the Oro Valley Code regarding the amount of metal that can be used in the artwork. The developers went through a long process and looked at many different artists before they decided on Mr. Joe Tyler.

Mr. Roach said that Mr. Tyler's artwork is safe, unique and is accessible and enjoyed by the public.

Discussion ensued between Council regarding the criteria used for evaluating artwork by the Art Review Commission.

Artist Mr. Tyler stated that he thought that the ARC meeting was a conceptual meeting and that he would be able to fine tune his artwork before bringing it back for a second meeting. Mr. Tyler stated that the artwork is original and that he went through the Request for Qualifications (RFQ) process and had conversations with the owner who gave him the mission to design artwork and meld it with the landscape.

Mayor Hiremath recessed the meeting at 7:50 p.m.

Mayor Hiremath reconvened the meeting at 7:59 p.m.

Mr. Moutafis stated that he believes in meeting in the middle and working things out so that the project can move forward.

Oro Valley resident Mr. Jeremy Christopher stated that aesthetics are important to the community and that the Council should compromise and develop a win-win scenario between competing interests. The Town needs to preserve public safety and define objective requirements. Mr. Christopher encouraged the Council to take this opportunity to make it clear that they value economic development within the Town and that the Council is friendly toward business development.

Oro Valley resident Mr. Bill Adler stated that rules and procedures have been adopted for the Arts Review Commission and the rules indicate that staff is required to provide an analysis of their evaluation. If these rules and procedures are unclear, they should be amended. Mr. Adler stated that concepts are malleable and that minor revisions or suggestions should have been brought up during the conceptual phase as to the location, size, and shape of the proposed artwork.

Oro Valley resident Mr. Ben Baker stated that staff should be allowed to tie up all of the loose ends so that the project could move forward.

MOTION: A motion was made by Councilmember Solomon and seconded by Councilmember Waters to overrule OV0510-007, the decision of the Art Review Commission for Conceptual Public Art at Oro Valley Retirement Center with the conditions of Exhibit A and with the stipulation that the artist and owner take into consideration the comments from the Art Review Commission in their finalization of the artwork.

EXHIBIT "A"

OV510-007, Harvest Development LLC

October 6, 2010

1. For final public art submittal, provide the following information for each piece:
 - Indicate whether it is freestanding or permanently affixed, and if piece is to be permanently affixed, provide foundation details.
 - Provide final measurements.
2. The property owner shall provide evidence of insurance in a minimum amount equal to the purchase and installation costs of the public artwork.

3. A maintenance plan for the artwork must be provided in accordance with OVZCR Section 27.3.E.6., 7. and 8.
4. Art pieces #2 and #4 should be designed to not include water use.

MOTION carried, 4-2 with Vice Mayor Garner and Councilmember Hornat opposed.

7. **RESOLUTION NO. (R)10-69 AUTHORIZING AND APPROVING AN AMENDMENT TO THE POLICY GUIDELINES AND PROCEDURES FOR COMMUNITY FUNDING PROGRAMS**

Parks, Recreation, Cultural Resources & Library Director Ms. Legner gave an overview of the amendment to the policy guidelines and procedures for community funding programs. Ms. Legner stated that staff recommends removing the "Special Events" funding category from the Town's Community Funding Policy in order to allow these types of events to fall under the Enhanced Special Events Permitting and Funding Policy.

She stated that if the amendment is adopted, then the end result will be that the Community Funding Policy and process will solely be for agencies that are eligible under the remaining four categories: Youth Development and Education, Services for Senior Citizens, Art Cultural Heritage, and Community Enhancement.

Councilmember Hornat requested that applications that fall under the Enhanced Special Events Permitting and Funding Policy be sent to the Town Council in order for the Council to make the determination as to whether there is available funding for each event.

Discussion ensued between Council regarding the permitting and funding process for Special Event applications.

MOTION: A motion was made by Councilmember Hornat and seconded by Councilmember Waters to table item 7 until a future Council meeting with a friendly amendment by Mayor Hiremath to strikeout the last bullet point in item 1.1.

MOTION carried, 6-0.

8. **DISCUSSION AND POSSIBLE ACTION TO APPROVE ENHANCEMENTS TO THE TOWN'S SPECIAL EVENTS PERMITTING AND FUNDING POLICY**

Ms. Legner gave an overview of the enhancements to the Town's Special Events Permitting and Funding Policy. Applicants would have to submit applications on

or before March 31st to be considered for a community event discount for the following fiscal year. Evaluation criteria to apply for a community event discount include:

- 501c3 non-profit organization for at least three years
- The special event must be open to either public participation or observation
- Needs to provide a positive economic benefit to the Town

Ms. Legner further discussed:

- Department cost estimates
- 50% Community Event discount option
- Major event waiver option for events providing extraordinary economic benefit to Oro Valley
- Up front deposit from applicant
- Establishing funding mechanism for Special Events from Bed Tax Fund to cover discount
- Event coordinators to respond to a follow-up survey

Discussion ensued between Council regarding:

- Major event waiver option criteria
- Process for reviewing and determining major events
- Metropolitan Tucson Convention & Visitor's Bureau (MTCVB) review of economic impact
- Oro Valley branding

Oro Valley resident Mr. Bill Adler stated that he was concerned with the accurate reporting of the amount of money that may be generated by a special event.

Discussion ensued between Council regarding:

- Process for verifying estimated economic impact of special events
- Refund/cancellation policy

MOTION: A motion was made by Councilmember Hornat and seconded by Councilmember Waters to approve the proposed changes noted herein to the Special Events Permitting and Funding Policy with an inclusion in the policy, under item L, to state "The Manager would advise Council of decision or request input prior to approval or rejection" and to include a branding statement and refund policy.

MOTION carried, 6-0.

9. FUTURE AGENDA ITEMS

Councilmember Hornat stated that he would like to revisit the Town's letter regarding Rosemont Mine; seconded by Councilmember Solomon.

Councilmember Snider requested staff to look into the possibility of holding a

regular Council meeting at the Sun City social hall before the end of the year; seconded by Councilmember Waters.

CALL TO AUDIENCE

No comments received.

ADJOURNMENT

MOTION: A motion was made by Councilmember Waters and seconded by Councilmember Snider to adjourn the meeting at 9:03 p.m.

MOTION carried, 6-0.

Prepared by:

Michael Standish
Deputy Town Clerk

I hereby certify 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 6th day of October 2010. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____, 2010

Kathryn E. Cuvelier, CMC
Town Clerk

TC Regular Session

Date: 11/17/2010

Development & Infrastructure Services, Permitting Division September 2010 Reports

Information

Subject

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

Summary

Discussion

Fiscal Impact

Attachments

Link: [Activity Report](#)

Link: [Customer Chart](#)

Link: [Permit Activity](#)

Link: [Plan Review Chart](#)

Link: [Inspection Activity](#)

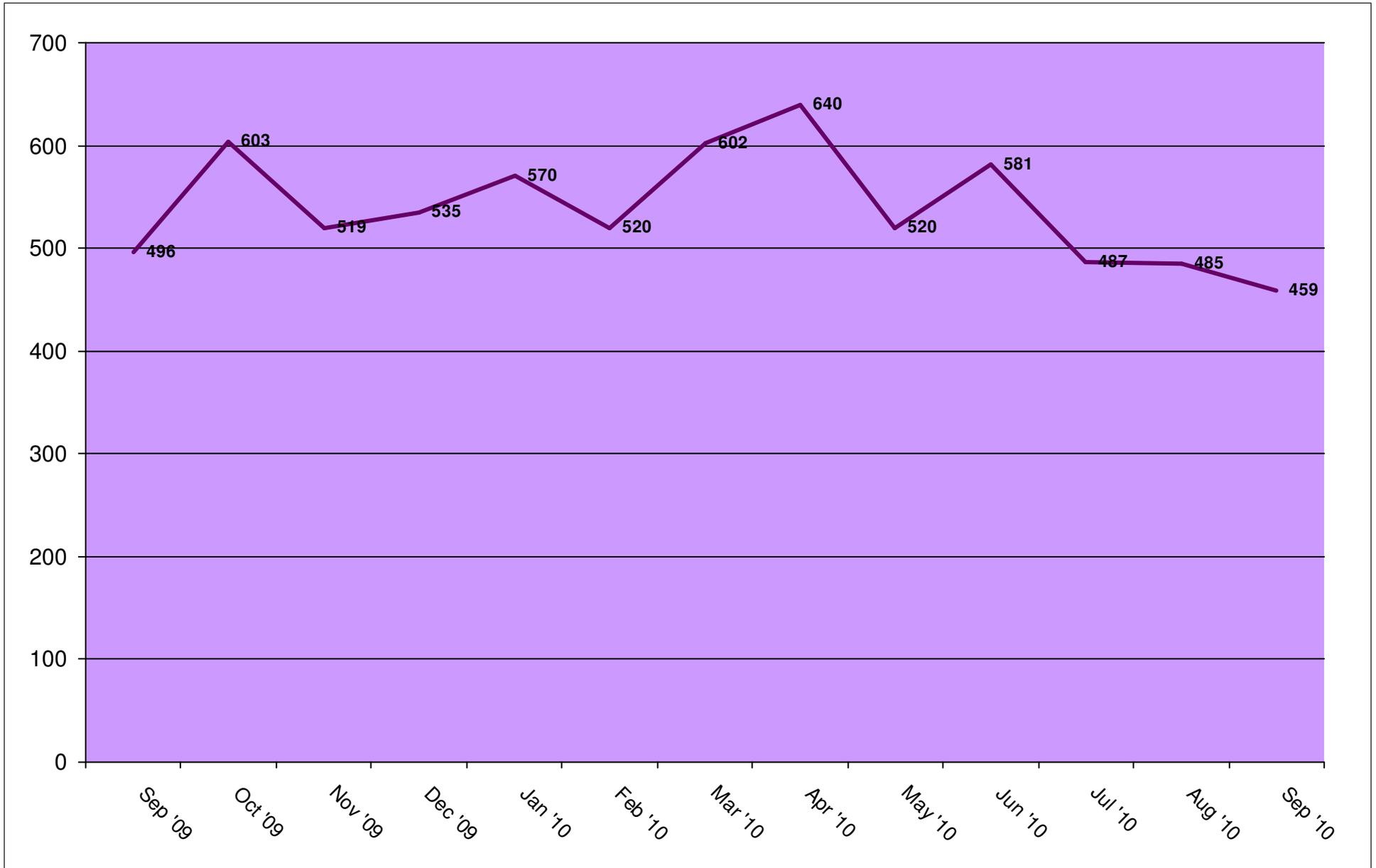
Link: [Revenue chart](#)

Development and Infrastructure Services Department
Permitting Division
Building Permits Monthly Activity Reports - September 2010

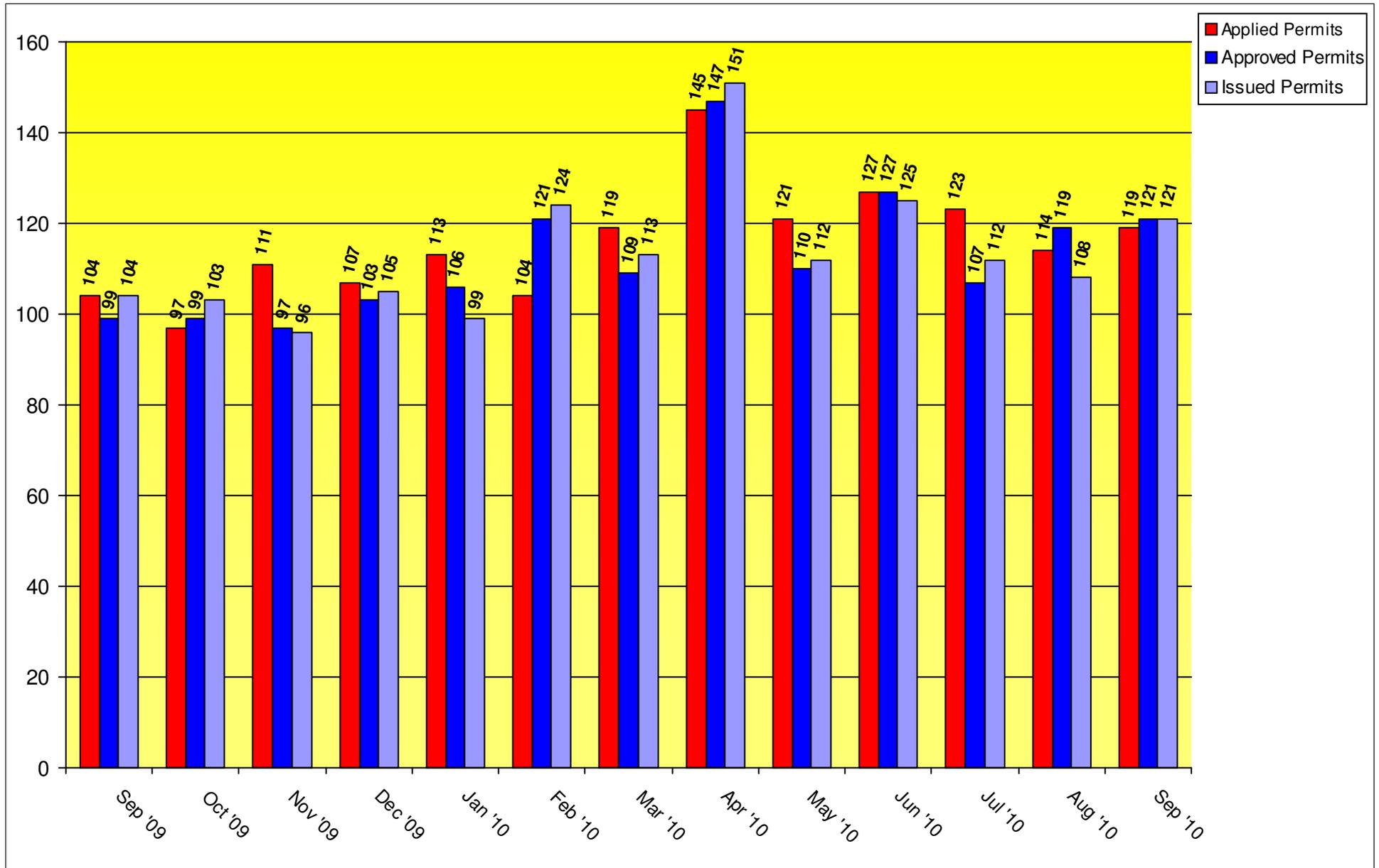
		CURRENT MONTH			PREV MONTH		SAME MONTH ONE YEAR AGO		CUMULATIVE LAST FISCAL YEAR 2009/10		CUMULATIVE THIS FISCAL YEAR 2010/11	
DESCRIPTION	CLASS CODE	September-2010			August-2010		September-2009		<i>(Revised 7/09)</i>		PERMITS	REVENUES
		PERMITS	VALUATION	REVENUES	PERMITS	REVENUES	PERMITS	REVENUES	PERMITS	REVENUES		
SFR Detached	0101	4	\$1,898,601	\$23,439	1	\$7,625	7	\$30,792	17	\$63,966	9	\$63,182
SFR Attached	0102											
Res Pools	0329	5	\$33,321	\$1,258	4	\$1,157	6	\$3,022	19	\$7,299	16	\$5,027
Revisions/Alter/Addit	0434	8	\$426,889	\$7,913	11	\$9,164	16	\$11,020	42	\$23,313	26	\$21,451
Res Walls	0434	1	\$3,500	\$220							1	\$220
Garage/Carport Encl	0438	2	\$40,000	\$1,249					1	\$1,232	2	\$1,249
Misc Residential		66	\$31,800	\$3,155	50	\$1,944	40	\$2,077	173	\$5,583	172	\$6,932
Model Plans									4	\$8,370		
Multi-Family Res.												
Res Demo					1	\$137	1	\$331	2	\$451	1	\$137
Subtotal Residential Permits		86	\$2,434,111	\$37,234	67	\$20,027	70	\$47,242	258	\$110,214	227	\$98,198
Condos > 5 units	0105											
Commercial Shell												
Hotels or Motels	0213											
Social or Recreation	0318											
Churches, Temples	0319											
IndstPlnts/PublicWks	0320								2	\$927		
Pkg/Grgs/Ramada/Maint	0321											
Service Stations/Washes	0322											
Hospitals/Clinics	0323											
Offices/Banks/Proff/Rest	0324											
Schools	0326											
Stores	0327											
Commercial Pools	0329	1	\$18,763	\$659							1	\$659
TI's & Comm Reno	0437	4	\$303,942	\$7,189	2	\$2,576	6	\$14,825	12	\$21,387	10	\$29,912
CommAlter/Revisions	0328	2	\$350,000	\$4,740	6	\$20,681	2	\$137	7	\$4,351	9	\$26,457
Misc Commercial		2	\$0	\$160	2	\$240	5	\$15,511	10	\$17,052	8	\$1,064
CommerDemo												
Subtotal Commercial Permits		9	\$672,705	\$12,748	10	\$23,497	13	\$30,473	31	\$43,717	28	\$58,092
Signs		12	\$0	\$2,010	8	\$1,652	13	\$4,082	48	\$10,020	39	\$7,131
Total Residential & Commercial Permits		107	\$3,106,816	\$51,992	85	\$45,176	96	\$81,797	337	\$163,951	294	\$163,421
Resid. Impact Fees				\$24,312		\$6,078		\$40,687		\$102,720		\$54,702
Comm. Impact Fees												
Total Dev Imp Fees				\$24,312		\$6,078		\$40,687		\$102,720	0	\$54,702

* Revenues / Fees represent the total cost of the permits issued, and is not a representation of actual revenues within a given month.

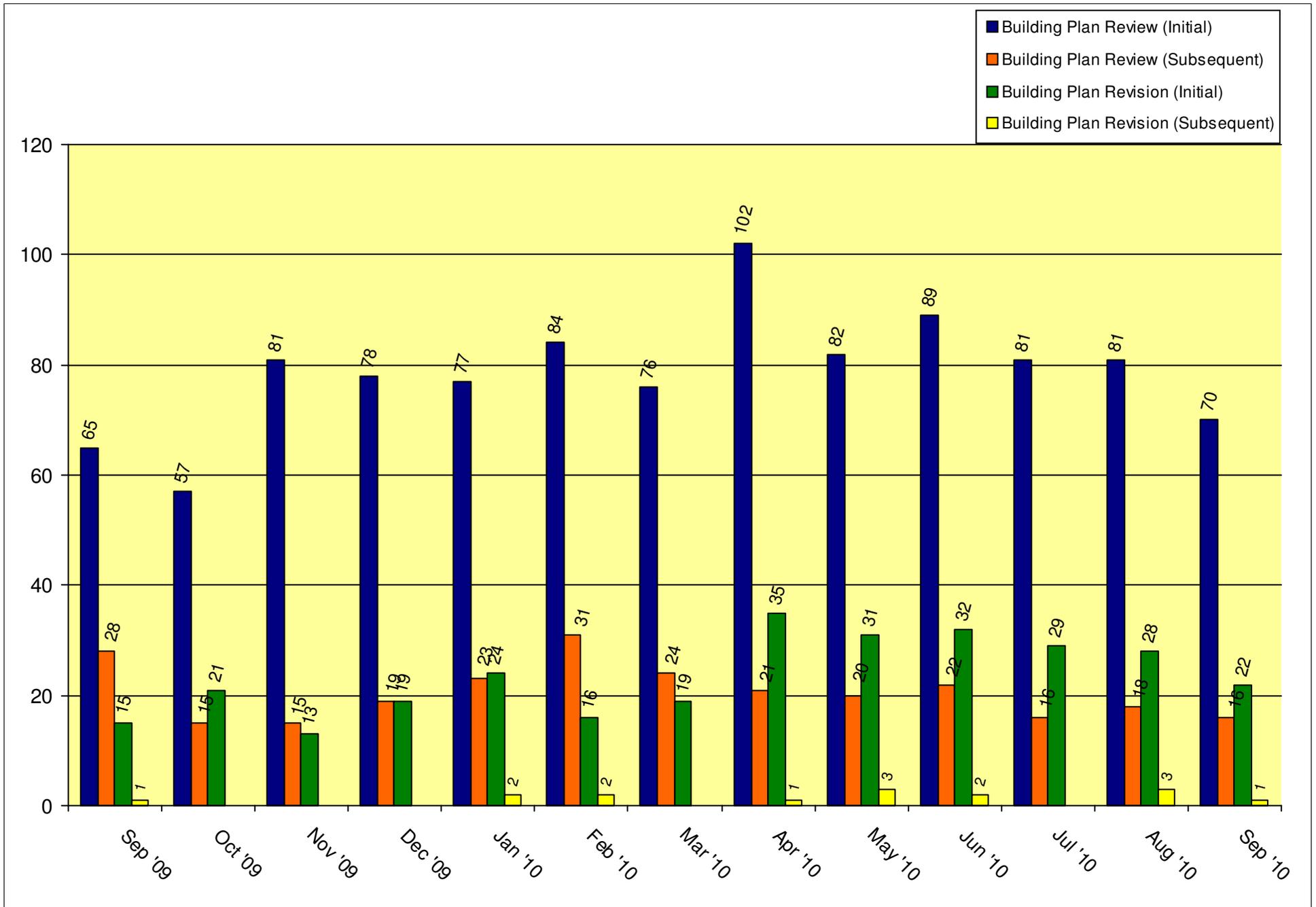
Development Services Customers for September 2009 thru September 2010



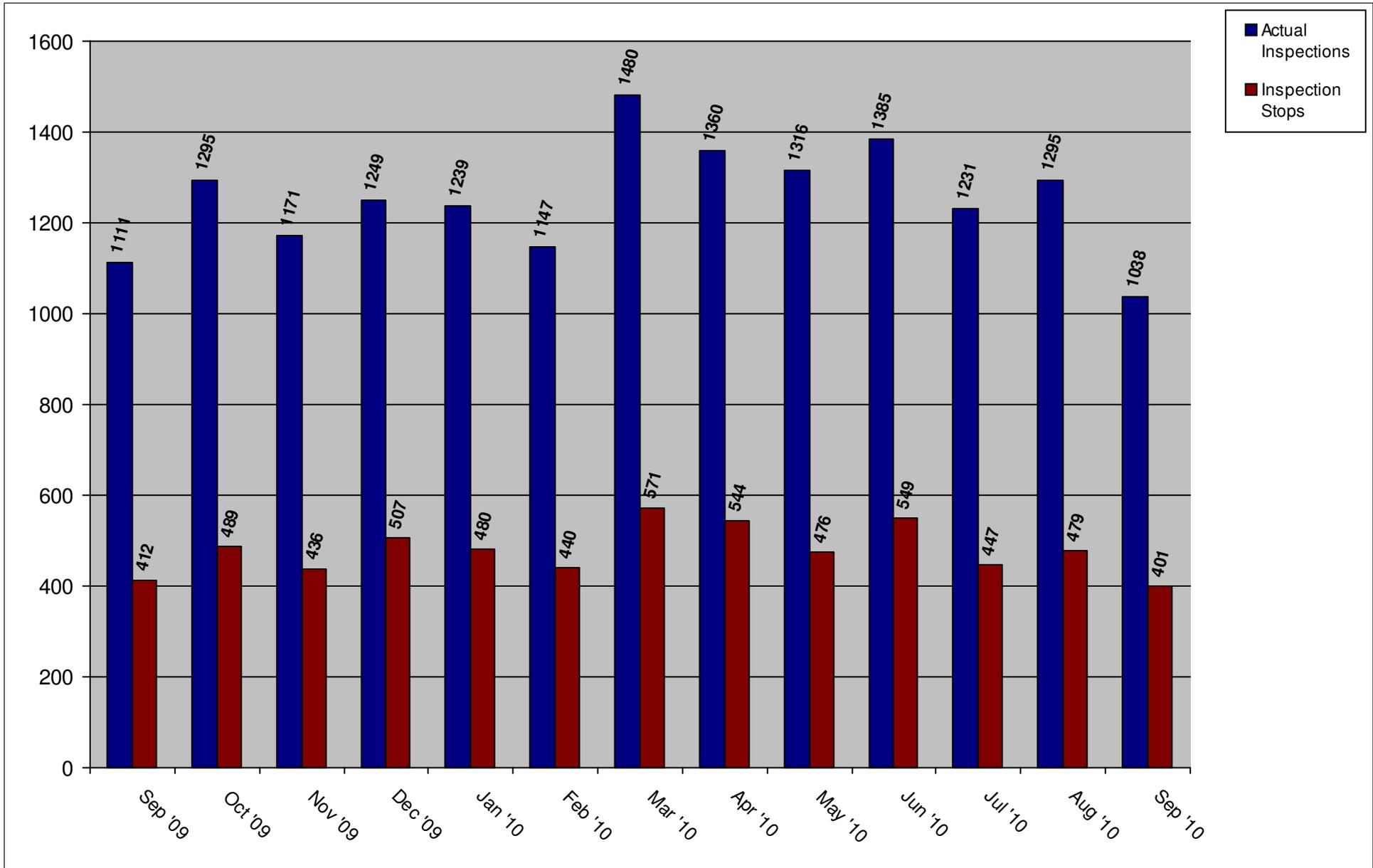
Building Safety Permit Activity for September 2009 thru September 2010



Building Safety Plan Review Activity for September 2009 thru September 2010

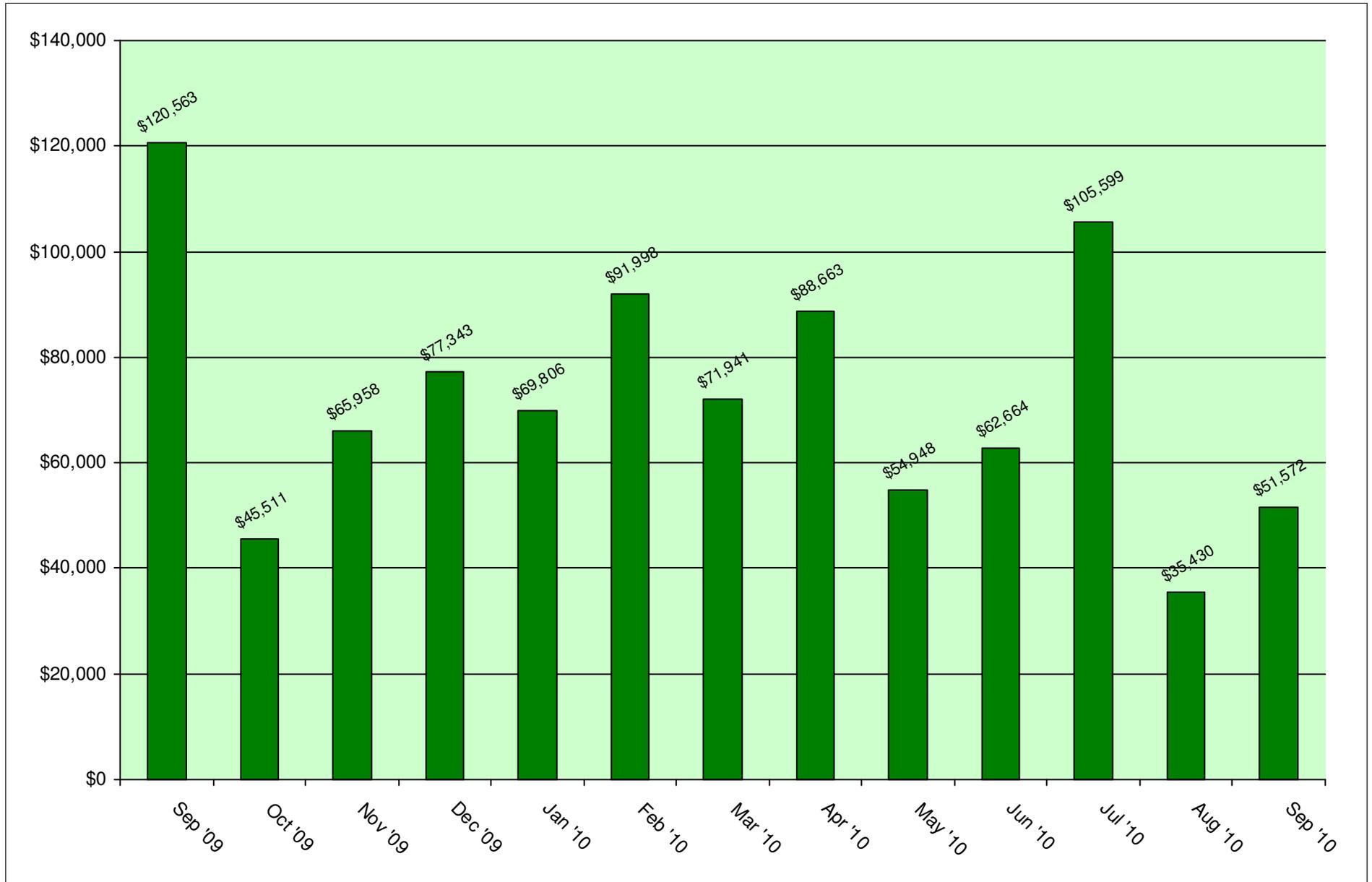


Building Safety Inspection Activity for September 2009 thru September 2010



Building Safety Revenue for September 2009 thru September 2010

(Does not include Impact Fees, Engineering Fees, Zoning Fees, Books, Copies or APA Deposits)



TC Regular Session

Date: 11/17/2010

Requested by: Amanda Jacobs, Economic Development Manager

Submitted By: Amanda Jacobs, Town Manager's Office

Department: Town Manager's Office

Information

SUBJECT:

Economic Development Division Quarterly Report: July 1, 2010 - September 30, 2010

SUMMARY:

Attached is the Economic Development Division quarterly report for the period July 1, 2010 – September 30, 2010.

DISCUSSION:

N/A

FISCAL IMPACT:

N/A

CONCLUSION/RECOMMENDATION:

Report is for information only.

SUGGESTED MOTION:

This report is for information only.

Attachments

Link: [Economic Development Division Quarterly Report from July - September 2010](#)

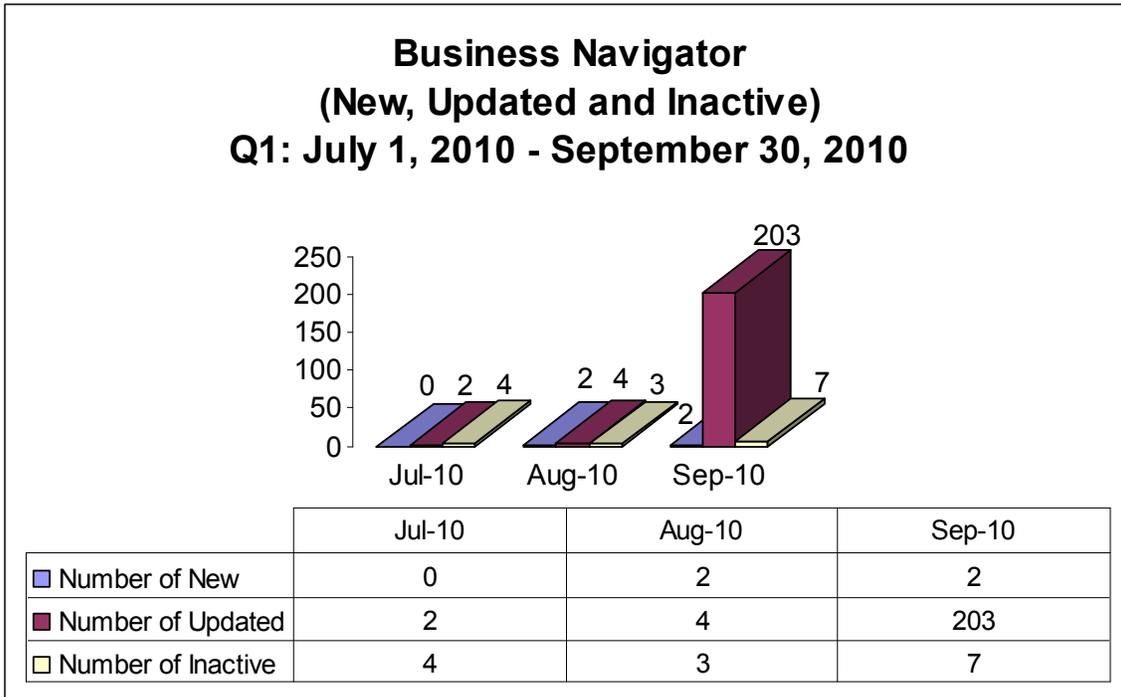
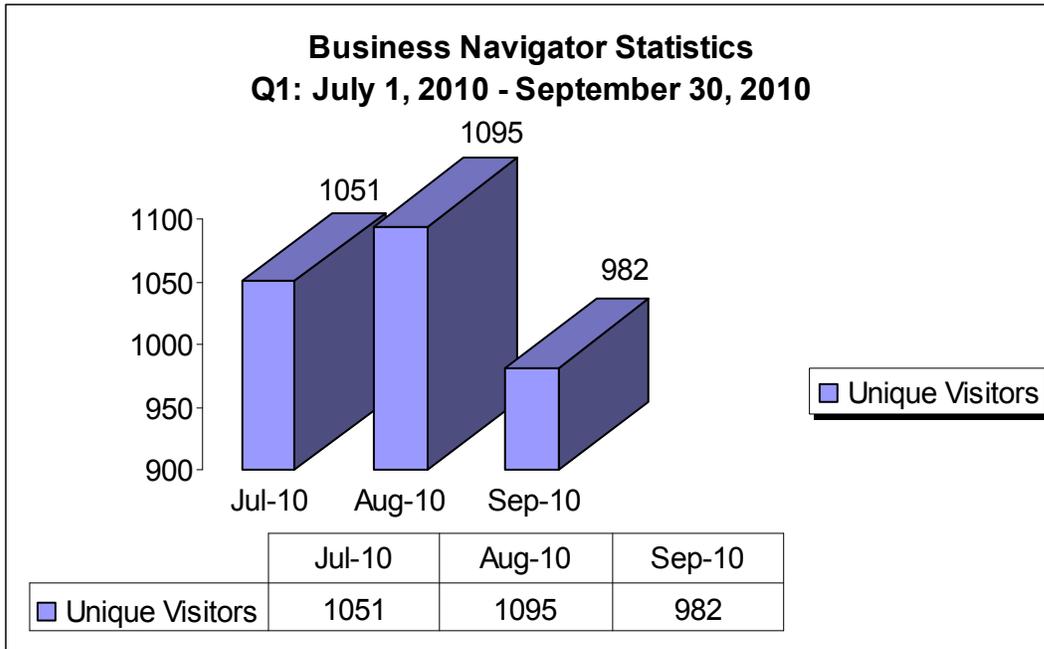
Link: [New Local Business Report from July - September 2010](#)



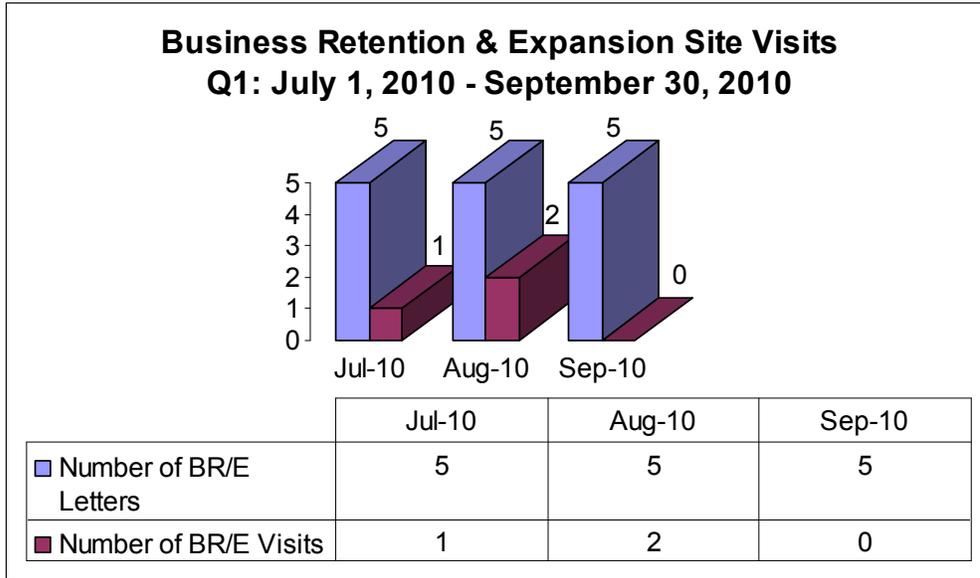
**Economic Development Division
Quarterly Report:
July 1, 2010 – September 30, 2010**

**Presented to Town of Oro Valley Mayor and Council
November 17, 2010**

Business Retention Activity



Business Retention Activity Continued



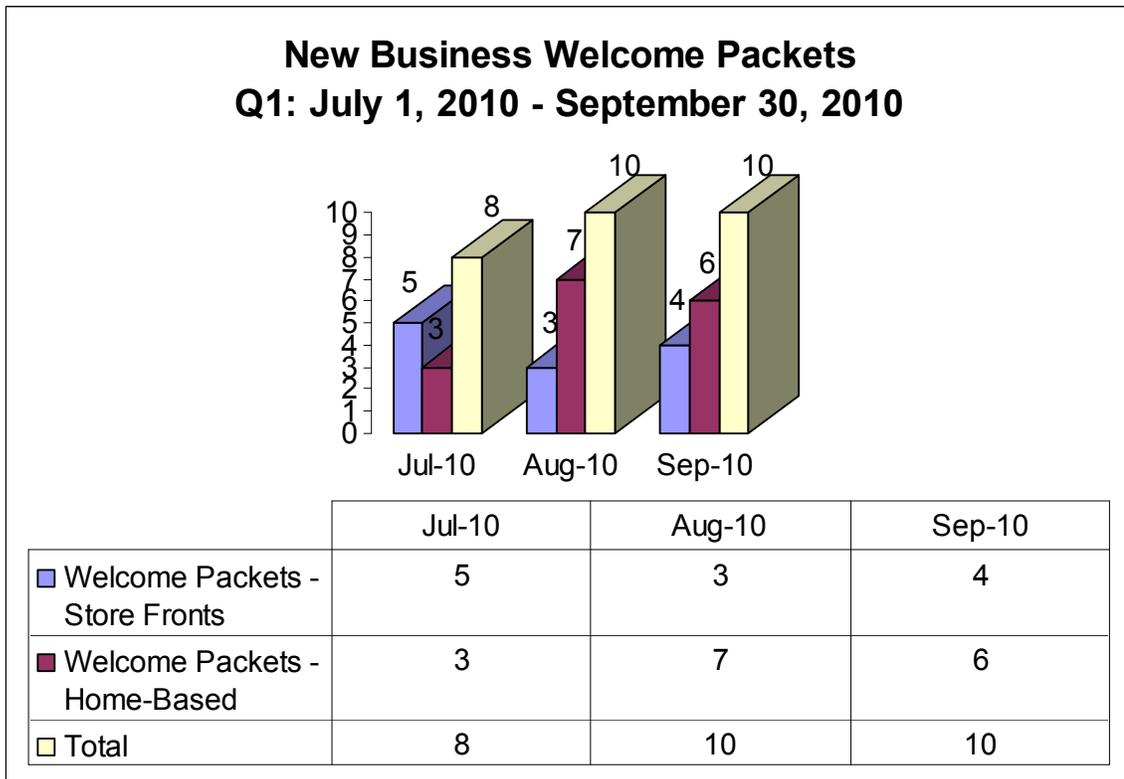
Responses from Business Retention & Expansion (BR/E) Site Visits



Business Retention Activity Continued



Business Attraction



Attachment '1'
New Local Business Report: July 1, 2010 - September 30, 2010

TOWN OF ORO VALLEY New Local Business Report

Report Dates: 07/01/2010 thru 09/30/2010

Business No.	Business Name	Business Address	Home Y/N	Phone	Start Date
TOV1000221	JUDYS PIANO STUDIO	12356 N ECHO VALLEY DR ORO VALLEY AZ 85755	Y	520-219-5952	07/06/2010
TOV1000247	DESERT SKY SPINE AND SPORTS MEDICINE PC	1920 W LEMONWOOD ST ORO VALLEY AZ 85755	N	480-285-6221	07/09/2010
TOV1000268	CT GOETZE PROPERTIES LLC	411 W KLINGER CANYON DR ORO VALLEY AZ 85755	Y	520-609-0206	07/09/2010
TOV1000269	VISTOSO AUTOMOTIVE LLC	12945 N ORACLE RD ORO VALLEY AZ 85737	N	520-403-9360	07/09/2010
TOV1000272	RAHN CONSULTING	1965 W MISTERBEE DR ORO VALLEY AZ 85737	Y	520-577-0682	07/20/2010
TOV1000277	FLAVOR OF INDIA RESTAURANT	12112 N RANCHO VISTOSO BL #100 ORO VALLEY AZ 85737	N	520-861-2700	07/20/2010
TOV1000280	SAN CARLOS GRILL LLC	12125 N ORACLE RD ORO VALLEY AZ 85737	N	520-544-0066	07/22/2010
TOV1000287	MHR CONSULTING LLC	7790 N ORACLE RD #140 ORO VALLEY AZ 85704	N	520-490-1063	07/27/2010
TOV1000301	GGG BY DESIGN	PO BOX 69023 ORO VALLEY AZ 85737	Y	520-271-3817	08/11/2010
TOV1000302	PAUL LOOMIS CONSULTING LLC	10551 N LAMBERT PL ORO VALLEY AZ 85737	Y	520-603-1075	08/11/2010
TOV1000295	HELPDESK ETC LLC	7625 N ORACLE RD #125 ORO VALLEY AZ 85704	N	520-505-6955	08/12/2010
TOV1000305	ORO VALLEY EYECARE PLLC	10515 N ORACLE RD#145 ORO VALLEY AZ 85737	N	520-229-2010	08/12/2010
TOV1000308	SOUTHERN AZ CLEANUP SPEC IN FORECLOSURE LLC	650 E WINDWARD PL ORO VALLEY AZ 85704	Y	520-906-4423	08/17/2010
TOV1000310	ALWAYS BEST CARE TUCSON	PO BOX 68652 ORO VALLEY AZ 85755	Y	520-225-0561	08/17/2010
TOV1000314	TAHNI P MCINTYRE	783 E CAMINO CORRIDA ORO VALLEY AZ 85704	Y	520-219-8906	08/19/2010
TOV1000319	LAURA NEWMAN	7645 N ORACLE RD ORO VALLEY AZ 85737	N	520-481-2689	08/24/2010
TOV1000324	SURVIVE 2 LIVE	10950 N LA CANADA DR #21210 ORO VALLEY AZ 85737	Y	520-241-7446	08/27/2010
TOV1000325	DOLSBERRY STUDIO AND ART GALLERY	14156 N BILTMORE DR ORO VALLEY AZ 85755	Y	520-825-8090	08/31/2010

Business No.	Business Name	Business Address	Home Y/N	Phone	Start Date
TOV1000326	JUST PEACHY	1725 E DEER HOLLOW LP ORO VALLEY AZ 85737	Y	310-989-9084	09/01/2010
TOV1000329	OCLARO PHOTONICS INC	10831 N MAVINEE DR #165 ORO VALLEY AZ 85737	N	408-383-1400	09/01/2010
TOV1000327	TOO CLEAN INDUSTRIES	PO BOX 69752 ORO VALLEY AZ 85737	Y	520-401-2436	09/03/2010
TOV1000332	GILBERTS	11752 N PEACEFUL NIGHT RD ORO VALLEY AZ 85737	Y	520-882-8457	09/03/2010
TOV1000345	BANDANA UNDERDOG LLC	8271 N ORACLE RD #251 ORO VALLEY AZ 85704	Y	- -	09/15/2010
TOV1000352	PLAY IT AGAIN SPORTS	7963 N ORACLE RD ORO VALLEY AZ 85704	N	520-730-1080	09/22/2010
TOV1000355	TREK BICYCLES OF TUCSON	7645 N ORACLE RD #100 ORO VALLEY AZ 85704	N	520-797-9330	09/22/2010
TOV1000357	CREATIVE DESIGNS BY DIANA DARLING	490 W LINDA VISTA BLVD ORO VALLEY AZ 85704	Y	520-575-8376	09/24/2010
TOV1000360	AFC ACCOUNTING SERVICES	8370 N AUSTIN NIKOLAS CT ORO VALLEY AZ 85704	Y	520-204-2613	09/28/2010
TOV1000362	LE PEABODY AND ASSOCIATES INC	760 E PUSCH RIDGE LN ORO VALLEY AZ 85737	N	520-531-1060	09/28/2010

Total Number of Store Fronts **12**
Total Number of Home-Based Businesses **16**
Total Number of Businesses on this Report: **28**

TC Regular Session**Date:** 11/17/2010**Requested by:** Wendy Gomez, Budget and Management Analyst**Submitted By:** Wendy Gomez, Finance**Department:** Finance**Information****SUBJECT:**

Fiscal Year 2010/11 Financial Update through September 2010

SUMMARY:

The attachments capture total revenues earned and departmental expenditures through the end of September 2010 for the major funds in the budget that are tax-based (General, Highway, Bed Tax, and Public Transportation). A projected year-end total revenue estimate is provided for each fund and compared to the budgeted revenue for the year. A projected year-end expenditure estimate is also provided for each fund and compared to the budgeted expenditures for the year. Comparing the projected year-end revenue amount to total estimated year-end expenditures in each fund will show the anticipated operating deficit/surplus resulting in respective increases or decreases to the fund balance at year-end.

Attachment A provides a summary of the four funds.

Attachments B through E include additional detail on each fund.

Attachment F contains the financial dashboard charts which display historical revenue and expenditure trend data, along with the actuals through September 2010.

An explanation of the figures by fund is provided below.

DISCUSSION:**General Fund**

Attachment B shows General Fund revenues and expenditures-to-date through September as well as year-end estimates for each. Through September, revenue collections totaled \$6,257,650 and expenditures totaled \$4,848,697.

The estimated **year-end** projections in the General Fund are as follows:

Revenues	\$24,917,737
Expenditures	<u>26,191,514</u>

Estimated Operating Deficit (\$1,273,777)

The above year-end projections should be considered preliminary estimates. Staff will update these year-end projections each month as revenue and expenditure trends become more discernible.

Revenue Trends

Local sales tax revenue estimates for the General Fund were adjusted down by about 7.5%, or about \$929,000, due to construction sales taxes, which are likely to come in considerably below budget. With the federal tax housing credit coming to an end and the delay in the Ventana Medical Systems expansion, staff has observed continued declines in these revenues.

License & Permit revenues have been adjusted down by about 19.4%, or about \$250,000. This variance is attributable to the delay in the Ventana Medical Systems expansion. Staff will keep the Town Council informed regarding the status of this project.

Interest Income has been adjusted down by nearly 60%, or about \$90,000. Local Government Investment Pool (LGIP) interest earnings have averaged less than 0.25% for the first three months of FY 2010/11. On September 15, 2010, Council approved a revised Town investment policy that provides for additional diversification of funds. We can expect the Town's interest earnings rate to improve as a result, but the process will be gradual and it may take some time for results to materialize.

Federal Grants have been adjusted down by about \$69,000; however, this is due to budgeted Federal Grant dollars that are actually being distributed by a State agency and are thus being recorded as State Grant revenues. As a result, State Grants have been adjusted upward by the same amount and the budget variance nets to zero.

Single family residential (SFR) permits are trending below budget, with nine (9) permits having been issued through the month of September (75 SFR permits were budgeted for FY 2010/11). At this time, residential building permit revenues may still come in on budget, as building valuations (which determine permit amounts) are exceeding budgeted estimates. Staff will continue to monitor residential permit revenues as the fiscal year progresses.

Charges for Services are expected to come in slightly under budget, due to an accounting change for recreation in lieu fees. All other General Fund revenue sources are anticipated to come in on budget at this time.

Expenditure Trends

Year-end expenditures are estimated to come in under budget by approximately \$369,000, or about 1.4%. Of this amount, approximately \$165,000 is comprised of liability insurance premium savings. Other operations & maintenance savings are estimated at \$96,000, while vacancy savings are estimated at approximately \$177,000. **Roughly \$170,000 in capital expenditures through Council-approved use of contingency reserves is included in the year-end expenditure estimate. This amount reflects the additional funding needed for Steam Pump Ranch over and above remaining Pima County bond funds.** Additionally, because the Public Transportation Fund had a higher than anticipated ending fund balance for FY 2009/10, staff can transfer a reduced subsidy amount from the General Fund to the Public Transportation Fund in FY 2010/11. General Fund savings are estimated at \$100,000 as a result.

The estimated decrease in year-end fund balance in the General Fund is now approximately \$1,274,000 which includes the \$170,000 for Steam Pump Ranch. The budgeted decrease was \$344,350. The General Fund budget was adopted with one-time expenditures totaling approximately \$1.1 million that are comprised primarily of energy efficiency upgrades at the Town Hall campus (\$1.06M) and the remaining carryforward project costs associated with the Environmentally Sensitive Lands Ordinance (ESLO) (\$50K) and the cultural resources inventory (\$10K). While at this time the estimated deficit is limited to one-time expenditures, staff is closely monitoring financial conditions in this fund.

Highway Fund

In the Highway Fund (**Attachment C**), revenues collected through September total \$812,976, while expenditures through September total \$530,275. The estimated year-end projections in the Highway Fund are as follows:

Revenues	\$3,582,402
Expenditures	<u>4,105,231</u>

Estimated Operating Deficit (\$ 522,829)

Local sales tax revenue estimates were adjusted down by about 29%, or about \$185,000 as a result of the declines in construction activity. Interest Income has been adjusted down by nearly 57%, or about \$30,000 for reduced interest earnings rates and the expected delay in diversification of Town funds. All other revenue sources are expected to come in on budget at this time. Expenditures are also estimated to come in on budget at this time, although it is anticipated that, as the fiscal year progresses, staff can identify expenditure savings in sufficient amounts to close the larger than budgeted deficit in this fund. The FY 2010/11 Highway Fund budget was adopted with a planned use of cash reserves in the amount of \$307,389 to fund energy efficiency upgrades.

Bed Tax Fund

In the Bed Tax Fund (**Attachment D**), revenues collected through September total \$168,437. Of the \$600,000 budgeted allocation in Bed Tax revenues to the General Fund, \$105,000 has been allocated through September. This brings total year-to-date revenues of \$63,437 remaining in the Bed Tax Fund. Year-to-date expenditures total \$20,254. The year-end projections in the Bed Tax Fund are as follows:

Revenues	\$267,351
Expenditures	<u>358,101</u>

Estimated Operating Deficit (\$ 90,750)

Interest Income has been adjusted down by nearly 36%, or about \$3,200 for reduced interest earnings rates and the expected delay in diversification of Town funds. **Approximately \$44,000 in O&M expenditures through use of contingency reserves is included in the budgeted figures and the year-end expenditure estimate for funding of TREO.** Personnel expenditures are estimated to come in slightly under budget, due to reduced economic development intern hours during the summer months. The FY 2010/11 Bed Tax Fund budget was adopted with a planned use of cash reserves in the amount of \$44,779. Inclusion of TREO funding brings the budgeted use of cash reserves to \$88,300.

Public Transportation Fund

In the Public Transportation Fund (**Attachment E**), revenues collected through September total \$10,807, while expenditures total \$102,539. The estimated year-end projections in the Public Transportation Fund are as follows:

Revenues	\$361,739
Expenditures	<u>482,320</u>

Estimated Operating Deficit (\$120,581)

Revenues are estimated to come in under budget by about \$93,000, or about 20.5%. Farebox revenues are estimated to come in over budget by roughly \$8,400, due to maintained service levels for FY 2010/11. The budget for farebox revenues had assumed reduced service levels for FY 2010/11 due to the elimination of Local Transportation Assistance Funds (LTAF) by the State. Second, as mentioned in the General Fund discussion, the Public Transit Fund has approximately \$130,000 in remaining available cash reserves from FY 2009/10 that have been carried forward to fund FY 2010/11 expenditures, so the FY 2010/11 subsidy transfer from the General Fund will likely be approximately \$100,000 under budget. Expenditures are anticipated to come in on budget at this time. The FY 2010/11 Public Transportation Fund budget was adopted with a planned use of cash reserves in the amount of \$27,475.

FISCAL IMPACT:

N/A

CONCLUSION/RECOMMENDATION:

None, informational purposes only.

SUGGESTED MOTION:

This report is for information only.

Attachments

Link: [Attachment A - Summary](#)

Link: [Attachment B - Gen Fund](#)

Link: [Attachment C - HW Fund](#)

Link: [Attachment D - Bed Tax Fund](#)

Link: [Attachment E - Transit Fund](#)

Link: [Attachment F - Dashboard](#)



September 2010 Monthly Financial Report

Revenues

Fund	Actuals thru 09/2010	Budget	% Actuals to Budget	Year End Estimate	% Variance to Budget
General	\$ 6,257,650	\$ 26,215,984	23.9%	\$ 24,917,737	-5.0%
Highway	\$ 812,976	\$ 3,797,842	21.4%	\$ 3,582,402	-5.7%
Bed Tax	\$ 63,437	\$ 270,569	23.4%	\$ 267,351	-1.2%
Transit	\$ 10,807	\$ 454,845	2.4%	\$ 361,739	-20.5%

Expenditures

Fund	Actuals thru 09/2010	Budget	% Actuals to Budget	Year End Estimate	% Variance to Budget
General	\$ 4,848,697	\$ 26,560,334	18.3%	\$ 26,191,514	-1.4%
Highway	\$ 530,275	\$ 4,105,231	12.9%	\$ 4,105,231	0.0%
Bed Tax	\$ 20,254	\$ 358,869	5.6%	\$ 358,101	-0.2%
Transit	\$ 102,539	\$ 482,320	21.3%	\$ 482,320	0.0%

Surplus/(Deficit)

Fund Balance

Fund	YTD	Budgeted	Year End Estimate	Budgeted	Year End Estimate
General	\$ 1,408,953	\$ (344,350)	\$ (1,273,777)	\$ 10,620,363	\$ 9,061,072 *
Highway	\$ 282,701	\$ (307,389)	\$ (522,829)	\$ 3,772,144	\$ 3,509,083
Bed Tax	\$ 43,183	\$ (88,300)	\$ (90,750)	\$ 987,870	\$ 898,795
Transit	\$ (91,732)	\$ (27,475)	\$ (120,581)	\$ 54,532	\$ 15,455

* Represents 34.6% of General Fund year-end estimated expenditures



September YTD Financial Status

ATTACHMENT B

FY 2010/2011

General Fund

% Budget Completion through September --- 25%

FINANCING SOURCES		Actuals thru 9/2010	Budget	% Actuals to Budget	Year End Estimate	% Variance to Budget
REVENUE:						
LOCAL SALES TAX		2,864,767	12,464,250	23.0%	11,534,805	-7.5%
BED TAX ALLOCATION		105,000	600,000	17.5%	600,000	0.0%
<i>(allocation from Bed Tax Fund to Gen Fund)</i>						
LICENSES & PERMITS		212,607	1,276,510	16.7%	1,028,301	-19.4%
FEDERAL GRANTS		257,666	881,239	29.2%	811,956	-7.9%
STATE GRANTS		62,824	145,700	43.1%	214,983	47.6%
STATE/COUNTY SHARED		2,071,283	8,360,415	24.8%	8,360,415	0.0%
OTHER INTERGOVERNMENTAL		30,000	607,781	4.9%	607,781	0.0%
CHARGES FOR SERVICES		179,696	1,021,715	17.6%	991,715	-2.9%
FINES		51,886	195,000	26.6%	195,000	0.0%
INTEREST INCOME		7,590	151,374	5.0%	60,681	-59.9%
MISCELLANEOUS		47,330	145,000	32.6%	145,100	0.1%
OTHER FINANCING SOURCES		367,000	367,000	100.0%	367,000	0.0%
TOTAL FINANCING SOURCES		6,257,650	26,215,984	23.9%	24,917,737	-5.0%

FINANCING USES		Actuals thru 9/2010	Budget	% Actuals to Budget	Year End Estimate	% Variance to Budget
EXPENDITURES:						
TOWN COUNCIL		74,717	220,610	33.9%	220,610	0.0%
TOWN CLERK		74,645	378,581	19.7%	378,581	0.0%
TOWN MANAGER		162,569	974,906	16.7%	922,153	-5.4%
HUMAN RESOURCES		74,764	484,189	15.4%	465,926	-3.8%
FINANCE		138,642	727,613	19.1%	727,304	0.0%
INFORMATION TECHNOLOGY		290,252	1,120,106	25.9%	1,120,106	0.0%
GENERAL ADMINISTRATION		381,891	3,458,898	11.0%	3,394,447	-1.9%
LEGAL		140,970	842,785	16.7%	770,785	-8.5%
COURT		148,106	753,772	19.6%	753,772	0.0%
DEV & INFRASTRUCTURE SVCS		539,400	3,084,586	17.5%	2,923,542	-5.2%
PARKS, REC, LIBRARY, & CULT RSCS		606,739	2,947,715	20.6%	2,947,715	0.0%
PUBLIC SAFETY		2,216,001	11,566,573	19.2%	11,566,573	0.0%
TOTAL FINANCING USES		4,848,697	26,560,334	18.3%	26,191,514	-1.4%

SURPLUS/(DEFICIT)

1,408,953

(344,350)

(1,273,777)



Bed Tax Fund

% Budget Completion through September --- 25%

FINANCING SOURCES	Actuals thru 9/2010	Budget	% Actuals to Budget	Year End Estimate	% Variance to Budget
REVENUE:					
BED TAXES	167,796	861,569	19.5%	861,569	0.0%
less allocation to General Fund	(105,000)	(600,000)	17.5%	(600,000)	0.0%
INTEREST INCOME	641	9,000	7.1%	5,782	-35.8%
TOTAL FINANCING SOURCES	63,437	270,569	23.4%	267,351	-1.2%

FINANCING USES	Actuals thru 9/2010	Budget	% Actuals to Budget	Year End Estimate	% Variance to Budget
EXPENDITURES:					
ECONOMIC DEVELOPMENT	20,254	358,869	5.6%	358,101	-0.2%
TOTAL FINANCING USES	20,254	358,869	5.6%	358,101	-0.2%

SURPLUS/(DEFICIT)	43,183	(88,300)	(90,750)
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Public Transportation Fund

% Budget Completion through September --- 25%

FINANCING SOURCES	Actuals thru 9/2010	Budget	% Actuals to Budget	Year End Estimate	% Variance to Budget
REVENUE:					
CHARGES FOR SERVICES	10,737	34,545	31.1%	42,948	24.3%
INTEREST INCOME	70	1,800	3.9%	291	-83.8%
MISCELLANEOUS	-	18,500	0.0%	18,500	0.0%
TRANSFER FROM GEN FUND	-	400,000	0.0%	300,000	-25.0%
TOTAL FINANCING SOURCES	10,807	454,845	2.4%	361,739	-20.5%

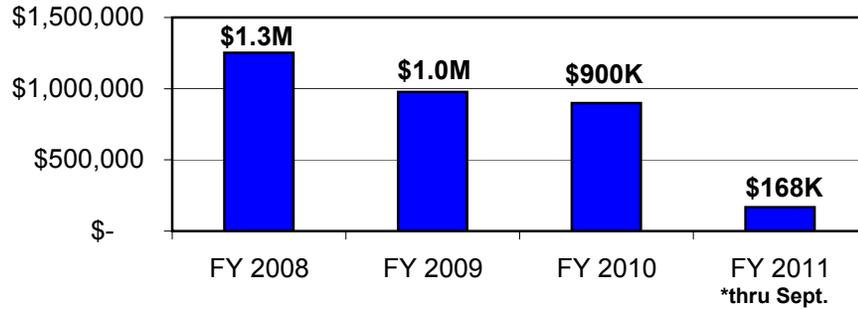
FINANCING USES	Actuals thru 9/2010	Budget	% Actuals to Budget	Year End Estimate	% Variance to Budget
EXPENDITURES:					
PUBLIC TRANSIT	102,539	482,320	21.3%	482,320	0.0%
TOTAL FINANCING USES	102,539	482,320	21.3%	482,320	0.0%

SURPLUS/(DEFICIT)	(91,732)	(27,475)	(120,581)
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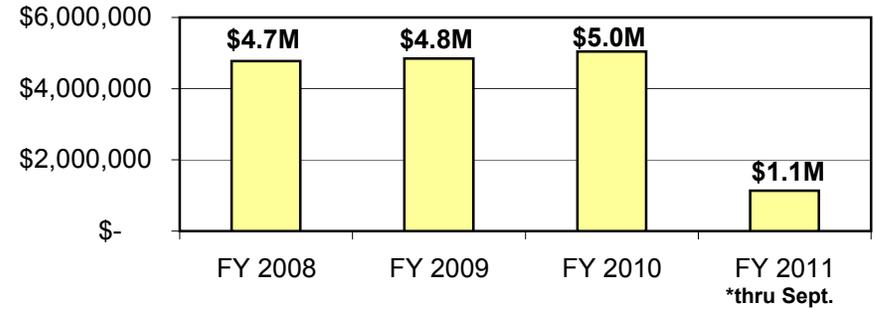


Town of Oro Valley Financial Dashboard September Actuals

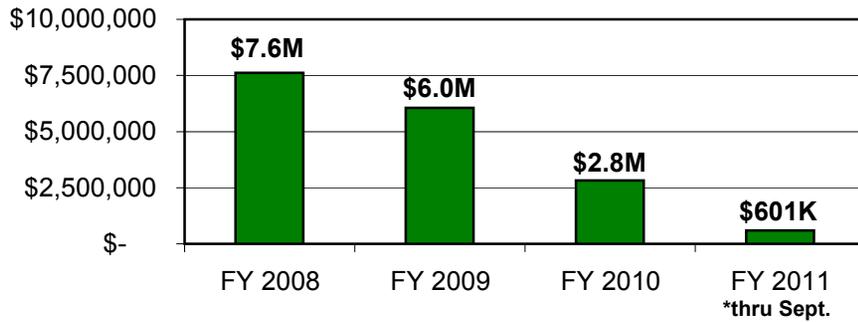
Hotel/Motel Sales Tax Collections



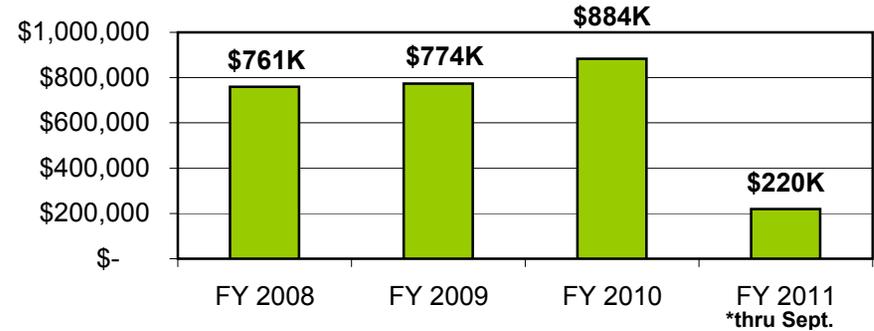
Retail Sales Tax Collections



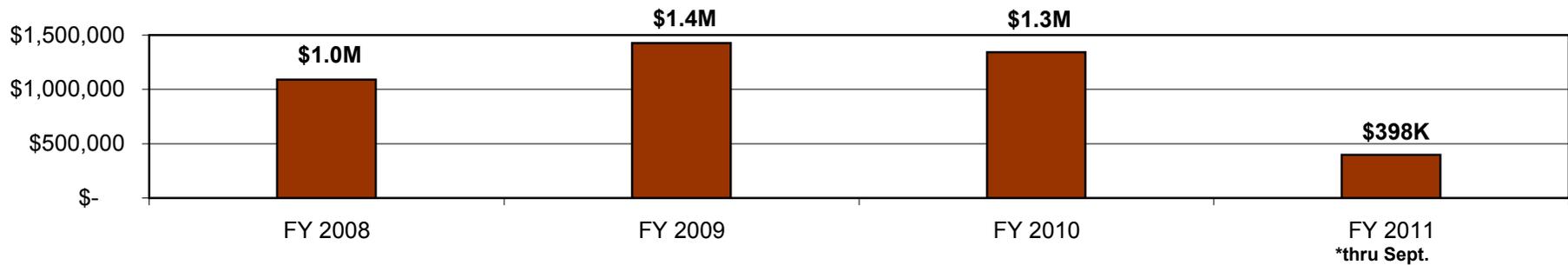
Construction Sales Tax Collections



Restaurant/Bar Sales Tax Collections



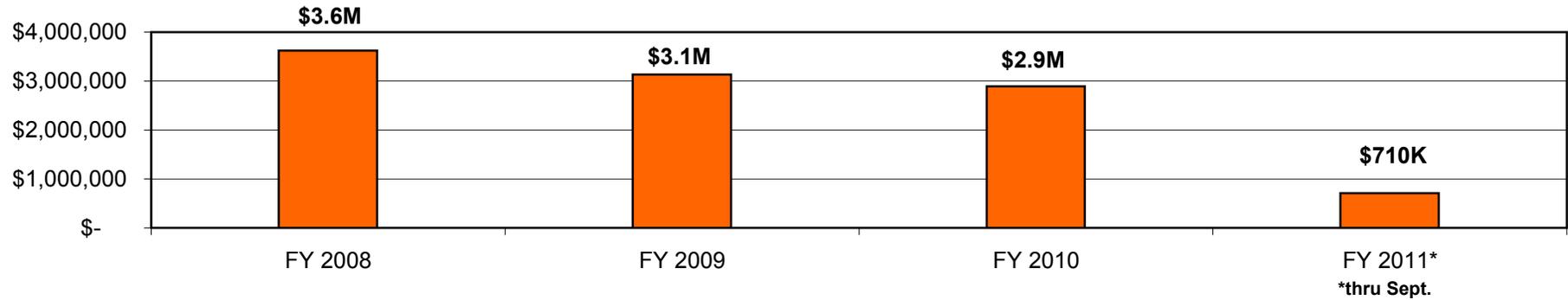
Utility Sales Tax Collections



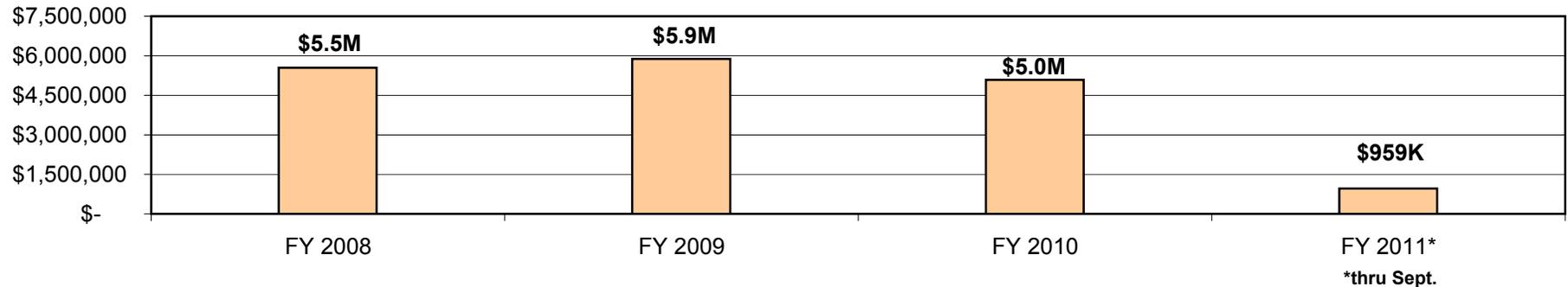


Town of Oro Valley Financial Dashboard September Actuals

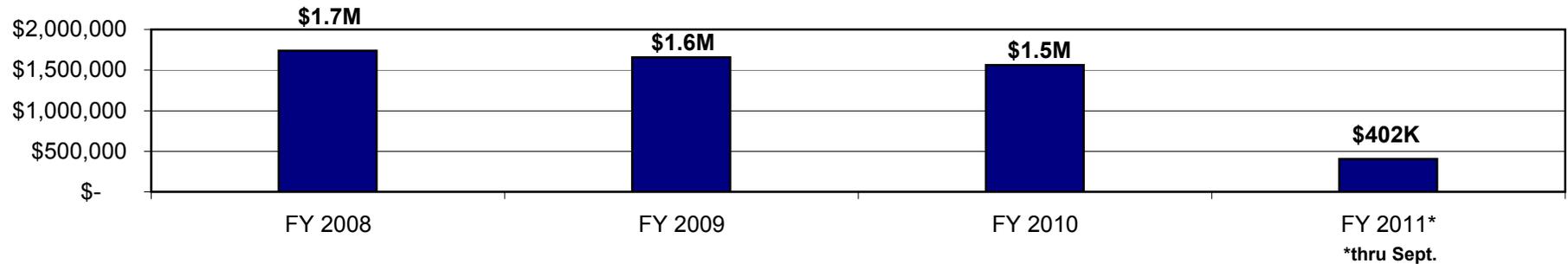
State Shared Sales Tax Collections



State Shared Income Tax Collections



State Shared County Auto Lieu Collections





Town of Oro Valley Financial Dashboard September Actuals

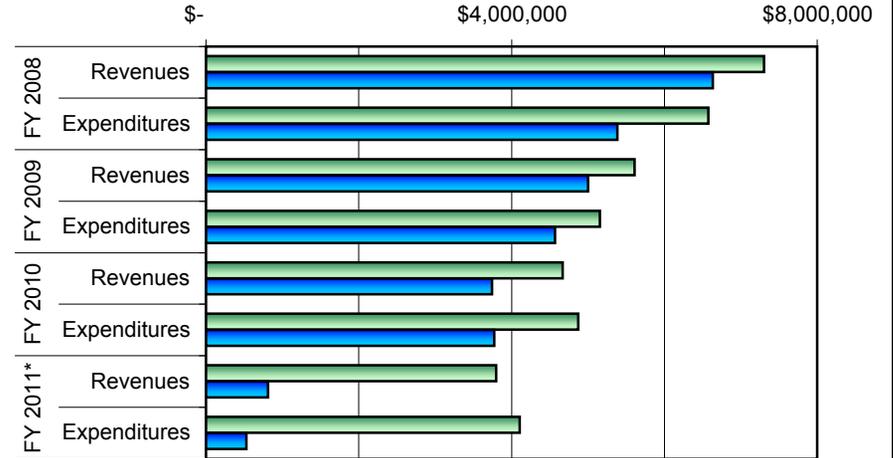
General Fund



*thru Sept.

■ Budget ■ Actual

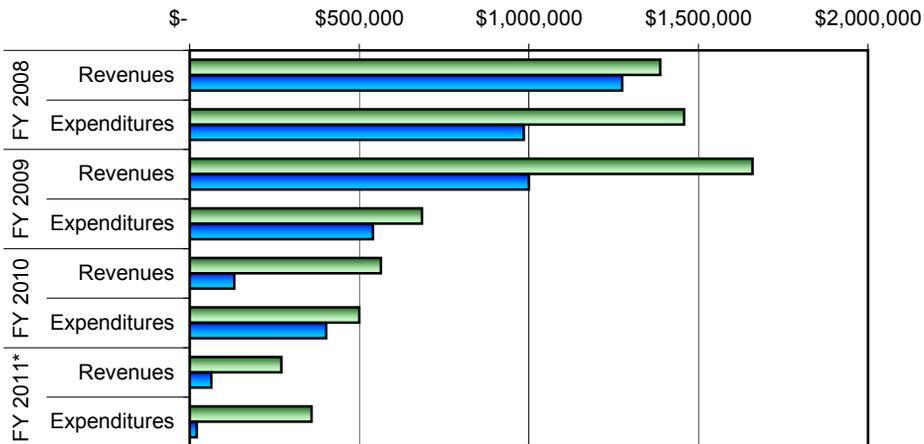
Highway Fund



*thru Sept.

■ Budget ■ Actual

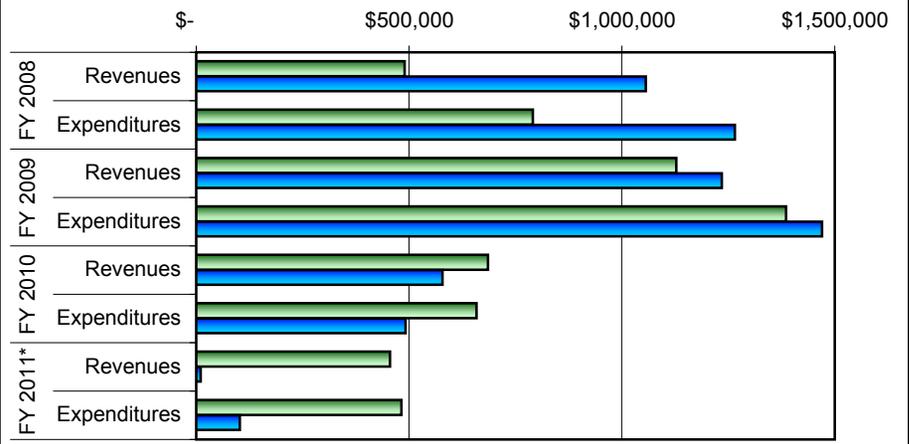
Bed Tax Fund



*thru Sept.

■ Budget ■ Actual

Transit Fund

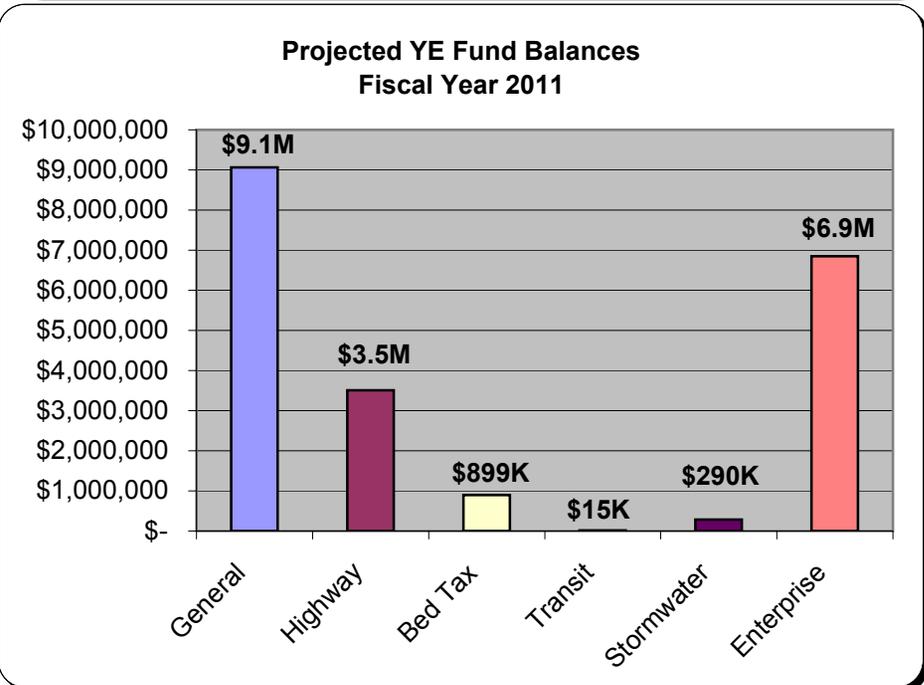
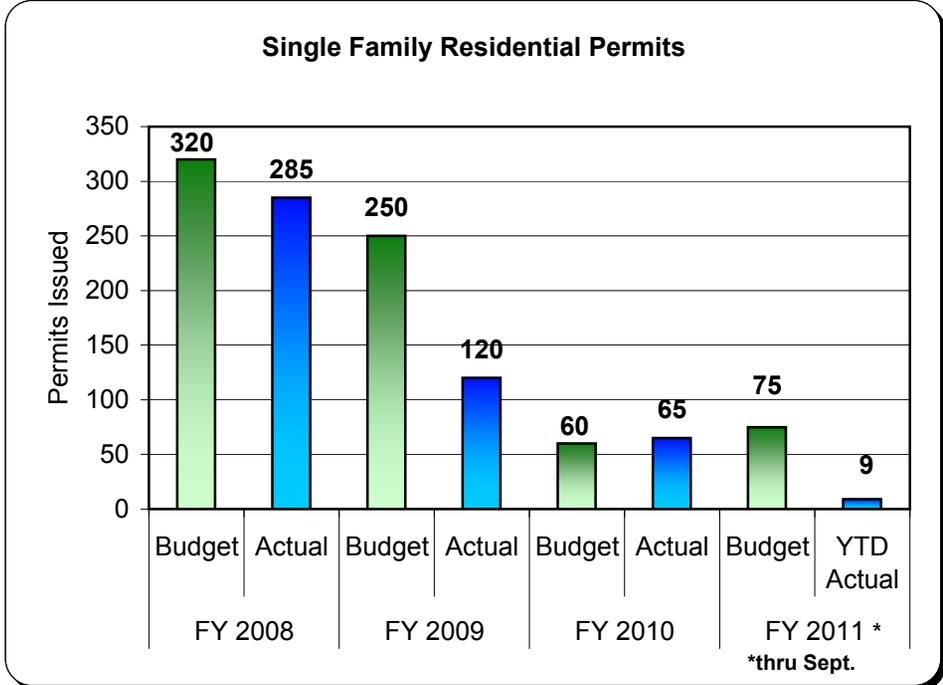
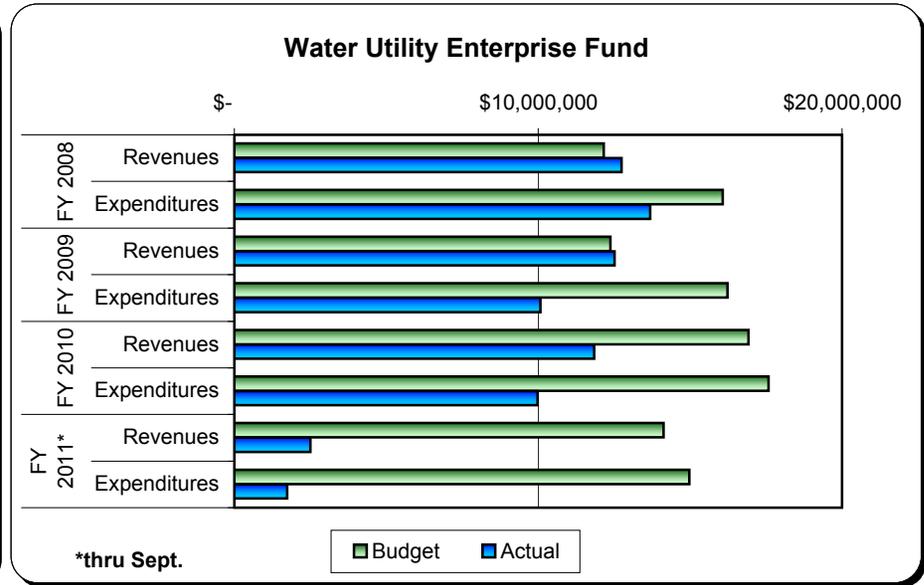
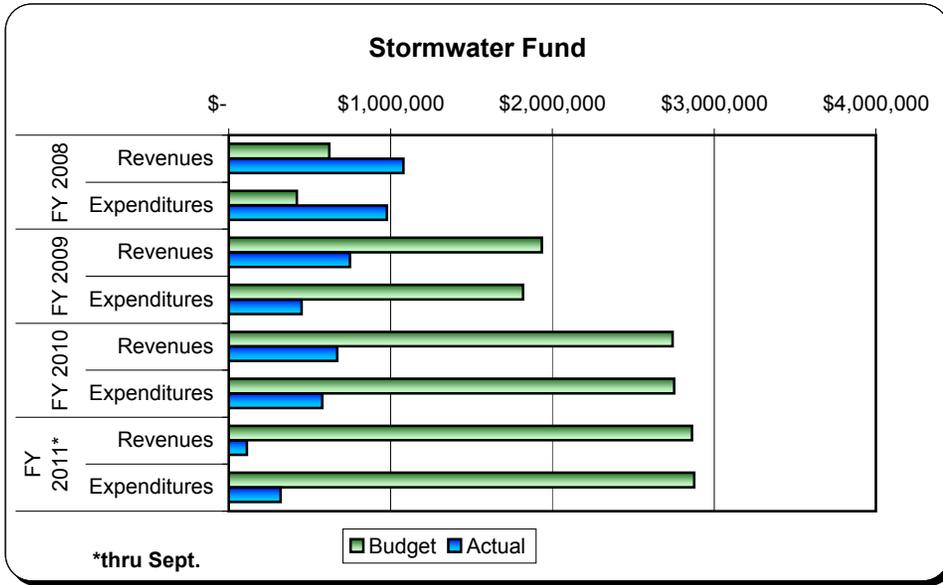


*thru Sept.

■ Budget ■ Actual



Town of Oro Valley Financial Dashboard September Actuals



TC Regular Session
Date: 11/17/2010
September 2010 Stats

Information

Subject

Police Department - September 2010 Statistics

Summary

Discussion

Fiscal Impact

Attachments

Link: [September 2010 Stats](#)

ORO VALLEY POLICE DEPARTMENT POLICE ACTIVITY SUMMARY

2010	TOTAL	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Total Calls	12929	1357	1343	1492	1345	1635	1371	1393	1527	1466			
Commercial Veh Enforcement	136	11	6	30	22	5	1	1	3	57			
Residential Burglaries****	44	3	8	2	7	2	4	4	6	8			
Non-Residential Burglaries****	15	3	1	3	2	2	3	0	1	0			
All Burglary Attempts****	7	1	0	0	0	2	1	0	0	3			
Thefts	483	32	45	42	62	69	38	61	70	64			
Vehicle Thefts****	21	3	2	1	2	4	0	4	4	1			
Recovered Stolen Vehicles****	5	1	1	0	0	1	0	1	1	0			
Attempted Vehicle Thefts****	5	1	0	1	0	2	0	1	0	0			
DUI	177	28	14	20	22	22	16	10	17	28			
Liquor Laws	35	4	4	1	8	7	1	2	5	3			
Drug Offenses	134	17	13	20	12	22	11	9	12	18			
Homicides	0	0	0	0	0	0	0	0	0	0			
Robbery	8	0	1	0	0	1	0	1	2	3			
Assault	94	12	7	8	11	13	5	10	16	12			
Total Arrests***	1532	174	193	164	179	217	144	118	175	168			
Assigned Cases	557	60	66	70	50	64	53	56	71	67			
Alarms (Residential)	674	56	68	69	61	69	104	100	81	66			
Alarms (Business)	394	28	44	49	50	46	41	55	43	38			
K9 Searches	214	26	10	33	18	18	24	30	20	35			
First Aid Calls	1769	177	184	207	208	212	197	190	209	185			
Accidents	365	48	41	41	42	43	38	23	39	50			
Citations (Traffic)**	4517	683	650	536	351	609	477	588	623	**			
Warnings	5018	723	612	531	426	491	492	614	590	539			
Repair Orders	1082	127	156	150	107	78	59	67	96	242			
Public Assists*	1717	175	201	264	228	196	95	141	250	167			
Reserve Man Hours	959	133.5	132.5	140	176.5	140	46	67	81.5	42			
Dark House Checks*	12750	846	462	641	1215	1729	1219	2219	2684	1735			
Drug Task Force Arrest	91	6	1	28	25	5	11	2	8	5			
CVAP Dark House Cks	8037	413	145	204	767	1354	767	1474	1925	988			
CVAP Public Assists	672	81	66	97	104	96	39	59	90	40			
CVAP Total Hours	12928.5	1435	1448.5	1417	1544	1468	1186	1497	1727.5	1205.5			

(Arrest stats updated for the year 07/19/10)

* Total Includes CVAP

** Traffic data delayed 30 days due to data entry backlog

*** As of 1/1/09 "Total Arrests" are compiled through the Spillman database and include all cite and release arrests along with all physical arrests.

Based on further investigation, actual classifications may change resulting in small variances of case counts.

****Burglary Attempts and Non-Residential Burglaries/Vehicle Theft Attempts and Stolen Vehicle Recoveries have been separated from total counts as of August, 2010

ORO VALLEY POLICE DEPARTMENT MONTHLY BREAKDOWN OF CITATIONS BY VIOLATION

Citations 2009	TOTAL	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
TOWN CODE	108	18	17	7	1	13	19	15	18				
TITLE 28 VIOLATIONS													
SIZE, WEIGHT, LOAD	2	0	1	1	0	0	0	0	0				
INSURANCE VIOLATION	1007	168	149	112	83	112	103	141	139				
REGISTRATION VIOLATION	513	116	72	51	33	66	55	57	63				
DRIVERS LICENSE VIOLATION	407	65	53	50	35	66	46	40	52				
DUI	151	28	15	20	23	22	16	10	17				
RECKLESS/AGGRESSIVE DRIVING	13	1	1	1	3	1	3	1	2				
SPEEDING	1287	151	163	130	98	123	177	210	235				
LANE VIOLATIONS	159	20	21	17	11	26	23	19	22				
RED LIGHT	86	10	19	10	5	13	11	7	11				
STOP SIGN	81	18	13	8	11	5	2	2	22				
FAILURE TO YIELD	81	12	18	8	9	12	7	7	8				
SEATBELT VIOLATION	277	26	44	53	2	77	19	42	14				
CHILD RESTRAINT	8	1	1	1	1	2	1	0	1				
EQUIPMENT VIOLATIONS	205	29	37	36	9	38	9	31	16				
PARKING	12	2	0	1	1	2	3	1	2				
LITTERING	14	1	0	2	2	4	2	3	0				
ALL OTHER CITATIONS	242	49	38	33	25	40	21	17	19				
Total Citations	4524	697	645	534	351	609	477	588	623				

Based on further investigation and updating of information, actual classifications may change resulting in small variances in counts.

	Jan-Sep 2008	Jan-Sep 2009	Jan-Sep 2010		September 2008	September 2009	September 2010
Total Calls	12510	12510	12929		1323	1297	1466
Commercial Veh Enforcement	##	##	136		##	##	57
Residential Burglaries	63	61	44		11	9	8
Non-Residential Burglaries****	24	11	15		4	2	0
All Burglary Attempts****	12	11	7		1	1	3
Thefts	436	390	483		55	36	64
Vehicle Thefts	30	16	21		3	2	1
Recovered Stolen Vehicles****	7	7	5		0	0	0
Attempted Vehicle Theft****	5	3	5		1	1	0
DUI	181	198	177		23	25	28
Liquor Laws	55	57	35		4	8	3
Drug Offenses	153	143	134		16	15	18
Homicides	1	0	0		0	0	0
Robbery	5	2	8		1	0	3
Assault	101	88	94		4	7	12
Total Arrests***	1370	1854	1532		167	178	168
Assigned Cases	858	576	557		78	59	67
Alarms (Residential)	647	724	674		72	70	66
Alarms (Business)	316	313	394		35	36	38
K9 Searches	134	209	214		6	25	35
First Aid Calls	1820	1809	1769		178	205	185
Accidents	458	403	365		43	38	50
Citations (Traffic)**	7366	6156	4517		799	510	**
Warnings	2444	5389	5018		234	587	539
Repair Orders	557	855	1082		47	135	242
Public Assists*	1706	1624	1717		122	212	167
Reserve Man Hours	281	1877	959		62	117.5	42
Dark House Checks*	7115	10515	12750		969	1753	1735
Drug Task Force Arrest	46	303	91		0	19	5
CVAP Dark House Cks	5759	5655	8037		850	1177	988
CVAP Public Assists	723	597	672		56	85	40
CVAP Total Hours	11535.5	10275.5	12928.5		1216	1088.5	1205.5

*Totals include CVAP ** Traffic data delayed 30 days due to data entry backlog

As of 1/1/09 "Total Arrests" are compiled through the Spillman database and include all cite and release arrests along with all physical arrests. The "Total Arrests" line has been updated through this Spillman database method for previous years for comparison. *Burglary Attempts and Non-Residential Burglaries/Vehicle Theft Attempts have and Stolen Vehicle Recoveries have been separated from total counts as of August, 2010
New Category as of 01/01/10

**ORO VALLEY POLICE DEPARTMENT
SEPTEMBER 2010**

Priority 1		
	# of calls	%
Dispatch Time < 1 minute	30	97%
> 1 minute	1	3%
Travel Time < 4 minutes	24	77%
> 4 minutes	7	23%
Total Response Time		
< 5 minutes	27	87%
> 5 minutes	4	13%
Total Calls	31	

Priority 2		
	# of calls	%
Dispatch Time < 2 minute	84	100%
> 2 minute	0	0%
Travel Time < 6 minutes	75	89%
> 6 minutes	9	11%
Total Response Time		
< 8 minutes	80	95%
> 8 minutes	4	5%
Total Calls	84	

Priority 3		
	# of calls	%
Dispatch Time < 5 minute	286	100%
> 5 minute	1	0%
Travel Time < 10 minutes	259	90%
> 10 minutes	28	10%
Total Response Time		
< 15 minutes	276	96%
> 15 minutes	11	4%
Total Calls	287	

Priority 4		
	# of calls	%
Dispatch Time < 10 minute	788	98%
> 10 minute	19	2%
Travel Time < 20 minutes	793	98%
> 20 minutes	14	2%
Total Response Time		
< 30 minutes	795	99%
> 30 minutes	12	1%
Total Calls	807	

TC Regular Session

Date: 11/17/2010

Quarterly Procurement Report

Information

Subject

Procurement Division Quarterly Report - July 1, 2010 - September 30, 2010

Summary

Discussion

Fiscal Impact

Attachments

Link: [Q3 2010 Report](#)

ORO VALLEY QUARTERLY PROCUREMENT REPORT - October 2010

Awarded Contracts

<i>Solicitation Number</i>	<i>Title</i>	<i>Department</i>	<i>Awarded Contractor</i>	<i>Award Date</i>	<i>Amount</i>	<i>Notes</i>
10 044	JOC FOR ELECTRICAL SERVICES	WATER	SUNWESTERN CONTRACTORS; SABINO ELECTRIC	9 /15/2010	\$0.00	NEGOTIATED REDUCTIONS IN RATES OF APPROX. 20% WITH SABINO SUNWESTERN RATES WITHIN COMPETITIVE RANGE
10 049	SOLAR PV INSTALLATION	PLANNING AND ZONING	APS ENERGY SERVICES, INC.	7 /9 /2010	\$2,369,288.00	
10 051	WELL E-1 B EQUIPPING AND SITE IMPROVEMENTS	WATER	CURRIER CONSTRUCTION INC.	8 /25/2010	\$445,431.00	OV 20-01-10 ENGINEER'S ESTIMATE - \$579,000

ORO VALLEY QUARTERLY PROCUREMENT REPORT - October 2010

Awarded Contracts

<i>Solicitation Number</i>	<i>Title</i>	<i>Department</i>	<i>Awarded Contractor</i>	<i>Award Date</i>	<i>Amount</i>	<i>Notes</i>
11 001	STEAM PUMP RANCH REHABILITATION AND REPAIRS	PUBLIC WORKS	CONCORD GENERAL CONTRACTING, INC	9 /3 /2010	\$370,400.00	APPROXIMATELY \$40K LESS THAN ORIGINAL BID
11 005	ASSISTANT TOWN MANAGER CANDIDATE ASSESSMENT	HUMAN RESOURCES	TAAEN & ASSOCIATES	9 /24/2010	\$3,600.00	\$3,350 PLUS MILEAGE

ORO VALLEY QUARTERLY PROCUREMENT REPORT October 2010

Current Solicitations / Agreements

<i>Solicitation Number</i>	<i>Title</i>	<i>Department</i>	<i>Opening Date</i>	<i>Notes</i>
11 002	EL CONQUISTADOR C-D BOOSTER STATION	WATER		OV20-02-10
11 004	POOL UPGRADE AND EXPANSION FEASIBILITY STUDY	PARKS AND RECREATION	10/19/2010	
11 006	SOLAR LIGHTING FOR BIG WASH RAMADA	PUBLIC WORKS		
11 007	PISTACHIO / POMEGRANATE DRAINAGE IMPROVEMENTS	PUBLIC WORKS		
11 008	WEB REPORTING PORTAL	IT		

TC Regular Session

Date: 11/17/2010

Requested by: Amanda Jacobs, Economic Development Manager

Submitted By: Amanda Jacobs, Town Manager's Office

Department: Town Manager's Office

Information

SUBJECT:

Metropolitan Tucson Convention and Visitors Bureau Quarterly Report: July 1, 2010 - September 30, 2010

SUMMARY:

The 2010/11 Financial Participation Agreement (FPA) between the Town of Oro Valley and the Metropolitan Tucson Convention and Visitors Bureau (MTCVB) stipulates that a quarterly report be compiled by MTCVB and submitted to the Economic Development Division and Mayor and Council. The enclosed report satisfies the FPA requirement for the first quarter of FY 10/11.

DISCUSSION:

N/A

FISCAL IMPACT:

The FY 10/11 FPA between the Town of Oro Valley and MTCVB is \$71,800.

CONCLUSION/RECOMMENDATION:

Information only.

SUGGESTED MOTION:

This report for information only.

Attachments

Link: [FY2010-11 MTCVB FPA](#)

Link: [MTCVB First Quarter Report](#)

JUN 9 2010 11:00 AM

Town of Oro Valley
FINANCIAL PARTICIPATION AGREEMENT
(Contract Number _____)

THIS AGREEMENT is made and entered into this 16th day of June, 2010, by and between the Town of Oro Valley, a municipal corporation, hereinafter called the "Town" and the **Metropolitan Tucson Convention and Visitors Bureau**, a non-profit corporation, hereinafter called the "Agency".

WITNESSETH

WHEREAS, it has been determined that the activities of Agency are in the public interest, and are such as to improve and promote the public welfare of the Town; and

WHEREAS, the Mayor and Council have determined that to financially participate in the promotion of the activities of Agency is a public purpose in that the activities confer direct benefit of a general character to a significant part of the public.

NOW THEREFORE, in consideration of the mutual covenants and conditions hereinafter set forth, the parties hereto do mutually agree as follows:

Section 1. Definitions

- A. Tour Operator – a person who arranges and/or organizes groups of people to travel together to a destination and who also organizes tour packages and advertises them for people to buy.
- B. Travel Agent Impressions – the number of travel agents who would likely read a tour brochure which a tour operator produced to promote tours that he or she organized.

Section 2. Statement of Purpose

Agency will initiate, implement and administer a comprehensive sales promotion and advertising program to attract an increasing number of convention delegates and vacationing tourists to the Town, thereby providing revenues to the community through transient rental and sales taxes, and contributing to the overall economic growth and continued viability of the tourism and hospitality industry.

Section 3. Services to be Performed by Agency

Agency performance measures for Fiscal Year 2010/11 are as follows:

Convention Sales

1. Generate 350 convention sales leads for Oro Valley properties.
2. Conduct 44 customer interaction/site inspections for Oro Valley properties.
3. Confirm 16 convention bookings for future dates.

Town of Oro Valley
FINANCIAL PARTICIPATION AGREEMENT
(Contract Number _____)

4. Confirm convention bookings for future dates resulting in 3,500 room nights.

Convention Services

1. Service a minimum of 18 Oro Valley meetings and conventions.

Travel Industry Sales

1. Generate 32 domestic and international tour program leads and services for Oro Valley properties/venues.
2. Promote Oro Valley as one of the world's top leisure destinations to 400 targeted tour operator clients.
3. Generate a minimum of 500,000 tour operators and travel agent impressions via destination product offering in domestic and international tour operator catalogues.

Communications

1. Generate 31 travel articles about Oro Valley.
2. Reach a minimum of 1.5 million readers/viewers through editorial placement.
3. Generate publicity with an equivalent advertising value of at least \$8,000.00.

Marketing

1. Generate no less than a total of 100,000 inquiries from high demographic customers in primary markets i.e. (Chicago, Los Angeles, New York) secondary markets (including Denver, San Diego, San Francisco) and Canada.
2. Generate a minimum of 2.5 million unique visitors to the MTCVB website (www.visitTucson.org).
3. Generate 6,000 unique visitors to the Town of Oro Valley's and Oro Valley properties website (www.orovalleyaz.gov) from the MTCVB website (www.visitTucson.org).

Section 4. Services to be Provided by the Town

All funding is subject to the Town's budget appropriations. For this Agreement, up to Seventy One Thousand Eight Hundred Dollars (\$71,800) shall be allocated to Agency, which equals ½ of 1% of Bed Tax.

Section 5. Responsibility for Open Records

Agency agrees to open to the public all records relating to any funds directly received from the Town that Agency distributes to any organization and/or individual.

Town of Oro Valley
FINANCIAL PARTICIPATION AGREEMENT
(Contract Number _____)

Section 9. Nondiscrimination

Agency, in its employment policies and practices, in its public accommodations and in its provision of services shall obey all relevant and applicable, federal, state, and local laws, regulations and standards relating to discriminations, biases, and/or limitations, including, but not limited to, Titles VI and VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act of 1990, the Arizona Civil Rights Act, the Arizonans with Disabilities Act, the Human Relations provisions of the Oro Valley Code, and the Mayor and Council policy adopted on September 25, 2000, prohibiting the direct or indirect grant of discretionary Town funds to organizations that have a policy of exclusionary discrimination on the basis of race, color, religion, ancestry, sex, age, disability, national origin, sexual orientation, gender identity, familial status or marital status. See Administrative Guidance Re: Non-Discrimination Policy for Programs Funded by the Town of Oro Valley, attached and incorporated herein by this reference.

Section 10. Sub-recipient Funding Agreements

Agency agrees to include in all of its sub-recipient funding agreements the nondiscrimination provisions contained in Section 8 herein.

Section 11. Term of Agreement

This Agreement shall be effective from July 1, 2010 through June 30, 2011. This Agreement may be extended at the sole option of the Town for additional fiscal year(s) only under the following conditions:

- A. The Mayor and Council of the Town determine the services of Agency are in the public interest and allocate funds therefore; and
- B. The parties mutually agree to a scope of services to be provided by Agency in any subsequent fiscal year.

Any extension of this Agreement shall be memorialized in writing and signed by the Parties.

Section 12. Payment Withholding, Reduction, or Termination

The Town may withhold whole or part of the scheduled payment, reduce, or terminate funding allocations to Agency if:

- A. Services are not rendered.
- B. Agency fails to supply information or reports as required.
- C. Agency is not in compliance with agreed upon disbursement documentation and/or other project performance.
- D. Agency fails to make required payments to subcontractors.

Town of Oro Valley
FINANCIAL PARTICIPATION AGREEMENT
(Contract Number _____)

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

TOWN OF ORO VALLEY, a municipal
corporation

Mayor
and not personally

ATTEST:

Kathryn E. Cuvelier, as Town Clerk
and not personally

Date: 6-17-10

APPROVED AS TO FORM:

Tobin Rosen, as Town Attorney
and not personally

Date: 6/17/10

METROPOLITAN TUCSON CONVENTION AND VISITORS BUREAU, a non-profit
Corporation

Jonathan Walker
Agency Representative
and not personally

Title President & CEO

State of Arizona)

) ss.

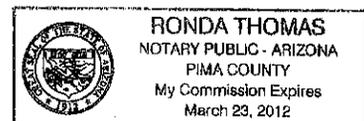
County of)

On this 8 day of July, 2010, Jonathan Walker known to me to be the person whose name is subscribed to the within instrument, personally appeared before me and acknowledged that he/she executed the same for the purposes contained.

Given under my hand and seal on July 8, 2010.

Notary

My Commission Expires: March 23, 2012





October 15, 2010

To: Jerene Watson
Town Manager

From: Jonathan Walker
President & CEO

Re: 1st Quarter Update

The first quarter of this fiscal year showed a glimmer of hope for the tourism industry. On a regional basis, hotel occupancy was up slightly and the signs are in place that indicate a slow but positive recovery. Uncertainty still exists with SB1070 still hanging over Arizona and if publicity flares up again on this subject, we could see another downturn. The economy continues to be sluggish and is affecting all areas of travel and tourism. In spite of these global challenges, we continue to promote and market Oro Valley and the region in an aggressive manner. Tourism is a regional issue where everyone benefits from aggressive marketing.

METROPOLITAN TUCSON CONVENTION AND VISITORS BUREAU
Oro Valley

QUARTERLY PERFORMANCE REPORT – First Quarter

July – September, 2010

KEY MEASURES OF PERFORMANCE	ADOPTED FY 2011	CURRENT Quarter	YEAR TO DATE	COMMENTS
Convention Sales				
Sales Leads	350	86	86	
Site Inspections	44	15	15	
Future Bookings	16	10	10	
Room Nights of future bookings	3,500	6,728	6,728	
Convention Services				
Meetings/Conventions serviced	18	5	5	
Travel Industry Sales				
Leads/Services	32	21	21	
Promote to targeted tour operator clients	400	487	487	
Impressions via tour operator catalogs	500,000	150,000	150,000	
Communications				
Travel Articles	31	7	7	
Marketing				
Generate Inquiries from primary markets	100,000	31,424	31,424	
Unique visitors to MTCVB website	2.5M	668,773	668,773	
Unique visitors to Oro Valley via MTCVB website	6,000	4,087	4,087	

Item #: 1. H.

TC Regular Session

Date: 11/17/2010

Submitted By: Arinda Asper, Town Manager's Office

Information

Subject

Public Safety Providers Quarterly Report to Council - July 1, 2010 - September 30, 2010

Attachments

Link: [Public Safety Providers Quarterly Report](#)

TOWN OF ORO VALLEY

Page 1 of 1

COUNCIL COMMUNICATION

MEETING DATE: November 17th, 2010

TO: HONORABLE MAYOR AND COUNCIL

FROM: JERENE WATSON, TOWN MANAGER

SUBJECT: PUBLIC SAFETY FIRE AND EMERGENCY MEDICAL SERVICE PROVIDERS QUARTERLY REPORT TO COUNCIL

SUMMARY:

Attached please find the Public Safety Fire and Emergency Medical Service Providers Quarterly Report covering July 1, 2010 through September 30, 2010. The report, prepared by the Golder Ranch Fire District, includes a summary of response criteria, call load, work activity, and public education with data from Golder Ranch Fire District, Rural/Metro Fire Department, and Southwest Ambulance.

ATTACHMENTS:

1. Public Safety Fire and Emergency Medical Service Providers Quarterly Report to Council by Golder Ranch Fire District (including Rural/Metro Fire Department and Southwest Ambulance).

Golder Ranch Fire District - Oro Valley Call Summary 1stQuarter FY 2010/11

Sun City Station 374	# of calls	%
Dispatch to At Scene <5:00 minutes -EMS	170	94%
Dispatch to At Scene <6:00 minutes -FIRE	1	100%
Average Dispatch to At Scene Time	3:43	

Woodburne Station 375	# of calls	%
Dispatch to At Scene <5:00 minutes -EMS	108	77%
Dispatch to At Scene <6:00 minutes -FIRE	0	
Average Dispatch to At Scene Time	4:21	

Lambert Station 376	# of calls	%
Dispatch to At Scene <5:00 minutes -EMS	113	81%
Dispatch to At Scene <6:00 minutes -FIRE	3	100%
Average Dispatch to At Scene Time	4:18	

Oracle Rd. Station 377	# of calls	%
Dispatch to At Scene <5:00 minutes -EMS	177	75%
Dispatch to At Scene <6:00 minutes -FIRE	3	66%
Average Dispatch to At Scene Time	4:06	

Average Total All Oro Valley Stations	# of calls	%
Dispatch to At Scene <5:00 minutes -EMS	568	82%
Dispatch to At Scene <6:00 minutes -FIRE	7	89%
Average Dispatch to At Scene Time	4:04	

Average Total All Oro Valley Stations -2nd Fire Unit	# of calls	%
2 nd Fire Unit Dispatch to At Scene <8:00 minutes -FIRE	4	50%
Average Dispatch to At Scene Time for 2nd Fire Unit	8:06	

Other Miscellaneous Fire Calls -All Oro Valley Stations	# of calls	%
Dispatch to At Scene <6:00 minutes -FIRE	24	67%
Average Dispatch to At Scene Time	5:18	

Golder Ranch - Oro Valley Call Load Breakdown

July - September 2010

CALL TYPE	Sun City	Woodburne	Lambert	Oracle	TOTAL
Aircraft					
Brush / Vegetation	1			1	2
Building				1	1
Electrical / Motor	1		1		2
Fires - All Other		1	4		5
Gas Leak		1		3	4
Hazmat	1	1		2	4
Trash / Rubish				1	1
Unauthorized Burning			1		1
Vehicle	1	1			2
Total Fire Calls	4	4	6	8	22
Animal Problem	5	1			6
Animal Rescue	2	2	1		5
Assist -Other	2		1	1	4
Battery Change	26	14	21	10	71
Bee Swarm			3		3
Defective Appliance	2	4			6
Invalid Assist	38	7	16	3	64
Snake	84	144	125	64	417
Lockout		5	2	2	9
Fire Now Out		1			1
Total Service Calls	159	178	169	80	586
Alarms (Fire, Smoke, CO)	4	16	15	10	45
Cancelled / Negative Incident	8	8	3	7	26
Smoke / Odor Investagation	4	2		1	7
Total Good Intent Calls	16	26	18	18	78
Motor Vehicle Accident	1	5	6	4	16
Rescue (high, trench, water)					
All Other EMS Incidents	169	103	107	173	552
Total EMS Type Calls	170	108	113	177	568
TOTAL ALL CALLS	349	316	306	283	1254

Golder Ranch Fire District – Oro Valley Detailed Fire Response Report 1st Quarter FY 2010/11

Date	Call #	Type	Disp. time	Unit	Respond	On-scene	Total Resp. Time
8-15-10	15033	HOUSE	19:00:47	EN377	19:01:33	*19:07:14	*6:27
St.377				EN376	19:02:06	*19:09:26	*8:39
<p>Calling party in the area thinks she sees smoke coming from a nearby house possibly on Buckridge Dr. –unknown exact location. Further investigation found to be a misting system. NEGATIVE INCIDENT *In the reported area searching.</p>							

Date	Call#	Type	Disp. Time	Unit	Respond	On-scene	Total Resp. Time
8-16-10	15064	HOUSE	08:28:53	EN376	08:30:14	08:33:40	4:47
St.376							
<p>Calling party is the resident and reports flames coming from his dryer. EN376 on scene reports fire now out, EN376 can handle. Other units may cancel. NEGATIVE INCIDENT.</p>							

Date	Call #	Type	Disp. time	Unit	Respond	On-scene	Total Resp. Time
8-20-10	15391	HOUSE	17:08:20	EN376	17:09:08	17:12:22	4:02
St.376				EN377	17:09:37	17:18:28	10:08
<p>Calling party reports strong electrical odor in house. EN376 finds nothing upon arrival. Further investigation shows a faulty electrical junction box outside. TEP notified. NEGATIVE INCIDENT.</p>							

Date	Call #	Type	Disp. time	Unit	Respond	On-scene	Total Resp. Time
8-24-10		HOUSE	17:23:03	EN375	17:24:03	17:28:57	5:54
St.377				EN376	17:23:32	17:30:12	7:09
<p>Reported as lighting striking a roof at a residence in La Reserve. EN375 on scene reporting smoke showing from roof–WORKING FIRE. *EN377 was on a medical call when this incident was dispatched.</p>							

Date	Call #	Type	Disp. time	Unit	Respond	On-scene	Total Resp. Time
9-14-10	17072	HOUSE	19:43:12	EN376	19:43:50	19:45:17	2:05
St.376							
<p>Reported as smoke in laundry room. EN376 on scene with nothing showing. Cancel all other responding units, EN376 can handle. Electrical problem. NEGATIVE INCIDENT</p>							

Date	Call #	Type	Disp. time	Unit	Respond	On-scene	Total Resp. Time
9-29-10	18256	HOUSE	19:15:54	EN374	19:17:19	19:19:00	3:06
St.374							
<p>Calling party reports an interior wall was hot to the touch. EN374 on scene and can handle. NEGATIVE INCIDENT.</p>							

Date	Call #	Type	Disp. time	Unit	Respond	On-scene	Total Resp. Time
9-30-10	18280	BUILD	10:00:48	EN377	10:01:25	10:06:35	5:47
St.377				EN376	10:01:43	10:06:58	6:10
<p>Reported by an Oro Valley police officer as some type of fire on a commercial building. Upon investigation it was determined to be smoke from a manufacturing process. NEGATIVE INCIDENT.</p>							

SWA - Oro Valley Transport Units		Time	#of Calls	Adopted %	Actual %	Description of Variance
Dispatch to At Scene - ALS Transport Unit		< 8:00	415	90%	93%	Calls are in compliance
Time to achieve Adopted Standard of 90%		Achieved				
Average Dispatch to At Scene Time		3:51				

TC Regular Session

Date: 11/17/2010

Requested by: Daniel G. Sharp, Police Chief **Submitted By:** Colleen Muhr, Police Department

Department: Police Department

Information

SUBJECT:

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

SUMMARY:

On May 5, 2010, the Town Council adopted Resolution No. (R) 10-24, approving an Intergovernmental Master Agreement between Pima County and the Town of Oro Valley for joint use of facility space (Exhibit "A"). This agreement was reached to facilitate the construction of the Pima County Wireless Integrated Network (PCWIN) for county wide public safety communication including the Oro Valley Police Department. Included in the Master Agreement was a Site-Specific Supplemental Agreement (SSA) which we are requesting be amended to reflect agreements reached as a result of the continued planning and evaluation of the county wide system.

DISCUSSION:

Since the original agreement was adopted, Pima County has become aware of a potential need to increase the structural capability of the monopole antenna tower to support antenna arrays for multiple cellular providers. The original design of the tower would support the Pima County Wireless Integrated Network (PCWIN) antenna load and the needs of the Town of Oro Valley with an additional growth factor of approximately twenty-five percent. Pima County estimates the original design would have supported a single cellular antenna array.

The amended SSA will allow the monopole tower to be engineered to support a second cellular antenna array at an additional cost of approximately \$30,000. To support three or more cellular arrays, a three or four legged self-supporting tower would be required. Given the specific limitations of the site, and inconsistencies between a new three or four legged tower design and our public messaging, Pima County and the Town of Oro Valley, through the amended SSA, agree to a monopole tower engineered to support two cellular arrays and the future antenna loads for the PCWIN project. The monopole tower will be provided by the PCWIN project. If the amended SSA is approved, the monopole erected will be no higher than initially presented and will be consistent in appearance with the conceptual design presented to the public. The base of the Monopole will be 38" in diameter. The top diameter will be 12.56"

The County and Town previously discussed the possibility that new PCWIN microwave links might also provide additional service and cost saving opportunities for the Town. Upon further discussion, the County agrees to provide the Police Department, through the amended SSA the following:

- (1) data connectivity to support a video conferencing link between the Oro Valley Town Hall complex and the Pima County Adult Detention center for the purpose of establishing services to support video court arraignments;
- (2) to provide connectivity between the Police Department and the Pima County Sheriff's Department's Spillman Records Management System. This will permit the Town to discontinue commercial telecommunication services supporting the Spillman Link.

The amended SSA creates additional benefits to the Town such as:

- (1) allow enhanced communication with police department substations by providing more direct

connections and high band width data communication, such as streaming video, off site servers for backup, and the potential for town wide wireless connectivity;

(2) allow for the eventual provision of remote data warehousing by utilizing the high speed band width to move data quickly and creating redundancy at off site locations.

(3) enhanced communication for other town departments to utilize the current 450 MHz Legacy system, enabling Public Works, Water, IT, Parks and other departments to have direct radio contact with the police department, as well as each other, beneficial particularly in any emergency situation that is managed by town emergency operations team.

In consideration of the County's capital improvement investment, and the ongoing provision of these telecommunication services, the Town of Oro Valley and Pima County agree to share any future revenue realized from additional co-location of equipment on the tower, an added benefit that is expected to be more profitable and was not in the original agreement with the Town.

The provision for sharing revenue at 50% was included in the amendment in order to facilitate coordination and consistency by all PCWIN partners.

The following changes have been made to the master agreement:

Section III Alterations – References to the -48VDC charger/regulator/distribution system are deleted. This equipment is defined in Section IV Equipment, and will be retained by the County as personal property.

Section IV Equipment – A summary description of County's equipment has been inserted.

Section V Space – This section is amended to clearly state that the space to be licensed to the County is an approximately 12 foot x 16 foot motorcycle garage that will be converted into an equipment room. The description is also expanded to include a description of the space required for the dispatch console equipment.

Section VI Other Services – This section is updated to reflect that the Town will provide generator backup power and to define the minimum generator runtime on County equipment electrical load.

Original IGA Section IX - Amended Site Specific Section VIII - Special Terms and Conditions – This section is updated to delete references to the County retaining all improvements as personal property. The language is further modified to specify a revenue sharing arrangement in consideration of the County's capital improvement costs and the commitments above.

FISCAL IMPACT:

Potential positive fiscal impacts are expected to result from a variety of items, some of which will include eliminating a T-1 line at a savings of approximately \$300 per month, video conferencing for court appearances replacing prisoner transports and related costs while enhancing officer safety. The new agreement will increase opportunity for higher revenue sharing from the lease of cellular service antenna space. Future impacts will include elimination of future T-1 needs as well as replacing current point to point phone circuits with wireless technology.

CONCLUSION/RECOMMENDATION:

Acceptance is recommended.

SUGGESTED MOTION:

I move to adopt 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.

Link: [Resolution 10-79](#)

Link: [Exhibit 'A'](#)

Link: [Exhibit 'B'](#)

Link: [Statement and Scope of Work](#)

RESOLUTION NO. (R) 10-79

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE
TOWN OF ORO VALLEY, ARIZONA, 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**

WHEREAS, the Town of Oro Valley is a political subdivision of the State of Arizona vested with all associated rights, privileges and benefits and is entitled to the immunities and exemptions granted municipalities and political subdivisions under the Constitution and laws of the State of Arizona and the United States; and

WHEREAS, pursuant to A.R.S. § 11-952, the Town is authorized to enter into or renew agreements for joint and cooperative action with other public agencies; and

WHEREAS, the Town is authorized to establish and maintain the Oro Valley Police Department, pursuant to A.R.S. § 9-240 (B)(12); and

WHEREAS, on May 5, 2010, Mayor and Council approved Resolution No. (R) 10-24, the Intergovernmental Master Agreement (IGA) with Pima County to design, procure, deploy and operate a countywide public safety voice communications network; and

WHEREAS, a Site Specific Supplemental Agreement, attached as Exhibit “A” and an element of the IGA, was executed by the Town and Pima County to construct a monopole communications tower; and

WHEREAS, Pima County proposes an amendment to the IGA, replacing Exhibit “A”, the original Site Specific Supplemental Agreement in the IGA with an Amended and Restated Site Specific Supplemental Agreement, in order to increase the structural capability of the monopole antenna tower to support antenna arrays for multiple cellular providers.

WHEREAS, it is in the best interest of the Town to enter into the amendment to the IGA, attached hereto as Exhibit “B” and incorporated herein by this reference, to provide for the health, safety and welfare of the residents in the Town of Oro Valley.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Oro Valley, Arizona, that:

1. The Amended and Restated Site Specific Supplement Agreement to the Intergovernmental Master Agreement between Pima County and the Town of Oro Valley, attached hereto as Exhibit “B” and incorporated herein by this reference, to increase the structural capability of the monopole antenna tower to support antenna arrays for multiple cellular providers is hereby authorized and approved.

2. The Mayor and any other administrative officials are hereby authorized to take such steps as necessary to execute the Amendment.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona, this 17th day of November, 2010.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

APPROVED AS TO FORM:

Kathryn E. Cuvelier, Town Clerk

Tobin Rosen, Town Attorney

Date: _____

Date: _____

EXHIBIT A

**TO MASTER AGREEMENT FOR JOINT USE OF FACILITY SPACE BETWEEN
PIMA COUNTY AND TOWN OF ORO VALLEY**

**SITE-SPECIFIC SUPPLEMENTAL AGREEMENT
Town of Oro Valley Police Department**

This Site-Specific Supplemental Agreement is made as of _____ (the "Effective Date") and incorporates all definitions, terms and conditions of that certain MASTER AGREEMENT FOR JOINT USE OF FACILITY SPACE, dated _____ (the "Master Agreement") by and between Pima County ("County" or "Requestor"), and Town of Oro Valley ("Town" or "Space Provider").

I. Premises

This Site-Specific Supplemental Agreement applies exclusively and specifically to the following Premises: Town of Oro Valley Police Department
Address of Space Provider Premises: 11000 La Canada Dr., Oro Valley, AZ 85737
Pima County Assessor Parcel # 224-26-5700
Coordinates (NAD83): 32.40791, -110.99518
Elevation (GL) (meters): _____
Overall Tower Height with appurtenances (AGL) (meters): 125' Monopole

II. Emergency Contact Information (24-hour contact information)

<u>Space Provider</u>	<u>Requestor</u>
Oro Valley Police Department (520) 229-4935	Pima County IT Department (520) 400-7115

III. Alterations Requested

Provide a description of any requested Alterations that are necessary for the installation, maintenance, and operation of Requestor's Equipment, or the operation or maintenance of the Space or Premises in connection with the Equipment. Include any rearrangement, modification, improvement, addition, or other Alteration or construction changes to the interior or exterior portions of the Space or the Premises, or any part thereof, including improvements to the power systems and air conditioning systems (i.e. HVAC).

The requestors alterations will require the construction of a complete, new telecommunications physical facility located on the grounds of the Oro Valley Police Department in Oro Valley, AZ. The project will require the conversion of an existing garage into an equipment room, the construction of a 125ft monopole communication

tower, the design, procurement and installation of a -48VDC charger/regulator/distribution system and the installation of a 4-inch conduit between the converted garage and the main electronic equipment room.

IV. Request for Equipment Installation

Provide a summary description of the Equipment to be installed by the Requestor. (Attach a complete equipment list)

Summary description of the Equipment to be installed by the Requestor is attached as Exhibit (SOW)

V. Delineation of Space

Attach a floor plan and all applicable Requestor specifications or drawings in connection with this Site-Specific Supplemental Agreement.

Space requirements:

Rack/Cabinet space requirement:

Quantity of Racks: _____

Rack Size: _____

Power requirement (Volts/Amp Draw) (Duty Cycle):

See attached Statement of Work 2.17 – Oro Valley Police Department

VI. Tower Space Requirement

See listing of NEW antennas in attached Statement of Work 2.17 – Oro Valley Police Department, table 2-17-6

Copy of FCC License attached? Yes No

VII. Other Services or Resources to be Provided by Space Provider

(Describe all other services to be provided by the Space Provider. The description should include services such as microwave or optic fiber network connectivity circuits to support Requestor's Equipment, engineering services, rigger services to install or maintain antennas, or any other services or resources relating to the Space or any Alteration to which the Space Provider has consented)

A. UPS Backup Power Required. Yes No

Expected Minimum Runtime: _____ (hrs)

B. Generator Backup Power Required. Yes No

Expected Minimum Runtime: _____ (hrs)

C. DC Battery Power Required. Yes No

Expected Minimum Runtime: _____ (hrs)

D. Commercial Electric Service Yes No

Number and size of circuits: Space Provider to provide 208/120 VAC, 3 Phase, 4 wire, 300 amp electric service to Requestors equipment.

E. Alarm Monitoring Services Required. Yes No

Specify Services: _____

F. All Other Services

VIII. Costs

A. Antenna and Rack Space:

Total Monthly Rental \$0

B. Utilities:

Total Monthly Service Cost \$0 All utilities will be provided at space provider's expense

C. Connectivity Network Services:

Total Monthly Service Cost \$0

D. Direct cost for other services or resources requested from Space Provider:

None

E. Payment Terms (as applicable)

IX. Special Terms and Conditions

The attached Exhibit (SOW) will serve as the description and location of the Space requested by the Requestor. Also Exhibit (SOW) will act as the list of personal property the Requestor's improvements will remain the personal property of the Requestor and all improvements will be maintained by the Requestor and removed from the Space Provider's property as described in the Master Agreement.

Any studies required for the construction of the site will be the responsibility of the Requestor.

X. Construction Period

Estimated construction start date: tbd

Estimated construction completion date: tbd

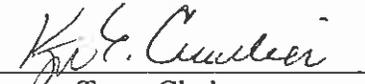
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Space Provider's Approval and Acceptance:

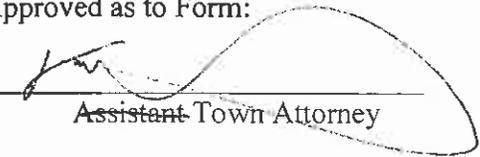
Town of Oro Valley, a municipal corporation:

By: 

Attest:


Town Clerk

Approved as to Form:

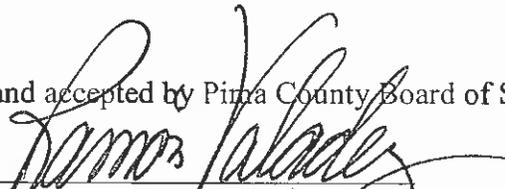

Assistant Town Attorney

Requestor's Approval:

Approved as to Content:

By 
Information Technology Department

Approved and accepted by Pima County Board of Supervisors:


Chairman JUL 06 2010

Attest: 
Clerk Board of Supervisors
Date: JUL 06 2010

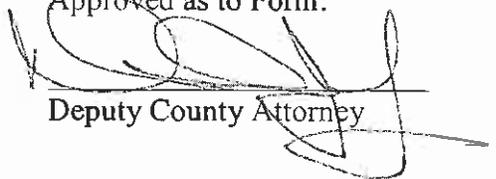
Approved as to Form:

Deputy County Attorney

EXHIBIT SOW

AECOM

Physical Facilities IFB
Revision 3

PCWIN (Pima County Wireless Integrated
Network)
February 11, 2010

1

2.17 Oro Valley Police Department – Statement of Work

2.17.1 Project Location

Oro Valley Police Department - Site Code "OVPD"
11000 La Canada Dr.
Oro Valley, AZ 85737
(32.40791, -110.99518)

The following figures are referenced in this section:
FIGURES 2-17-1 and 2-17-2 show aerial views of the site location
FIGURE 2-17-3 shows the proposed equipment room and lower location
FIGURE 2-17-4 shows the proposed equipment room location

The following drawings are referenced in this section:

The proposed site layout is shown in drawing 17-OVPD-EP-S "Existing/Proposed Site Plan Layout"
The proposed equipment Room layout is shown in drawing 17-OVPD-P-R "Proposed Equipment Room Layout"
The proposed antenna loading on the tower is shown in drawing 17-OVPD-P-T "Proposed Tower Plan"

2.17.2 Scope of Work

The General Contractor shall coordinate all project activities at this site with the PCWIN Project Manager.

The objective of this project is the construction of a complete, new telecommunications physical facility located on the grounds of the Oro Valley Police Department in Oro Valley, AZ. The project will require the conversion of an existing garage into an equipment room, the construction of a 125ft monopole communication tower, the design, procurement and installation of a -48VDC charger/regulator/distribution system and the installation of a 4-Inch conduit between the converted garage and the main electronic equipment room.

The General Contractor shall not be responsible for installing the antennas, coax/waveguide or required mounting appurtenances on the tower. The actual installation of antennas and coax/waveguide and required mounting appurtenances is the responsibility of the radio and microwave vendors.

The General Contractor shall be responsible for the implementation of the following tasks:

TABLE 2-17-1 Oro Valley Police Department Overall Task List

#	Oro Valley Police Department - Overall Task List
1	The General Contractor shall be responsible for the conversion of the existing garage into an equipment room, as defined in Section 2.17.4, Sections 1 and 3 of this document, and the Oro Valley Police Department site specific specifications located within this section.
2	The General Contractor shall design, procure, and construct a 125ft monopole communication tower with concrete foundation and connecting ice bridge, as per the following section 2.17.6 "Communication Tower Design".
3	The General Contractor shall specify, procure, and install any necessary concrete foundations.
4	The General Contractor shall install a grounding system as per Motorola R56 Standards as detailed in Section 3 of this document.
5	The General Contractor shall be responsible for all required construction drawings, permits and as-built drawings in accordance with the general specifications contained within Sections 1 and 3 of this document.
6	The General Contractor shall design, procure, and install a -48VDC battery plant complete with charger regulator system in accordance Section 2.17.4.

#	Oro Valley Police Department - Overall Task List (Continued)
7	The General Contractor shall install a 208/120 VAC, three phase, 4 wire, 42 pole, 225 amp surface mount main panel.
8	The General Contractor shall specify, procure, and install the coax/waveguide window containing nine 4-inch ports.
9	The General Contractor shall specify, procure, and install a HVAC system with Master Controller.
10	The General Contractor shall install a 4-inch communication conduit between the existing equipment room located in the main building and the newly converted equipment room

2.17.3 Site Compound Design and Drawings

The Oro Valley Police Department has provided a garage for conversion into an equipment room and a location to build a communication tower as shown in Figures 2-17-3 and 2-17-4 and drawing 17-OVPD-EP-S "Existing/Proposed Site Plan Layout"

2.17.4 Garage Conversion & Electric Power

The Oro Valley Police Department has a garage that will be converted into the PCWIN equipment room as shown in Figure 2-17-3 and 2-17-4 and detailed in Table 2-17-2.

The General Contractor shall be responsible for the conversions of the garage into a weather tight equipment room with an ice bridge connecting the equipment room to the monopole. The garage conversion design and selection shall be based upon the specifications in Sections 1 and 3 of this document. There is also a requirement for a 4-inch conduit to be installed between the converted garage and the main electronic equipment room.

The following specifications are modeled on; Absolyte GP Series batteries. The Absolyte documentation referenced is Absolyte GP Section 26.1 2008-08, "Constant Current Specifications, 104AH to 4800AH, 1 Minute to 24 Hours" and Absolyte GP Section 92.61 2008-09 "Installation and Operating Instructions for Absolyte GP Batteries"; Eltek Valere "V-Series Power Family" Integrated DC Power System, Specifications and Installation Manual. These are used for reference only and are not to be construed as a recommendation of a specific manufacturers make or model. Any manufactures equivalent units may be used.

TABLE 2-17-2 Oro Valley Police Department Garage Conversion & Electric Power

#	Oro Valley PD - Garage Conversion & Electric Power	
1	The General Contractor shall convert the existing garage into a weathertight equipment room in accordance with the general specifications contained within Sections 1 and 3 of this document and drawing 17-OVPD-P-R "Proposed Equipment Room Lay-Out". The following specifications apply.	
2	Electrical System Design	Per General Spec in Section 3 and the following specifications. The service entrance shall be on the same wall as the waveguide window.
3	The General Contractor shall design, procure, and install a -48VDC battery plant complete with charger regulator system in accordance with the general specifications contained within Sections 1 and 3 of this document and the following specifications. The battery plant and charger regulators will be two identical but separate systems, A & B. The charger/regulators shall be modern Integrated DC Power Systems and both the A & B charger regulator and distribution will fit in one equipment rack. Power Supply A and Power Supply B must utilize a common distribution buss system. The A & B rectifiers must be capable of load sharing. The following specifications apply: The electrical equipment load requirements are listed in Table 2-17-3	
4	Power Supply A current consumption (includes 25% future growth)	140 Amps @ 48VDC nominal
5	Power Supply A - Run Time Capability	2 hrs
6	Power Supply A - Minimum Voltage	43.4VDC
7	Power Supply A - Recharge Current	40Amps
8	Power Supply A - Recharge Time	Fully recharged within 24 hours (as per Motorola R56)
9	Battery Module A location	As per Drawing 17-OVPD-P-R "Proposed Equipment Room Layout"

Oro Valley PD - Garage Conversion & Electric Power (Continued)		
10	Power Supply A charger/regulator	N+1 Rectifier design (Eltek Valere V-Series Power Family or equivalent). In the event of a major power failure, the charger/regulator must be capable of supplying full station load plus battery re-charge current to the A side load
11	Power Supply A distribution panel	The distribution panel shall have a minimum of 24 fully protected load positions
12	Power Supply B current consumption (includes 25% future growth)	140 Amps @ 48VDC nominal
13	Power Supply B - Run Time Capability	2 hrs
14	Power Supply B - Minimum Voltage	43.4VDC
15	Power Supply B - Recharge Current	40Amps
16	Power Supply A - Recharge Time	Fully recharged within 24 hours (as per Motorola R56)
17	Battery Module B location	As per Drawing 17-OVPD-P-R "Proposed Equipment Room Lay-Out"
18	Power Supply B charger/regulator	N+1 Rectifier design (Eltek Valere V-Series Power Family or equivalent). In the event of a major power failure, the charger/regulator must be capable of supplying full station load plus battery re-charge current to the A side load
19	Power Supply A & B common distribution panel	Power Supply A and Power Supply B must utilize a common distribution buss system. The A & B rectifiers must be capable of load sharing. The failure of either power supply A or power supply B should not affect the voltage to the -48VDC buss nor current limit the -48VDC buss below the minimum level required to maintain full simulcast system operation. The distribution system should have a minimum of 24 fully protected circuits
20		The General Contractor shall install a 208/120 VAC, three phase, 4 wire, 42 pole, 225 amp surface mount main panel with the Amps Interrupting Current (AIC) determined by the General Contractor. The General Contractor will procure, and install the electrical service panel in accordance with the general specifications contained within Sections 1 and 3 of this document. The electrical equipment load requirements are listed in Table 2-17-3. The panel location is shown in drawing 17-OVPD-P-R "Proposed Equipment Room Layout"
21		The General Contractor shall specify, procure, and install the coax/waveguide window containing nine 4-inch ports, in accordance with the general specifications contained within Sections 1 and 3 of this document. The RF Cable Entry Window will be located on wall in close proximity to the waveguide bridge and communication tower as shown in drawing 17-OVPD-P-R "Proposed Equipment Room Layout".
22		The General Contractor shall specify, procure, and install interior lighting and emergency lighting in accordance with the general specifications contained within Sections 1 and 3 of this document.
23		The General Contractor shall specify, procure, and install the HVAC, with Master Controller, system in accordance with the general specifications contained within Sections 1 and 3 of this document. There shall be redundant 4-ton units each solely capable of cooling the Room under full electronic equipment load and located as shown in drawing 17-OVPD-P-R "Proposed Equipment Room Layout". The electrical equipment heat load requirements are listed in Table 2-
24		The General Contractor shall install a 4-inch communication conduit between the existing equipment room located in the main building and the newly converted equipment room

TABLE 2-17-3 Oro Valley Police Department Electrical Equipment Load

Oro Valley Police Department - Electrical Equipment Load						Customer Supplied				
#	Equipment	TOTAL -48VDC Amp	TOTAL -48VDC watts	Total AC amps (208V-3Ø)	Total AC amps (120V)	TOTAL AC watts	Power Wire Gauge (AWG)	Max Distance from Batteries (ft)	Number Of Breakers/ Rack	Size Of Breakers (Amps)
1	GTR 8000 ESS 1 - Rack 1	74.2	3561.6	0.0	0.0	0.0	2	80	2	40
3	Network Equipment - Rack 2	15.0	720.0	0.0	0.0	0.0	2	80	2	50
4	Control Station - Rack 1	0.0	0.0	0.0	14.7	1764.0			3	15
5	Control Station - Rack 2	0.0	0.0	0.0	4.1	492.0			1	15
6	Microwave Equipment	8.7	466.6	0.0	0.0	0.0				
7	Charger/Regulator (battery recharge load)	0.0	0.0	18.5	0.0	3839.7				
8	Charger/Regulator 208V load @ 90% efficiency	0.0	0.0	25.4	0.0	5275.7				
9	Equipment Sub Total	98.9	4748.2	43.8	18.8	11371.4				
10	25% growth factor	24.7	1187.0	11.0	4.7	2842.9				
11	Total Equipment	123.7	5935.2	54.8	23.5	14214.3				
12	Proposed HVAC Load	N/A	N/A	42.0	0.0	8736.0				
13	Total 208/120VAC	N/A	N/A	96.8	23.5	22950.3				
Diesel Powered Generator Altitude Deration & Sizing										
14	The Oro Valley PD PCWIN equipment will be provided emergency power by the buildings emergency generator system. PCWIN generator is required.									No
Diesel Tank Sizing										
15	The Oro Valley PD PCWIN equipment will be provided emergency power by the buildings emergency generator system. PCWIN fuel tank is required.									No

2.17.5 HVAC System

The conversion of the garage into a PCWIN electronic equipment room will require the addition of a redundant HVAC cooling system.

The following HVAC related specifications are modeled on Bard Wall Mount series of HVAC units and MC3000 Master Controller. These are used for reference only and are not to be construed as a recommendation of a specific manufacturers make or model. Any manufactures equivalent units may be used.

TABLE 2-17-4 Oro Valley Police Department BTU Heat Load

Oro Valley Police Department - BTU Heat Load		
#	Equipment	Total HVAC Load (BTU/hr)
1	GTR 8000 ESS 1 - Cabinet 1	12155.7
3	Network Equipment - Rack 2	2457.4
4	Control Station - Rack 1	6020.5
5	Control Station - Rack 2	1679.2
6	Microwave Equipment	1592.4
7	Charger/Regulator 208V load @ 90% efficiency	2000.7
8	Equipment Sub Total	25905.9
9	25% growth factor	6476.5
10	Total Heat Load	32382.3
11	Total Heat Load in TONS	2.7

2.17.6 Communication Tower Design

A 125ft monopole with concrete foundation shall be constructed in accordance with the general specifications contained within Sections 1 and 3 of this document, drawings 17- OVPD -EP-S "Existing/Proposed Site Plan Layout", 17-OVPD-P-T "Proposed Tower Plan Layout" and Figures 2-17-2 and 2-17-3.

The monopole placement shall obtain as much camouflaging as possible by placing the monopole in the shadow of the of the buildings turret, as shown in Figures 2-17-2 and 2-17-3.

The antennas to be mounted on the tower are shown in Table 2-17-6.

The mechanical characteristics for the proposed antennas are shown in Table 2-17-7.

The General Contractor shall be responsible for the Communication Tower design based upon the following Table 2-17-5.

TABLE 2-17-5 Oro Valley Police Department Tower Design Specifications

#	Oro Valley PD - Communication Tower Design Specifications
1	The General Contractor shall design, procure, and install a monopole communication tower in accordance with the general specifications contained within Sections 1 and 3 of this document and drawings 17- OVPD -EP-S "Existing/Proposed Site Plan Layout", 17-OVPD-P-T "Proposed Tower Plan Layout" and FIGURES 2-17-2 and 2-17-3.
2	The General Contractor shall provide construction drawings and as-built drawings.
3	The Tower Structure Height will be 125ft AGL.
4	The structure type shall be a monopole.
5	The General Contractor shall place the monopole on the center-line of the "clubhouse" and the center-line of the equipment room, as shown in Figures 2-17-2 and 2-17-3.
6	The microwave dish "Twist & Sway" limits will be specified by the microwave vendor.
7	The General Contractor shall procure and install a 2ft wide ice bridge between the tower and the equipment room.

TABLE 2-17-6 Oro Valley Police Department Tower Data

Oro Valley PD Tower Data		
Ant #	Item	Detail
	Tower Structure Height	125ft
	Tower Structure Type	monopole
	Existing Antenna Loading	None - new tower to be built
1	New Antennas	120ft - LMR Rx
2		120ft - LMR Rx
3		120ft - Tower Top Amplifier
4		110ft - 2.6ft Dish
5		85ft - 4ft Dish
6		80ft - LMR Tx
7		40ft - Console Dispatch Antenna (Migrated)
8		30ft - Console Dispatch Antenna (Migrated)
9		30ft - GPS Antenna
10		30ft - GPS Antenna
11		20ft - 4ft Dish
	Coax & Waveguide Loading	See TABLE 2-17-7
	Tower Structural Analysis Required	None - new tower to be built
	Microwave Dish "Twist & Sway" limits	As specified by microwave vendor

TABLE 2-17-7 Oro Valley Police Department Tower Loading

Ant #	Comment	Mounting Height (ft)	Antenna Type	Antenna Make & Model	Mount Description	LWR Antenna Length (in)	Weight lbs (equipment)	Wind Area (sq ft)	Wave Dish Diameter (Standard Dish w Standard Reflector)	Tower Leg of Face	Tower Arm (ft)	Transmission Line Waveguide	Transmission Line Waveguide run length (est)	Transmission Line Waveguide weight (lbs/ft)
1	New	120	LMR-Rx	Anitel BCD-8007	clamp	85.9	20	1.8	N/A	TBD	Omni	7/8	145	0.29
2	New	120	LMR-Rx	Anitel BCD-8007	clamp	85.9	20	1.6	N/A	TBD	Omni	7/8	145	0.29
3	New	120	Tower Top Amplifier	Bird 428-83H-01	clamp	N/A	20	TBD	N/A	N/A	N/A	N/A	N/A	N/A
4	New	110	uWave	VHLP900-11-6WH	Brackets to 4in pipe	N/A	40	See Data Sheet	2.5	N/A	43.51	EWP80	135	0.32
5	New	85	uWave	VHLPX4-11-6WH	Brackets to 4in pipe	N/A	101	See Data Sheet	4	N/A	261.73	EWP80	110	0.32
6	New	80	LMR-Tx	Anitel BCD-8007	clamp	85.9	20	1.6	N/A	TBD	Omni	7/8	105	0.29
7	Migrated	40	Console Dispatch	Celwave 10022	clamp	1.7	1.6	0.14	N/A	TBD	Omni	1/2	85	0.14
8	Migrated	30	Console Dispatch	Celwave 10022	clamp	1.7	1.6	0.14	N/A	TBD	Omni	1/2	55	0.14
9	New	30	GPS	TBD	Clamp	TBD	TBD	TBD	N/A	TBD	N/A	TBD	55	TBD
10	New	30	GPS	TBD	Clamp	TBD	TBD	TBD	N/A	TBD	N/A	TBD	55	TBD
11	New	20	uWave	VHLPX4-11-6WH	Brackets to 4in pipe	N/A	101	See Data Sheet	4	N/A	79.38	EWP90	45	0.32

FIGURE 2-17-1 Oro Valley Police Department Site Location

Oro Valley PD – Site Location
32.407907-110.995178

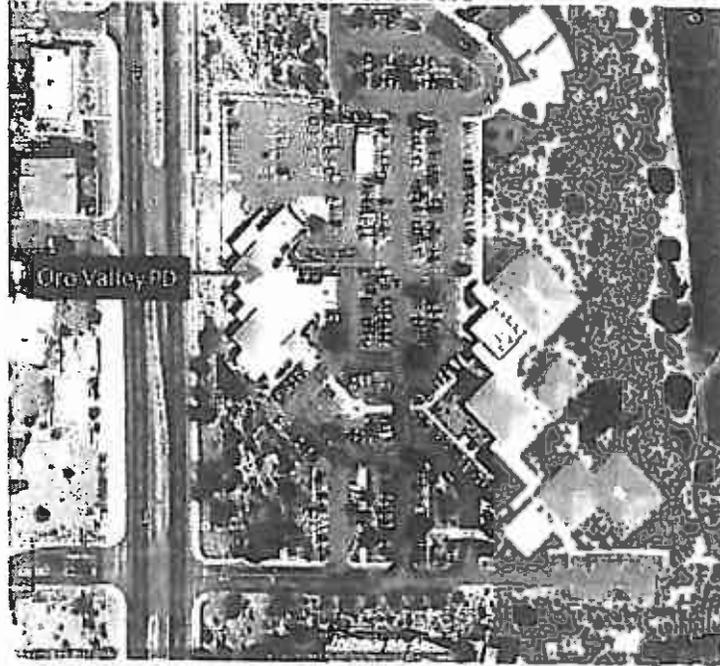


FIGURE 2-17-2 Oro Valley Police Department Site Location with Proposed Equipment –
Aerial View

Oro Valley PD – Proposed Equipment Room
and Tower Location



FIGURE 2-17-3 Oro Valley Police Department Proposed Equipment Room & Tower Location

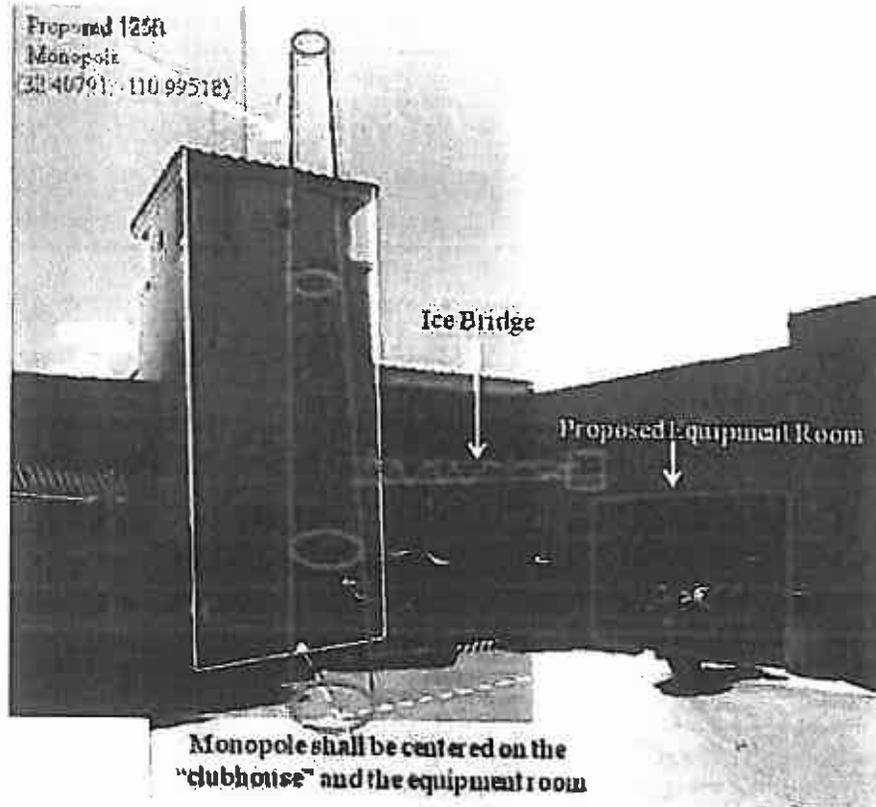


FIGURE 2-17-4 Oro Valley Police Department Proposed Equipment Room Location

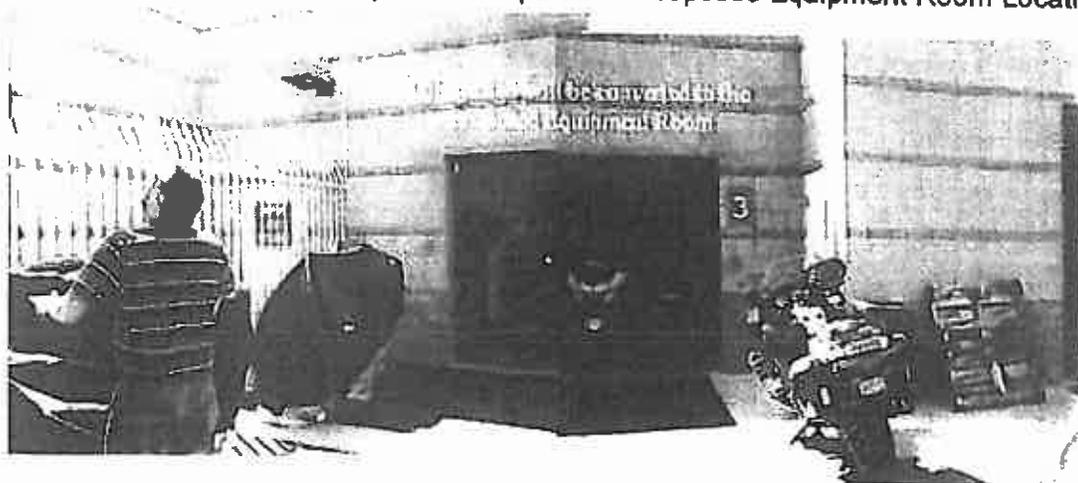


EXHIBIT “B”

AMENDED AND RESTATED

**SITE-SPECIFIC SUPPLEMENTAL AGREEMENT
Oro Valley Police Department**

RECITALS

- A. Pima County, a political subdivision of the State of Arizona (“**County**”) and the Town of Oro Valley, a municipal corporation (“**Town**”) entered into a Master Agreement for Joint Use of Facility Space (the “**Master Agreement**”) recorded on August 20, 2010 at Docket 13877 page 450 sequence 20101610165 of the records of the Pima County Recorder.
- B. Pursuant to the terms of the Master Agreement, a Site-Specific Supplemental Agreement was entered into on July 6, 2010 between County and Town for the Premises located at 11000 La Canada Drive, Oro Valley, Arizona at which the Town of Oro Valley Police Department is located (the “**Site-Specific Supplemental Agreement**”).
- C. County and Town desire to amend and restate the Site-Specific Supplemental Agreement in its entirety as set forth below.

I. **Premises**

“**Premises**” means buildings or communication towers that are owned, controlled, or leased by a Site Provider to which the Requestor has requested access.

This Site-Specific Supplemental Agreement applies exclusively and specifically to the following Premises:

Town of Oro Valley Police Department

Address of Space Provider Premises:

**11000 La Canada Dr., Oro Valley, AZ 85737
Pima County Assessor Parcel # 224-26-5700**

Coordinates (NAD83): **32.40791, -110.99518**

Elevation (GL) (feet): **2,999 AMSL**

Overall Tower Height with appurtenances (AGL): **New 125ft Monopole tower will be constructed**

List Space Provider landlord and lease information here, if applicable:

II. **Emergency Contact Information** (24-hour contact information)

Space Provider:

Oro Valley Police Department
(520) 229-4935

Requestor:

Pima County IT Department
(520)740-8471

III. **Alterations**

“Alteration” means rearrangement, modification, improvement, or other alteration or construction changes to the interior or exterior portions of the Space or the Premises, or any part thereof, including improvements to the power systems, air conditioning systems (i.e. HVAC), or other items related to the Space or Premises.

Unless otherwise provided by this applicable Site-Specific Supplemental Agreement, any Alteration shall become the property of Space Provider and remain on the Premises at the expiration or earlier termination of this Site-Specific Supplemental Agreement or the Master Agreement, and the title to such Alteration shall immediately vest in the Space Provider.

Provide a description of any requested Alterations that are necessary for the installation, maintenance, and operation of Requestor’s Equipment, or the operation or maintenance of the Space or Premises in connection with the Equipment. If applicable, specify any Alterations that will not become the property of the Space Provider.

The Requestor’s alterations, as described in the attached Exhibit – Oro Valley Police Department - Statement of Work, will require the construction of a complete, new telecommunications physical facility located on the grounds of the Oro Valley Police Department. The project will require the conversion of an existing garage into an equipment room, the construction of a 125ft monopole

communication tower with concrete foundations, installation of an HVAC system with master controller, and installation of a 4-inch conduit between the converted garage and the main electronic equipment room.

IV. Equipment

“Equipment” means Requestor’s communications equipment, other associated support equipment and personal property, as further described here.

Provide a summary description of the Equipment to be installed by the Requestor. (Attach a complete equipment list)

Requestor’s equipment will include Motorola 800 MHz repeaters, Ceragon microwave radios, -48VDC power plant, Motorola MCC7500 Radio Dispatch Consoles, Motorola Conventional Site Controllers, Motorola APX Consolettes with digital desk sets, Motorola Simulcast Prime Site Controllers, antennas, and associated equipment.

Exhibit – Oro Valley Police Department - Statement of Work further describes Requestor’s Equipment.

V. Space

“Space” means each individual allowable space (area) located in the Premises for the placement of the Equipment. Space shall include tower space for antennas and coaxial cable entry ports.

Delineation of Space

Attach a floor plan and all applicable Requestor specifications or drawings in connection with this Site-Specific Supplemental Agreement.

Space requirements:

An existing motorcycle garage, approximately 12ft x 16ft, will be converted into an equipment room and licensed to Requestor for its equipment. Space will also include tower space on a new 125 foot monopole tower to attach Requestor’s antennas as itemized in Exhibit – Oro Valley Police Department - Statement of Work Tables 2-17-6, and 2-17-7.

Dispatch consoles will be installed on existing furnishings provided by Space Provider. Exhibit B: Motorola Dispatch Console Position (attached), illustrates the type and size of dispatch console and

accessory equipment that will need to be accommodated by the Space Provider's furnishings. Requestor's equipment will be positioned at four (4) dispatch positions.

Rack/Cabinet Space requirement:

Quantity of Racks: **N/A**

Power requirement (Volts/Amp Draw) (Duty Cycle):

See Exhibit – Oro Valley Police Department - Statement of Work Table 2-17-3

Tower Space Requirement

Antenna type (s): _____ AGL: _____

Coax type, number of runs: _____

Proposed location on tower (supply photos if available): _____

Copy of FCC License attached? Yes No

See listing of NEW antennas in Exhibit – Oro Valley Police Department - Statement of Work Tables 2-17-6, and 2-17-7.

VI. Other Services or Resources to be Provided by Space Provider

Describe all other services to be provided by the Space Provider. The description should include services such as microwave or optic fiber network connectivity circuits to support Requestor's Equipment, engineering services, rigger services to install or maintain antennas, or any other services or resources relating to the Space or any Alteration which the Space Provider has agreed to provide.

a. UPS Backup Power? Yes No
Expected Minimum Runtime: _____(hrs)

b. Generator Backup Power? Yes No
Expected Minimum Runtime: **72 (hrs)**

Requestor's Equipment electrical equipment load is described in Exhibit – Oro Valley Police Department - Statement of Work, Table 2-17-3. Requestor's Equipment generator load contribution is estimated at 30.3KW.

c. DC Battery Power Yes No
Expected Minimum Runtime: _____(hrs)

d. Commercial Electric Service Yes No
Number and size of circuits: **Space Provider to provide 208/120 VAC, 3 Phase, 4 wire, 300 amp electric service to Requestor's equipment.**

e. Alarm Monitoring Services Yes No
Specify
Services: _____

f. All Other Services

VII. Costs

A. Antenna and Rack
Space:
Total Monthly Rental \$0

B. Utilities:
Total Monthly Service Cost \$0
All utilities will be provided at Space Provider's expense

C. Connectivity Network
Services:
Total Monthly Service Cost \$0

D. Direct cost for other
services or resources requested from Space Provider:
None

E. Payment Terms (as
applicable)
N/A

VIII. Special Terms and Conditions

As applicable, describe any other special terms and conditions, such as

electrical, HVAC, or power studies, cultural or environmental assessments, geotechnical evaluations, structural analysis, or other engineering studies required.

The attached Exhibit SOW will serve as the description and location of the Space requested by the Requestor.

Requestor shall provide to Space Provider the results of an R-56 Grounding Audit conducted by Motorola. The Parties will mutually agree on any grounding upgrades that are to be provided by the Requestor.

Any studies required for the construction of the site will be the responsibility of the Requestor.

Requestor will provide “as-built” documentation to the Space Provider, including copies of all FCC licenses applicable to the operation of the Equipment.

Both Parties agree that pursuant to the Master Site Agreement, Section 7.3.2, the new 125ft monopole tower, and other alterations described herein, will become the property of the Space Provider. In consideration of the Requestor’s capital investment, the Space Provider agrees that it will collect fees for any future third party use of the new tower, and that any resulting revenue will be divided 50% to the Requestor, and 50% to the Space Provider in perpetuity, payable monthly.

IX. Construction Period

Estimated construction start date: **TBD**

Estimated construction completion date: **TBD**

PIMA COUNTY, a political subdivision of the State of Arizona (REQUESTOR):

Chairman, Board of Supervisors

Dated _____

ATTEST:

Lori Godoshian, Clerk of the Board

APPROVED AS TO CONTENT:

Dr. John Moffatt
Pima County Office of Strategic Technology Planning

Town of Oro Valley, a municipal corporation (Space Provider):

Satish I. Hiremath, Mayor

Dated _____

ATTEST:

Kathryn E. Cuvelier, Town Clerk

INTERGOVERNMENTAL AGREEMENT DETERMINATION

The foregoing Site Specific Agreement between Pima County and the Town of Oro Valley has been reviewed pursuant to [A.R.S. § 11-952 et seq.](#) by the undersigned, who have determined that it is in proper form and is within the powers and authority granted under the laws of the State of Arizona to those Parties to the Master Agreement represented by the undersigned.

PIMA COUNTY:

Neil J. Konigsberg, Deputy County Attorney, Civil Division

TOWN OF ORO VALLEY:

Tobin Rosen, Town Attorney

Exhibit

Oro Valley Police Department Statement of Work

[References to “Sections 1 and 3 of this document” in Exhibit - Oro Valley Police Department Statement of Work, refer to Pima County Solicitation for Qualifications No. 1001837 for Site Development Services for the PCWIN Land Mobile Radio System, Attachment ‘A-1’ to Appendix ‘A’: Site Development Statement of Work (Section 1), and Attachment ‘A-2’ to Appendix ‘A’: Site Development Specifications (Section 3) which is available through the PCWIN Support Office at (520) 243-7200.]

2.17 Oro Valley Police Department – Statement of Work

2.17.1 Project Location

Oro Valley Police Department - Site Code "OVPD"
11000 La Canada Dr.
Oro Valley, AZ 85737
(32 24 28.5 N, 110 59 42.6 W)

The following tables are referenced in this section:

Table 2-17-1 Oro Valley Police Department Overall Task List
Table 2-17-2 Oro Valley Police Department Garage Conversion & Electric Power
Table 2-17-3 Oro Valley Police Department Electrical Equipment Load
Table 2-17-4 Oro Valley Police Department BTU Heat Load
Table 2-17-5 Oro Valley Police Department Tower Design Specifications
Table 2-17-6 Oro Valley Police Department Tower Data
Table 2-17-7 Oro Valley Police Department Tower Loading

The following figures are referenced in this section:

Figure 2-17-1 Oro Valley Police Department Site Location
Figure 2-17-2 Oro Valley Police Department Site Location with Proposed Equipment Aerial View
Figure 2-17-3 Oro Valley Police Department Proposed Equipment Room & Tower Location
Figure 2-17-4 Oro Valley Police Department Proposed Equipment Room Location

The following drawings are referenced in this section:

Drawing 17-OVDP –EP-S Oro Valley PD Existing/Proposed Site Plan Layout
Drawing 17-OVDP –P-R Oro Valley PD Proposed Equipment Room Layout
Drawing 17-OVDP –P-T Oro Valley PD Proposed Tower Plan Layout

2.17.2 Scope of Work

The General Contractor shall coordinate all project activities at this site with the PCWIN Project Manager.

The Pima County Solicitation for Qualifications No. 1001837 for Site Development Services for the PCWIN Land Mobile Radio System, Attachment 'A-1' to Appendix 'A': Site Development Statement of Work (Section 1) and Attachment 'A-2' to Appendix 'A': Site Development Specifications (Section 3) shall be the governing document.

The objective of this project is the construction of a complete, new telecommunications physical facility located on the grounds of the Oro Valley Police Department in Oro Valley, AZ. The project will require the conversion of an existing garage into an equipment room, the construction of a 125ft monopole communication tower, the design, procurement and installation of a -48VDC charger/regulator/distribution system and the installation of a 4-inch conduit between the converted garage and the main electronic equipment room.

The General Contractor shall not be responsible for installing the antennas, coax/waveguide or required mounting appurtenances on the tower. The actual installation of antennas and coax/waveguide and required mounting appurtenances is the responsibility of the radio and microwave vendors.

The General Contractor shall be responsible for the implementation of the following tasks:

Table 2-17-1 Oro Valley Police Department Overall Task List

#	Oro Valley Police Department - Overall Task List
1	The General Contractor shall be responsible for the conversion of the existing garage into an equipment room, as defined in Section 2.17.4, and the Oro Valley Police Department site specific specifications located within this section.
2	The General Contractor shall design, procure, and construct a 125ft monopole communication tower with concrete foundation and connecting ice bridge, as per the following section 2.17.6.
3	The General Contractor shall specify, procure, and install any necessary concrete foundations.
4	The General Contractor shall install a grounding system as per Motorola R56 Standards.
5	The General Contractor shall be responsible for all required construction drawings, permits and as-built drawings.
6	The General Contractor shall design, procure, and install a -48VDC battery plant complete with charger regulator system in accordance Section 2.17.4.
7	The General Contractor shall install a 208/120 VAC, three phase, 4 wire, 42 pole, 225 amp surface mount main panel.
8	The General Contractor shall specify, procure, and install the coax/waveguide window containing nine 4-inch ports.
9	The General Contractor shall specify, procure, and install a HVAC system with Master Controller.
10	The General Contractor shall install a 4-inch communication conduit between the existing equipment room located in the main building and the newly converted equipment room.

2.17.3 Site Compound Design and Drawings

The Oro Valley Police Department has provided a garage for conversion into an equipment room and a location to build a communication tower as shown in Figures 2-17-3 and 2-17-4 and Drawing 17-OVPD-EP-S.

2.17.4 Garage Conversion & Electric Power

The Oro Valley Police Department has a garage that will be converted into the PCWIN equipment room as shown in Figure 2-17-3 and 2-17-4 and detailed in Table 2-17-2.

The General Contractor shall be responsible for the conversions of the garage into a weather tight equipment room with an ice bridge connecting the equipment room to the monopole. There is also a requirement for a 4-inch conduit to be installed between the converted garage and the main electronic equipment room.

The following specifications are modeled on; Absolyte GP Series batteries. The Absolyte documentation referenced is Absolyte GP Section 26.1 2008-08, "Constant Current Specifications, 104AH to 4800AH, 1 Minute to 24 Hours" and Absolyte GP Section 92.61 2008-09 "Installation and Operating Instructions for Absolyte GP Batteries"; Eltek Valere "V-Series Power Family" Integrated DC Power System, Specifications and Installation Manual. These are used for reference only and are not to be construed as a recommendation of a specific manufacturers make or model. Any manufactures equivalent units may be used.

Table 2-17-2 Oro Valley Police Department Garage Conversion & Electric Power

# Oro Valley PD - Garage Conversion & Electric Power	
1	The General Contractor shall convert the existing garage into a weathertight equipment room in accordance with drawing 17-OVPD-P-R. The following specifications apply.
2	Electrical System Design The service entrance shall be on the same wall as the waveguide window.
3	The General Contractor shall design, procure, and install a -48VDC battery plant complete with charger regulator system in accordance with the following specifications. The battery plant and charger regulators will be two identical but separate systems, A & B. The charger/regulators shall be modern Integrated DC Power Systems and both the A & B charger regulator and distribution will fit in one equipment rack. Power Supply A and Power Supply B must utilize a common distribution buss system. The A & B rectifiers must be capable of load sharing. The following specifications apply: The electrical equipment load requirements are listed in Table 2-17-3
4	Power Supply A current consumption (includes 25% future growth) 350 Amps @ 48VDC nominal
5	Power Supply A - Run Time Capability 2 hrs
6	Power Supply A - Minimum Voltage 43.4VDC
7	Power Supply A – Recharge Current 40Amps
8	Power Supply A – Recharge Time Fully recharged within 24 hours (as per Motorola R56)
9	Battery Module A location As per Drawing 17-OVPD-P-R
10	Power Supply A charger/regulator N+1 Rectifier design (Eltek Valere V-Series Power Family or equivalent). In the event of a major power failure, the charger/regulator must be capable of supplying full station load plus battery re-charge current to the A side load
11	Power Supply A distribution panel The distribution panel shall have a minimum of 24 fully protected load positions
12	Power Supply B current consumption (includes 25% future growth) 350 Amps @ 48VDC nominal
13	Power Supply B - Run Time Capability 2 hrs
14	Power Supply B - Minimum Voltage 43.4VDC
15	Power Supply B – Recharge Current 40Amps
16	Power Supply A – Recharge Time Fully recharged within 24 hours (as per Motorola R56)
17	Battery Module B location As per Drawing 17-OVPD-P-R
18	Power Supply B charger/regulator N+1 Rectifier design (Eltek Valere V-Series Power Family or equivalent). In the event of a major power failure, the charger/regulator must be capable of supplying full station load plus battery re-charge current to the A side load
19	Power Supply A & B common distribution panel Power Supply A and Power Supply B must utilize a common distribution buss system. The A & B rectifiers must be capable of load sharing. The failure of either power supply A or power supply B should not affect the voltage to the -48VDC buss nor current limit the -48VDC buss below the minimum level required to maintain full simulcast system operation. The distribution system should have a minimum of 24 fully protected circuits
20	The General Contractor shall install a 208/120 VAC, three phase, 4 wire, 42 pole, 225 amp surface mount main panel with the Amps Interrupting Current (AIC) determined by the General Contractor. The General Contractor shall procure, and install the electrical service panel. The electrical equipment load requirements are listed in Table 2-17-3. The panel location is shown in Drawing 17-OVPD-P-R.
21	The General Contractor shall specify, procure, and install the coax/waveguide window containing nine 4-inch ports. The RF Cable Entry Window will be located on wall in close proximity to the waveguide bridge and communication tower as shown in drawing 17-OVPD-P-R.
22	The General Contractor shall specify, procure, and install interior lighting and emergency lighting.
23	The General Contractor shall specify, procure, and install the HVAC, with Master Controller, system. There shall be redundant 4-ton units each solely capable of cooling the Room under full electronic equipment load and located as shown in drawing 17-OVPD-P-R. The electrical equipment heat load requirements are listed in Table 2-17-4 BTU Heat Load.
24	The General Contractor shall install a 4-inch communication conduit between the existing equipment room located in the main building and the newly converted equipment room .

Table 2-17-3 Oro Valley Police Department Electrical Equipment Load

Oro Valley Police Department - Electrical Equipment Load							Customer Supplied			
#	Equipment	TOTAL -48VDC Amp	TOTAL -48VDC watts	Total AC amps (208V-3Ø)	Total AC amps (120V)	TOTAL AC watts	Power Wire Gauge (AWG)	Max Distance from Batteries (ft)	Number Of Breakers/ Rack	Size Of Breakers (Amps)
1	Simulcast Controller	36.4	1747.2	0.0	0.0	0.0	2	80	2	40
2	Comparators	82.3	3950.4	0.0	0.0	0.0	2	80	2	70
3	GTR 8000 ESS 1	62.1	2980.8	0.0	0.0	0.0	2	80	2	50
4	Network Equipment	23.5	1128.0	0.0	0.0	0.0	2	80	2	35
5	Control Station	0.0	0.0	0.0	10.6	1272.0				
6	Control Station	0.0	0.0	0.0	4.1	492.0				
7	Microwave Equipment	13.7	655.6	0.0	0.0	0.0				
8	Charger/Regulator (battery recharge load)	0.0	0.0	18.5	0.0	3839.7				
9	Charger/Regulator 208V load @ 90% efficiency	0.0	0.0	55.9	0.0	11624.4				
10	Equipment Sub Total	218.0	10462.0	74.3	14.7	17228.1				
11	25% growth factor	54.5	2615.5	18.6	3.7	4307.0				
12	Total Equipment	272.4	13077.5	92.9	18.4	21535.1				
13	Proposed HVAC Load	N/A	N/A	42.0	0.0	8736.0				
14	Total 208/120VAC	N/A	N/A	134.9	18.4	30271.1				
Diesel Powered Generator Altitude Deration & Sizing										
15	The Oro Valley PD PCWIN equipment will be provided emergency power by the buildings emergency generator system. No PCWIN generator is required.									
Diesel Tank Sizing										
16	The Oro Valley PD PCWIN equipment will be provided emergency power by the buildings emergency generator system. No PCWIN fuel tank is required.									

2.17.5 HVAC System

The conversion of the garage into a PCWIN electronic equipment room will require the addition of a redundant HVAC cooling system.

The following HVAC related specifications are modeled on Bard Wall Mount series of HVAC units and MC3000 Master Controller. These are used for reference only and are not to be construed as a recommendation of a specific manufacturers make or model. Any manufactures equivalent units may be used.

Table 2-17-4 Oro Valley Police Department BTU Heat Load

Oro Valley Police Department - BTU Heat Load		
#	Equipment	Total HVAC Load (BTU/hr)
1	Simulcast Controller	5963
2	Comparators	13482
3	GTR 8000 ESS 1	10173
4	Network Equipment	3850
5	Control Station	4341
6	Control Station	1679
7	Microwave Equipment	2237
8	Charger/Regulator 208V load @ 90% efficiency	4408
9	Equipment Sub Total	46134
10	25% growth factor	11534
11	Total Heat Load	57668
12	Total Heat Load in TONS	4.8

2.17.6 Communication Tower Design

A 125ft monopole with concrete foundation shall be constructed as shown in Drawings 17-OVPD-EP-S, 17-OVPD-P-T, and Figures 2-17-2 and 2-17-3.

The monopole placement shall obtain as much camouflaging as possible by placing the monopole in the shadow of the of the buildings turret, as shown in Figures 2-17-2 and 2-17-3.

The antennas to be mounted on the tower are shown in Table 2-17-6.

The mechanical characteristics for the proposed antennas are shown in Table 2-17-7.

The General Contractor shall be responsible for the Communication Tower design based upon the following Table 2-17-5.

Table 2-17-5 Oro Valley Police Department Tower Design Specifications

#	Oro Valley PD - Communication Tower Design Specifications
1	The General Contractor shall design, procure, and install a monopole communication tower in accordance with the drawings 17- OVPD -EP-S, 17-OVPD-P-T and FIGURES 2-17-2 and 2-17-3. The new tower will be designed in accordance with TIA-222-G "Structural Standard for Antennas Supporting Structures and Antennas" and with a "Future Capacity Overbuild" as specified in Section 3.7 of the specification.
2	The General Contractor shall provide construction drawings and as-built drawings.
3	The Tower Structure Height will be 125ft AGL.
4	The structure type shall be a monopole.
5	The General Contractor shall place the monopole on the center-line of the "clubhouse" and the center-line of the equipment room, as shown in Figures 2-17-2 and 2-17-3.
6	The microwave dish "Twist & Sway" limits will be specified by the microwave vendor.
7	The General Contractor shall procure and install a 2ft wide ice bridge between the tower and the equipment room.

Table 2-17-6 Oro Valley Police Department Tower Data

Oro Valley PD Tower Data		
Ant #	Item	Detail
	Tower Structure Height	125ft
	Tower Structure Type	monopole
	Existing Antenna Loading	None - new tower to be built
1	New/Future Antennas	120ft - LMR Rx
2		120ft - LMR Rx
3		120ft - Tower Top Amplifier
4		110ft - 2.6ft Dish
5		95ft - Cell Array
6		95ft - Tower Top Amplifier
7		85ft - 4ft Dish
8		80ft - LMR Tx
9		70ft - Cell Array
10		70ft - Tower Top Amplifier
11		60ft - Flat Panel Array
12		60ft - Flat Panel Array
13		60ft - Flat Panel Array
14		60ft - Flat Panel Array
15		60ft - Flat Panel Array
16		60ft - Flat Panel Array
17		55ft - 4ft Dish
18		40ft - Console Dispatch Antenna (Migrated)
19		30ft - Console Dispatch Antenna (Migrated)
20		30ft - GPS Antenna
21		30ft - GPS Antenna
22		20ft - 4ft Dish
	Coax & Waveguide Loading	See TABLE 2-17-7
	Tower Structural Analysis Required	None - new tower to be built
	Microwave Dish "Twist & Sway" limits	As specified by microwave vendor

Table 2-17-7 Oro Valley Police Department Tower Loading

Oro Valley = 125ft monopole														
Ant #	Comments	Mounting Height (ft)	Antenna Type	Antenna Make & Model	Mount Description	LMR Antenna Length (in)	Weight (lbs) (exc mount & ice)	Wind Area (sq-ft)	uWave Dish Diameter (Standard Dish w Standard Radome)	Tower Leg or Face	Azimuth (°)	Transmission Line/Waveguide	Transmission Line/Waveguide run-length (est, length+25ft)	Transmission Line/Waveguide weight (lbs/ft)
1	New	120	LMR-Rx	Antel BCD-8007	clamp	85.9	20	1.6	N/A	TBD	Omni	7/8	145	0.29
2	New	120	LMR-Rx	Antel BCD-8007	clamp	85.9	20	1.6	N/A	TBD	Omni	7/8	145	0.29
3	New	120	Tower Top Amplifier	Bird 428-83H-01	clamp	N/A	20	TBD	N/A	N/A	N/A	N/A	N/A	N/A
4	New	110	uWave	VHLP800-11-6WH	Brackets to 4in pipe	N/A	48	See Data Sheet	2.6	N/A	43.51	EWP90	135	0.32
5	AT&T Wireless	95	Cellular Array	Powerwave RA11.7721.00 (12 - 120° Panels)	Sector Frames	62	16.4	TBD	N/A	A-B-C	0°/120°/240°	7/8	88	0.29
6	AT&T Wireless	95	TTA	Powerwave LPG18601 (12 - TTAs)	Sector Frames	N/A	9.9	TBD	N/A	A-B-C	N/A	N/A	N/A	N/A
7	New	85	uWave	VHLPX4-11-6WH	Brackets to 4in pipe	N/A	101	See Data Sheet	4	N/A	261.73	EWP90	110	0.32
8	New	80	LMR-Tx	Antel BCD-8007	clamp	85.9	20	1.6	N/A	TBD	Omni	7/8	105	0.29
9	AT&T Wireless	70	Cellular Array	Powerwave RA11.7721.00 (12 - 120° Panels)	Sector Frames	62	16.4	TBD	N/A	A-B-C	0°/120°/240°	7/8	88	0.29
10	AT&T Wireless	70	TTA	Powerwave LPG18601 (12 - TTAs)	Sector Frames	N/A	9.9	TBD	N/A	A-B-C	N/A	N/A	N/A	N/A
11	Future	60	Flat Panel	Terabeam A5.3FP23-M	clamp	15.3	9.7	1.5	N/A	TBD	TBD	TBD	85	TBD
12	Future	60	Flat Panel	Terabeam A5.3FP23-M	clamp	15.3	9.7	1.5	N/A	TBD	TBD	TBD	85	TBD
13	Future	60	Flat Panel	Terabeam A5.3FP23-M	clamp	15.3	9.7	1.5	N/A	TBD	TBD	TBD	85	TBD
14	Future	60	Flat Panel	Terabeam A5.3FP23-M	clamp	15.3	9.7	1.5	N/A	TBD	TBD	TBD	85	TBD
15	Future	60	Flat Panel	Terabeam A5.3FP23-M	clamp	15.3	9.7	1.5	N/A	TBD	TBD	TBD	85	TBD
16	Future	60	Flat Panel	Terabeam A5.3FP23-M	clamp	15.3	9.7	1.5	N/A	TBD	TBD	TBD	85	TBD
17	Future	55	uWave	VHLPX4-11-6WH	Brackets to 4in pipe	N/A	101	See Data Sheet	4	N/A	TBD	EWP90	80	0.32
18	Migrated	40	Console Dispatch	Celwave 10022	clamp	1.7	1.6	0.14	N/A	TBD	Omni	1/2	65	0.14
19	Migrated	30	Console Dispatch	Celwave 10022	clamp	1.7	1.6	0.14	N/A	TBD	Omni	1/2	55	0.14
20	New	30	GPS	TBD	Clamp	TBD	TBD	TBD	N/A	TBD	N/A	TBD	55	TBD
21	New	30	GPS	TBD	Clamp	TBD	TBD	TBD	N/A	TBD	N/A	TBD	55	TBD
22	New	20	uWave	VHLPX4-11-6WH	Brackets to 4in pipe	N/A	101	See Data Sheet	4	N/A	79.38	EWP90	45	0.32

Note: LMR Rx antennas (1 & 2) require a 10ft horizontal spacing with the Rx antennas mounted at the same height and face of the tower, as per Motorola "PCWIN Voice Radio Description" V2.1, Page 31
Note: All Whip antenna mounting heights will be at the base of the antenna. For all other antennas the mounting height is at center line of radiation.

Figure 2-17-1 Oro Valley Police Department Site Location



Figure 2-17-2

Oro Valley Police Department Site Location with Proposed Equipment Aerial View



Figure 2-17-3 Oro Valley Police Department Proposed Equipment Room & Tower Location



Figure 2-17-4 Oro Valley Police Department Proposed Equipment Room Location



GENERAL NOTES:

THE GENERAL CONTRACTOR SHALL INSTALL A NEW 125-FT MONOPOLE TOWER AT THE LOCATION SHOWN IN THIS DRAWING.

THE GENERAL CONTRACTOR SHALL INSTALL A NEW 2-FT WIDE ICE BRIDGE BETWEEN THE PROPOSED MONOPOLE TOWER AND THE PROPOSED PCWIN EQUIPMENT ROOM AS SHOWN IN THIS DRAWING.



COMMUNICATIONS TECHNOLOGY
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CONSTRUCTION

CONSULTANT

CONSULTANT



PIMA COUNTY
WIRELESS
INTEGRATED
NETWORK

(PCWIN)

PIMA COUNTY, AZ

REV	DATE	DESCRIPTION	APP
1	09/13/10	REV GENERAL NOTES	DRA

PROJECT NO: 60094196 PROJECT PHASE: A
ISSUE DATE: 10 / 16 / 2009
DESIGNED BY: EN DRAWN BY: JWF
CHECKED BY: HWW SUBMITTED BY: EN

TELECOMMUNICATIONS

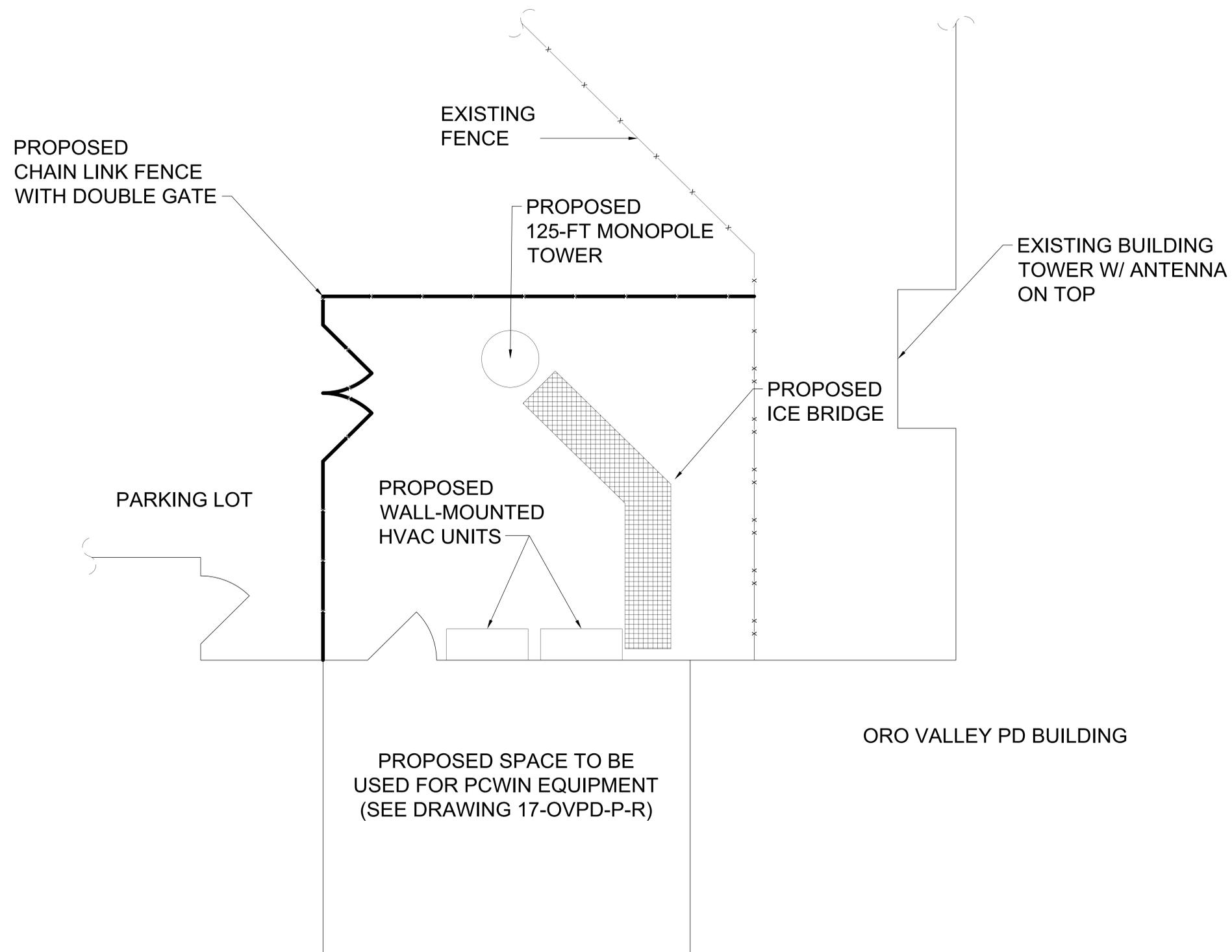
SITE # 17
ORO VALLEY PD
EXISTING/PROPOSED
SITE PLAN
LAYOUT

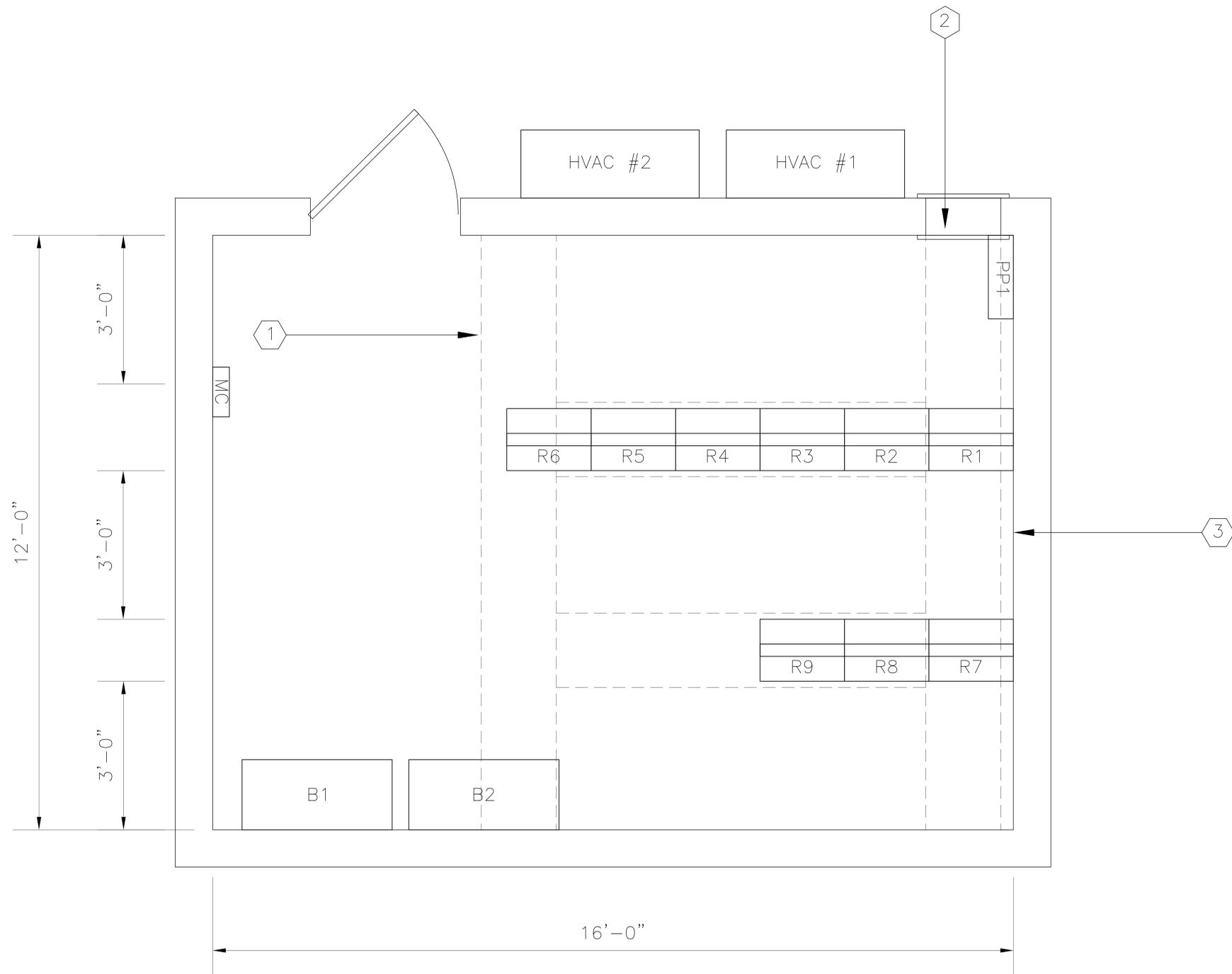
17-OVPD-EP-S

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GRAPHIC SCALES





SHEET KEYNOTES:

- 1'-6" WIDE OVERHEAD CABLE TRAY SYSTEM.
- MASTER GROUND BUS BAR (MGB) LOCATION AND TRANSMISSION LINE ENTRY
- PROPOSED 4-INCH CONDUIT TO RUN BETWEEN EXISTING MOTOROLA SIMULCAST AND PCWIN EQUIPMENT ROOM.

RACK/CABINET ASSIGNMENTS:

- R1: PROPOSED 19-INCH WIDE / 48U RACK FOR NETWORK EQUIPMENT
- R2: PROPOSED 19-INCH WIDE / 48U RACK FOR MOTOROLA GTR 8000 EQUIPMENT
- R3: PROPOSED 19-INCH WIDE / 48U RACK FOR MOTOROLA GCM 8000 COMPARATOR EQUIPMENT
- R4: PROPOSED 19-INCH WIDE / 48U RACK FOR MOTOROLA SIMULCAST CONTROL EQUIPMENT
- R5: PROPOSED 19-INCH WIDE / 48U RACK FOR MOTOROLA CONTROL STATION EQUIPMENT
- R6: PROPOSED 19-INCH WIDE / 48U RACK FOR MOTOROLA CONTROL STATION EQUIPMENT
- R7: PROPOSED 19-INCH WIDE / 48U RACK FOR MICROWAVE EQUIPMENT
- R8: PROPOSED 19-INCH WIDE / 48U RACK FOR MICROWAVE & CISCO EQUIPMENT
- R9: PROPOSED 48U RACK FOR B1 & B2 DC DISTRIBUTION SYSTEM. RACK MAY BE EITHER 19-INCH OR 24-INCH WIDE.

OTHER EQUIPMENT:

- B1: PROPOSED BATTERY SYSTEM A
- B2: PROPOSED BATTERY SYSTEM B
- MC: PROPOSED MASTER CONTROLLER (THERMOSTAT)
- HVAC #1: PROPOSED WALL-MOUNTED HVAC UNIT
- HVAC #2: PROPOSED WALL-MOUNTED HVAC UNIT
- PP1: PROPOSED POWER BREAKER PANEL - 42-SLOT PANEL NEMA TYPE-1 INDOOR ENCLOSURE

GENERAL NOTES:

INSIDE ROOM DIMENSIONS: 16'-0"W X 12'-0"D X 12'-6"H
 PROPOSED ROOM IS LOCATED IN EXISTING GARAGE. SEE SOW FOR DETAILS.
 SMOKE DETECTOR UNIT(S) SHALL CONFORM TO UL 268 STANDARDS OR EQUIVALENT
 FIRST-AID KIT, EYE WASH STATION, AND FIRE EXTINGUISHER SHALL BE INSTALLED INSIDE THE SHELTER
 CABLE TRAYS SHALL NOT BE PLACED UNDER SMOKE DETECTOR(S)
 IF IT CAN BE AVOIDED CABLE TRAYS SHOULD NOT BE INSTALLED UNDERNEATH LIGHTS OR OTHER ELECTRICAL FIXTURES
 THE MGB, TRANSMISSION LINE ENTRY, AND MAIN DISCONNECT SWITCH SHOULD BE LOCATED AS CLOSE TO EACH OTHER AS POSSIBLE.
 ALL GROUNDING AND BONDING SHALL ADHERE TO MOTOROLA R-56 2005 STANDARDS AND GUIDELINES FOR COMMUNICATION SITES.
 THIS DRAWING IS REPRESENTATIVE OF THE DESIRED COMMUNICATION ROOM TO BE IMPLEMENTED. ACTUAL DESIGN MAY VARY.



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PIMA COUNTY
 WIRELESS
 INTEGRATED
 NETWORK

(PCWIN)

PIMA COUNTY, AZ

2	09/06/10	MAKE PRIME SITE	HWW
1	02/10/10	CHNG SIMLCST RCKS	HWW
REV	DATE	DESCRIPTION	APP

PROJECT NO: 60094196 PROJECT PHASE: A
 ISSUE DATE: 10 / 16 / 2009
 DESIGNED BY: JWF/EN DRAWN BY: JWF
 CHECKED BY: HWW SUBMITTED BY: EN

TELECOMMUNICATIONS

SITE # 17
 ORO VALLEY PD
 PROPOSED EQUIPMENT
 ROOM LAYOUT

17-OVPD-P-R

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CONSULTANT

CONSULTANT



PIMA COUNTY
WIRELESS
INTEGRATED
NETWORK

(PCWIN)

PIMA COUNTY, AZ

09/10/10	UPDATE ANT. INFO	EN
1	02/10/10	UPDATED ANT. INFO. HWW
REV	DATE	DESCRIPTION
PROJECT NO:	60094196	PROJECT PHASE: A
ISSUE DATE:	10 / 16 / 2009	
DESIGNED BY:	EN	DRAWN BY: JWF/JMK
CHECKED BY:	HWW	SUBMITTED BY: EN

TELECOMMUNICATIONS

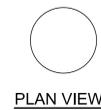
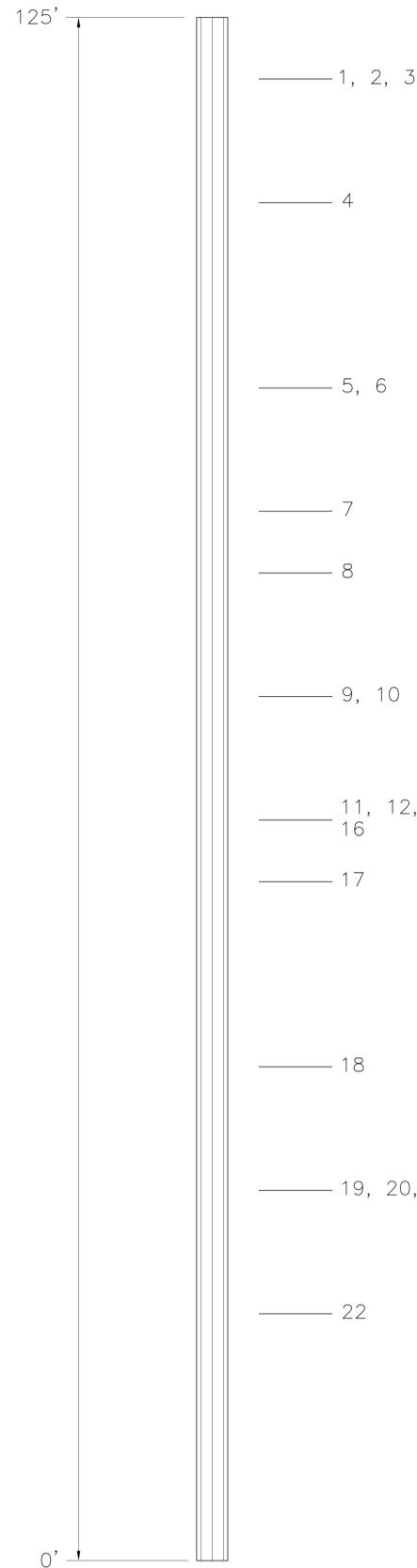
SITE # 17
ORO VALLEY PD
PROPOSED TOWER PLAN
LAYOUT

17-OVPD-P-T

ANTENNA NUMBER	COMMENTS	MOUNTING HEIGHT (FT)	ANTENNA TYPE	ANTENNA MODEL	MOUNT DESCRIPTION	LMR ANTENNA LENGTH (in)	ANTENNA WEIGHT (lbs.)	ANTENNA WIND AREA (sq-ft)	MICROWAVE DISH DIAMETER (FT)	TOWER LEG	AZIMUTH (°)	TRANSMISSION LINE/WAVEGUIDE
1	PROPOSED	120	LMR-Rx	Antel BCD-8007	clamp	85.9	20	1.6	N/A	TBD	Omni	7/8
2	PROPOSED	120	LMR-Rx	Antel BCD-8007	clamp	85.9	20	1.6	N/A	TBD	Omni	7/8
3	PROPOSED	120	TTA	Bird 428-83H-01	clamp	N/A	20	TBD	N/A	N/A	N/A	N/A
4	PROPOSED	110	uWave	VHLP800-11-6WH	Brackets to 4in pipe	N/A	48	See Data Sheet	2.6	N/A	43.51	EWP90
5	AT&T Wireless	95	Cellular Array	Powerwave RA11.7721.00 (12 - 120° Panels)	Sector Frames	62	16.4	TBD	N/A	A-B-C	0°/120°/240°	7/8
6	AT&T Wireless	95	TTA	Powerwave LPG18601 (12 - TTAs)	Sector Frames	N/A	9.9	TBD	N/A	A-B-C	N/A	N/A
7	PROPOSED	85	uWave	VHLPX4-11-6WH	Brackets to 4in pipe	N/A	101	See Data Sheet	4	N/A	261.73	EWP90
8	PROPOSED	80	LMR-Tx	Antel BCD-8007	clamp	85.9	20	1.6	N/A	TBD	Omni	7/8
9	AT&T Wireless	70	Cellular Array	Powerwave RA11.7721.00 (12 - 120° Panels)	Sector Frames	62	16.4	TBD	N/A	A-B-C	0°/120°/240°	7/8
10	AT&T Wireless	70	TTA	Powerwave LPG18601 (12 - TTAs)	Sector Frames	N/A	9.9	TBD	N/A	A-B-C	N/A	N/A
11	FUTURE	60	Flat Panel	Terabeam A5.3FP23-M	clamp	15.3	9.7	1.5	N/A	TBD	TBD	TBD
12	FUTURE	60	Flat Panel	Terabeam A5.3FP23-M	clamp	15.3	9.7	1.5	N/A	TBD	TBD	TBD
13	FUTURE	60	Flat Panel	Terabeam A5.3FP23-M	clamp	15.3	9.7	1.5	N/A	TBD	TBD	TBD
14	FUTURE	60	Flat Panel	Terabeam A5.3FP23-M	clamp	15.3	9.7	1.5	N/A	TBD	TBD	TBD
15	FUTURE	60	Flat Panel	Terabeam A5.3FP23-M	clamp	15.3	9.7	1.5	N/A	TBD	TBD	TBD
16	FUTURE	60	Flat Panel	Terabeam A5.3FP23-M	clamp	15.3	9.7	1.5	N/A	TBD	TBD	TBD
17	FUTURE	55	uWave	VHLPX4-11-6WH	Brackets to 4in pipe	N/A	101	See Data Sheet	4	N/A	TBD	EWP90
18	MIGRATED	40	Console Dispatch	Celwave 10022	clamp	1.7	1.6	0.14	N/A	TBD	Omni	1/2
19	MIGRATED	30	Console Dispatch	Celwave 10022	clamp	1.7	1.6	0.14	N/A	TBD	Omni	0.5
20	PROPOSED	30	GPS	TBD	Clamp	TBD	TBD	TBD	N/A	TBD	N/A	TBD
21	PROPOSED	30	GPS	TBD	Clamp	TBD	TBD	TBD	N/A	TBD	N/A	TBD
22	PROPOSED	20	uWave	VHLPX4-11-6WH	Brackets to 4in pipe	N/A	101	See Data Sheet	4	N/A	79.38	EWP90

NOTE 1: LMR RX ANTENNAS (1 & 2) REQUIRE A 10FT HORIZONTAL SPACING WITH THE RX ANTENNAS MOUNTED AT THE SAME HEIGHT AND FACE OF THE TOWER, AS PER MOTOROLA "PCWIN VOICE RADIO DESCRIPTION" V2.1, PAGE 31

NOTE 2: ALL WHIP ANTENNA MOUNTING HEIGHTS WILL BE AT THE BASE OF THE ANTENNA. FOR ALL OTHER ANTENNAS THE MOUNTING HEIGHT IS AT CENTER LINE OF RADIATION.



ORIGINAL DOCUMENT SIZE IS 30x42
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NOT TO SCALE
GRAPHIC SCALES

TC Regular Session

Date: 11/17/2010

Requested by: Daniel G. Sharp, Police Chief **Submitted By:** Colleen Muhr, Police Department

Department: Police Department

Information

SUBJECT:

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

SUMMARY:

On August 27, 2010, the Governor's Office of Economic Recovery announced a \$10 million grant program for local public safety agencies using the Governor's State Fiscal Stabilization Fund (SFSF) discretionary monies allocated from the American Recovery and Reinvestment Act (ARRA) of 2009.

The announcement of these funds provided law enforcement and fire departments an opportunity to make proposals for funding to enhance operations and improve crime-fighting, fire-fighting and first response capabilities during a time of economic downturn when other sources are not available. The intention of providing the funds to local public safety agencies was to ensure they have the resources needed to provide safety and security to citizens in their local communities given the nationwide downturn in revenues at all levels of government.

Eligible funding levels were established based on population. The Town of Oro Valley was eligible for a maximum of \$99,999 in grant funds. Cost sharing, matching or cost participation was not a requirement for this program.

DISCUSSION:

The proposal requested funding for the following frozen positions:

One full time sworn officer	= \$69,930
One part time reserve sworn officer	= <u>\$21,000</u>
Total	= \$90,930

On October 15, 2010, the Police Department was awarded \$50,000 for the remainder of the period of performance, which is 12 months commencing October 1, 2010.

If approved, the Police Department would propose to hire an officer January 1, 2011. This agreement will provide for salary, overtime and fringe benefits up to the maximum reimbursement of \$50,000.

FISCAL IMPACT:

If approved, the fiscal impact for the 19 pay periods from January 1, 2011 to September 30, 2011 would result in a \$1,102.35 cost to the Town, in excess of the \$50,000 reimbursable grant funding.

During the FY 11/12 budget process we will address FTE funding impact after September 30, 2011 to either fund the position with continued SFSF funds up to four years as provided for in the grant or return it to a frozen position through attrition in order to maintain the existing number of Police Department frozen positions into FY 2011/12.

CONCLUSION/RECOMMENDATION:

Staff recommends approval of Resolution No. (R) 10 - 80.

SUGGESTED MOTION:

I move to adopt 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.

Attachments

Link: [Resolution 10-80](#)

Link: [Exhibit 'A'](#)

RESOLUTION NO. (R) 10-80

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, 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

WHEREAS, the Town of Oro Valley is a political subdivision of the State of Arizona vested with all associated rights, privileges and benefits and is entitled to the immunities and exemptions granted municipalities and political subdivisions under the Constitution and laws of the State of Arizona and the United States; and

WHEREAS, the Town of Oro Valley is authorized to establish and maintain the Oro Valley Police Department, pursuant to A.R.S. § 9-240 (B)(12); and

WHEREAS, on August 27, 2010, the Governor's Office of Economic Recovery (GOER) announced a \$10,000,000.00 grant program for local public safety agencies using the Governor's State Fiscal Stabilization Fund (SFSF) discretionary monies allocated from the American Recovery and Reinvestment Act (ARRA) of 2009; and

WHEREAS, this grant program allowed public service agencies to apply for funding to enhance operations and improve crime fighting, fire fighting and first response capabilities; and

WHEREAS, the Town of Oro Valley Police Department applied for and was awarded a grant in the amount of \$50,000.00 and the Police Department proposes to use the monies awarded to hire one (1) police officer and provide for that officer's salary, overtime and fringe benefits up to \$50,000.00; and

WHEREAS, it is in the best interest of the Town to enter into the Intergovernmental Agreement, attached hereto as Exhibit "A" and incorporated herein by this reference, with the Governor's Office of Economic Recovery under the Public Safety Stabilization Program to enhance operations and improve crime fighting and first response capabilities.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Oro Valley, Arizona, that the Intergovernmental Agreement, attached hereto as Exhibit "A" and incorporated herein by this reference, between the Town of Oro Valley and the Governor's Office of Economic Recovery under the Public Safety Stabilization Program to enhance operations and improve crime fighting and first response capabilities by hiring one (1) police officer is hereby authorized and approved.

BE IT FURTHER RESOLVED that the Chief of Police of the Town Oro Valley is hereby authorized to take such steps as are necessary to execute and implement the terms of the Agreement.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona, this 17th day of November, 2010.

TOWN OF ORO VALLEY, ARIZONA

Dr. Satish I. Hiremath, Mayor

ATTEST:

APPROVED AS TO FORM:

Kathryn E. Cuvelier, Town Clerk

Tobin Rosen, Town Attorney

Date

Date

EXHIBIT “A”

**INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE GOVERNOR'S OFFICE OF ECONOMIC RECOVERY
AND
Town of Oro Valley Police Department
CONTRACT #OER-11-IGA-GS-158**

This INTERGOVERNMENTAL AGREEMENT (the "AGREEMENT") is entered into by and between the Governor's Office of Economic Recovery ("GOER"), established by Governor Brewer to oversee and discharge funds granted under the American Recovery and Reinvestment Act of 2009 ("Recovery Act" or "ARRA"), and located at 1700 West Washington, Suite 300, Phoenix, Arizona 85007, and the Town of Oro Valley Police Department, located at 11000 N. LaCanada, Oro Valley, AZ 85737 in accordance with A.R.S. § 41-2701 et seq., authorizing the State of Arizona, GOER to execute and administer grants for Title XIV of the ARRA, known as the State Fiscal Stabilization Fund (as amended by Public Law 111-8 (H.R. 1105), the Omnibus Appropriations Act, 2009; Division A, Section 523; March 11, 2009; 123 Stat. 524). The Catalog of Federal Domestic Assistance (CFDA) Number is 84.397, Government Services Fund, administered by the U.S. Department of Education.

I. PURPOSE OF THE AGREEMENT

GOER is tasked with oversight and swift distribution of Economic Recovery Funding. In this capacity, GOER has agreed to provide funding to the Town of Oro Valley Police Department for the purpose of supporting local public safety agencies to provide basic public safety activities, a project that GOER has determined meets the requirements of projects suitable for Recovery Act funding. The jurisdiction agrees to comply with all terms of the proposal as approved, submitted in response to the grant opportunity that emerged from Governor Brewer's Public Safety Stabilization Program. Attachment 1, detailing the jurisdiction's allowable expenditures, is made part of this agreement by reference herein. GOER will fund the jurisdiction up to \$50,000.00 for this purpose.

II. WORK STATEMENT AND GENERAL PROVISIONS

The parties mutually agree as follows:

A. Scope of Work

1. The jurisdiction shall provide GOER, within five business days of GOER's request, all information, data and supporting documentation requested by GOER or, if not requested by GOER, determined relevant by the jurisdiction to assist GOER in reconciling award amounts.
2. The jurisdiction shall comply with all ARRA requirements including the following 1512 reporting requirements:
 - a. Provide the following information, as required by GOER by the 15th day of the month following the end of a quarter or as requested by GOER:
 - b. Grants and Projects
 - c. Financial Transactions
 - d. DUNS
 - e. Prime Vendor/Sub-recipients
 - f. 1512 Report Update

3. The jurisdiction shall make relevant personnel available for contact and meetings with Federal or State oversight agencies, when requested by GOER and shall make relevant jurisdiction personnel available to contact and meet with GOER when requested by GOER. The jurisdiction shall provide to GOER contact names, addresses, telephone numbers, e-mail addresses, and any other relevant contact information available to the jurisdiction regarding the jurisdiction's personnel considered by the jurisdiction relevant to the activities described in this section. GOER shall not reimburse the jurisdiction for any costs associated with the jurisdiction's personnel participation in these activities.
4. GOER may monitor the jurisdiction's compliance with ARRA requirements regarding Recovery Act funds, in addition to any monitoring that other oversight agencies may decide to conduct. The jurisdiction shall cooperate with GOER regarding all monitoring activities related to ARRA funds. The jurisdiction may be required to provide information, data and supporting documentation of their ARRA transactions to GOER. GOER shall not reimburse the jurisdiction for any costs associated with these activities of the jurisdiction.
5. The jurisdiction shall inform GOER when the jurisdiction is contacted by any Federal or State oversight agency regarding Recovery Act dollars within five business days of contact, including:
 - a. When an oversight agency requests any documents, data and information from the jurisdiction. The jurisdiction shall provide copies of the jurisdiction's responses to oversight agencies to GOER, if requested by GOER, within five business days of GOER's request.
 - b. When an oversight agency issues reports to the jurisdiction or about the jurisdiction. The jurisdiction shall provide copies to GOER, if available to the jurisdiction and if requested by GOER, within five business days of GOER's request.
 - c. When the jurisdiction responds to follow-up requests for documents, data and information from oversight agencies. The jurisdiction shall provide copies of the jurisdiction's responses to oversight agencies to GOER, if requested by GOER, within five business days of GOER's request.
6. The jurisdiction shall allow GOER to review the jurisdiction's fraud, waste and abuse prevention programs and ARRA transactions, if requested by GOER in the manner requested by GOER.
7. The jurisdiction shall comply with ARRA requirements as described in the following quotation: "Recipients who have failed to submit a Section 1512 report as required by the terms of their award are considered to be non-compliant. Non-compliant recipients, including those who are persistently late or negligent in their reporting obligations, are subject to Federal action, up to and including the termination of Federal funding or the ability to receive Federal funds in the future." EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET, Peter R. Orszag.

B. Method and Terms of Reimbursement

Recovery Act funds will be transferred to the jurisdiction on a cost reimbursement basis upon receipt and approval of a Payment Request Form showing cumulative expenditures by line item. Items to be reported on are, dollar amount requested, name of project worked on, any Davis-Bacon reports and project status compared to timeline submitted. Travel expenses shall be at State rates (see website at www.gao.az.gov/travel/default.asp) and reimbursable at cost. State rates as established by the Arizona Department of Administration, General Accounting Office are made part of this agreement

by reference herein. The jurisdiction will submit to GOER an estimated payment schedule and timeline for the project and the jurisdiction will be responsible for paying vendors associated with this project. GOER may provide to the jurisdiction a master template for the Payment Request Form. GOER will reimburse expenses to the jurisdiction using a warrant, transfer or by direct deposit of Recovery Act funds to the jurisdiction. Method of payment will be at the discretion of GOER and the jurisdiction will allow seven to ten working days for completion of payment of Recovery Act funds after receipt of a Payment Request Form. Any unspent funds associated with this agreement will be refunded to GOER at completion of stated agreement term. Final payment for this agreement will be released upon receipt of any final reporting requirements which are yet to be determined.

C. Reporting and Compliance Requirements

Payments by GOER to the jurisdiction shall be in strict compliance with OMB Circular A-87, Cost Principles for State, Local and Indian Tribal Governments (2 CFR 225 A-87) and shall adhere to the Federal Cash Management Improvement Act (CMIA) and comply with guidelines of the State Fiscal Stabilization Fund (SFSF), established under Recovery Act through Public Law 111-5 (H.R.1) and amended by Public Law 111-8 (H.R. 1105).

In addition, the Recovery Act specifically provides that funds may not be used by any state or local government, or any private entity, for any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool. The Recovery Act funds may be used in conjunction with other funding as necessary to complete projects, but tracking and reporting of Recovery Act funds must be separate, to meet the reporting and other requirements of the Recovery Act and other applicable law.

The accounting systems of all recipients and sub-recipients must ensure that funds from any award under this Recovery Act solicitation are not commingled with funds from any other source. Misuse of grant funds may result in a range of penalties, including suspension of current and future funds, suspension or debarment from federal grants, recoupment of monies provided under a grant, and civil and/or criminal penalties.

Consistent with the special purposes and goals of the Recovery Act, and its strong emphasis on accountability and transparency, it is essential that all funds from a Recovery Act grant be tracked, accounted for, and reported on separately from all other funds. Recipients must also be prepared to track and report on the specific outcomes and benefits attributable to use of Recovery Act funds.

Funds associated with this AGREEMENT shall only be used to reimburse the jurisdiction for the purposes set forth on section I of this agreement. The jurisdiction must understand and comply with all applicable Federal and State policies, procedures, and requirements related to Recovery Act monies including, but not limited to, the following:

1.) **“Buy American Act” Est. 1933**

The recipient understands that this award is subject to the provisions of section 1605 of the Recovery Act (“Buy American Act”). No award funds may be used for non-American sources of iron, steel, or manufactured goods for a project for the construction, alteration, maintenance, or repair of a public building or public work, unless the recipient provides advance written notification and upon approval of the federal grant agency, a waiver is issued allowing this activity.

2.) **Davis-Bacon and Related Acts: Wage Rate Requirements**

All applicants should be aware that the Recovery Act contains a provision on wage rate requirements that concerns projects funded or assisted by Recovery Act funds that employ laborers and mechanics. See section 1606 of the Recovery Act for the full text of this requirement.

3.) ARRA Infrastructure Investment: Preference for Quick-Start Activities

Pursuant to section 1602 of the Recovery Act, recipients of funds under this solicitation for infrastructure investment are to give preference to activities that can be started and completed expeditiously, and also are expected to use grant funds in a manner that maximizes job creation and economic benefit. For the details of this requirement, please refer to the text of section 1602 of the Recovery Act.

4.) Recovery Act: Contracts

Generally speaking, the Recovery Act places special emphasis on the use of fixed-price contracts awarded through competitive procedures.

5.) National Environmental Policy Act Requirements

Under section 1609 of the American Recovery and Reinvestments Act of 2009 all recipients must comply with any applicable environmental impact requirements of the National Environmental Policy Act of 1970 (NEPA), as amended, (42 U.S.C. 4371 et seq.), 40 CFR parts 1500 through 1508 and any State government requirements that implement NEPA.

III. EFFECTIVE DATE, TERM, TERMINATION, RENEWAL, AMENDMENT

A. Effective Date

This AGREEMENT shall become immediately effective only upon the following: (1) execution by GOER and the jurisdiction, and (2) execution by GOER's and the jurisdiction's attorneys, whose execution shall determine that this AGREEMENT is in proper form and within the powers and authority granted to GOER and the jurisdiction under the laws of the State of Arizona.

B. Term, Termination, Renewal

This AGREEMENT shall begin on October 1, 2010 and terminate on September 30, 2011, unless terminated as provided herein, or extended. Either party may terminate this AGREEMENT at any time by providing thirty (30) days written notice to the other party. If this AGREEMENT is extended by mutual written consent of the parties, all terms, conditions and provisions of the original AGREEMENT shall remain in full force and effect and apply during any extension period.

C. Amendment

This AGREEMENT may be modified, altered, extended or amended only in writing signed by, or on behalf of, both parties.

IV. NOTICES

Any and all notices, requests or demands given or made upon the parties hereto, pursuant to or in connection with this AGREEMENT, unless otherwise noted, shall be delivered in person or sent by United States Mail, postage prepaid, to the parties at their respective addresses as set forth immediately below:

<p>GOER James J. Apperson, Director Governor's Office of Economic Recovery 1700 West Washington, Suite 300 Phoenix, Arizona 85007 Phone: (602) 542-6402</p>	<p><u>Town of Oro Valley Police Department</u> Daniel Sharp, Chief Town of Oro Valley Police Department 11000 N. LaCanada Oro Valley, AZ 85737 Phone: 520-229-4904</p>
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V. ARBITRATION

This AGREEMENT is subject to arbitration to the extent required by A.R.S. § 12-1518.

VI. NON-AVAILABILITY OF FUNDS

Every payment obligation of GOER under this AGREEMENT is conditioned upon the availability of funds appropriated or allocated for payment of such obligation. If funds are not allocated and available for the continuance of this AGREEMENT, either party may terminate this AGREEMENT at the end of the period for which funds are available. No liability shall accrue to GOER or the State of Arizona in the event this provision is exercised, and GOER and the State of Arizona shall not be obligated or liable for any future payments or for any damages as a result of termination under this paragraph.

VII. CANCELLATION FOR CONFLICT OF INTEREST

This AGREEMENT is subject to cancellation pursuant to Arizona Revised Statutes § 38-511, the provisions of which herein incorporated by reference.

VIII. AUDIT OF RECORDS

Pursuant to Arizona Revised Statutes § 41-1351, GOER shall retain all data, books, and other records relating to this AGREEMENT. The jurisdiction is subject to all audit oversight policies and procedures established by GOER.

IX. GOVERNING LAW

This AGREEMENT is made under, and is to be construed in accordance with, the laws of the State of Arizona. In the event of litigation arising under, out of, or relating to, this AGREEMENT, GOER and The jurisdiction hereby stipulate to the exclusive jurisdiction and venue of the Maricopa County Superior Court in Phoenix, Arizona.

X. ENTIRE AGREEMENT

This AGREEMENT contains the entire agreement and understanding of the parties hereto. There are no representations or provisions other than those contained herein, and this AGREEMENT supersedes all prior agreements between the parties, whether written or oral, pertaining to the same subject matter of this AGREEMENT.

XI. INVALIDITY OF PART OF THIS AGREEMENT

The parties agree that, should any part of this AGREEMENT be held to be invalid or void, the remainder of the AGREEMENT shall remain in full force and effect and shall be binding upon the parties.

XII. COUNTERPARTS

This AGREEMENT may be executed in any number of duplicate originals, photocopies or facsimiles, all of which (once each party has executed at least one such duplicate original, photocopy, or facsimile) will constitute one and the same document.

XIII. INTERPRETATION

This AGREEMENT is not to be construed or interpreted for or against either of the parties on the grounds of sole or primary authorship or draftsmanship.

XIV. PARAGRAPH HEADINGS

The paragraph headings in this AGREEMENT are for convenience of reference only and do not define, limit, enlarge, or otherwise affect the scope, construction, or interpretation of this AGREEMENT or any of its provisions.

XXXXXXXXXXXXXXXXXXXX

THIS SECTION INTENTIONALLY LEFT BLANK

XXXXXXXXXXXXXXXXXXXX

XV. IN WITNESS WHEREOF, the parties agree to execute this AGREEMENT.

Governor's Office of Economic Recovery
1700 W. Washington, Suite 300
Phoenix, Arizona 85007

Town of Oro Valley Police Department
11000 N. LaCanada
Oro Valley, AZ 85737

James J. Apperson, Director
Governor's Office of Economic Recovery

Daniel Sharp, Chief
Town of Oro Valley Police Department

This AGREEMENT is in proper format and is within the powers and authority granted to the respective public agency.

Joseph Kanefield
General Counsel
Governor's Office

Name: _____
Legal Counsel

ATTACHMENT 1

Allowable Expenditures:

Town of Oro Valley

Description	Qty	Unit Cost	Total Allowable Cost
1 FTE or overtime			\$50,000.00
Total Award Amount			\$50,000.00

Jurisdiction Initials: _____

GOER Initials: _____

TC Regular Session

Date: 11/17/2010

Requested by: Betty Dickens, Human Resources Director

Submitted By: Betty Dickens, Human Resources

Department: Human Resources

Information

SUBJECT:

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

SUMMARY:

In an effort to provide greater self-determination and opportunity for employee initiatives within the work-place environment, a multi-pronged approach has been designed to give new meaning to "employee voice." The resolution before Council rescinds Personnel Policies 25 and 27 and will be replaced with an Administrative Directive (AD) that moves the Town culture toward using more direct employee input through a broader spectrum of ideas and employee-driven solutions. The new framework for addressing employee work life and organizational opportunities, concerns and challenges will be guided by a new Administrative Directive which governs standard operating procedures.

DISCUSSION:

HISTORY

Policies 25 and 27 were established in the mid 1990s in an effort to provide mechanisms for employees from across the organization to (1) work in a formalized committee to address employee concerns with management (Policy 25, ABOVE group) and (2) have an opportunity to speak out on work life issues of concern directly to Council (Policy 27, Employee Forums). Over the past fifteen years, these mechanisms did not effect the kind of opportunity that was envisioned to serve the employees directly.

In the fall of 2009, focus groups were convened representing a cross-section of employees at all levels of the organization who met to review and critique existing employee committees and working groups. The ABOVE group was given a negative ranking for serving its purpose and effectiveness. A recommendation made by Human Resources was to eliminate this committee or revise it from the form in which it was created.

The creation of Employee Forums, which under Policy 27 requires once-a-year meetings between a subcommittee of three Councilmembers and any employees who wish to attend, was a conundrum--a challenge--from the outset. Within the Town Code, the Council-Manager form of government provides authority to the Town Manager with the oversight and responsibility for employee work-life issues and the personnel system.

PROCESS IMPROVEMENT & INNOVATION

In response to a challenge by the Town Manager in December 2009, 21 employees from across the organization volunteered to meet as the Innovations Team steering committee under guidance of several directors with the Human Resource Director as champion, guiding and supporting the work of the team. Their purpose has been to develop a new framework for employee voice and innovation. This has been initiated to move to a more effective and positive approach in addressing employee issues. Innovative "idea launching" and problem-solving work groups or squads will take shape through an employee leadership umbrella; i.e., an Innovations Team.

The Innovations Team approach will allow solutions from employees representing all levels of the

organization. An annual employee satisfaction survey, use of a 360 degree survey instrument, and regular brown bag breakfast/lunch sessions with the Town Manager and directors will provide additional options for the "employee's voice". Annual or bi-annual employee forums with the Town Manager are also a tool that will be explored for interest by employees if that is desired as a complement to the self-directed team approach.

Each of these programs will have built-in means of circular communication with the employees to provide regular updates and ways to address process improvement or organizational needs. The Innovation Team squads will be integral in addressing organization-wide issues that surface, thus empowering employees in the decision-making process towards change. This "employee voice" effort will also provide Town management the input, justification and resources to make fact-based decisions, and where appropriate, move recommendations to Council for action.

All employees retain the right to speak before Council in a public setting or have private discussions on matters that are not directly personnel-related, but the intent of this new approach is to put responsibility for change where it can truly work; i.e., with the employee and management team.

FISCAL IMPACT:

NA

CONCLUSION/RECOMMENDATION:

Town Management supports the recommendation to rescind Policies 25 and 27. Administrative Directive 33 (draft attached) will expand the "employee voice" to a greater reach in impacting the organizational culture and workplace environment and participate in a process designed to encourage employee ideas, innovation and participation in sound employee solutions.

SUGGESTED MOTION:

I move to adopt Resolution No. (R)10-81.

Attachments

Link: [Resolution 10-81](#)

Link: [Personnel Policy #25](#)

Link: [Personnel Policy 27](#)

Link: [DRAFT AD 33](#)

RESOLUTION NO. (R) 10-81

A RESOLUTION OF THE TOWN OF ORO VALLEY, ARIZONA, REPEALING THE 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

WHEREAS, the Town of Oro Valley is a political subdivision of the State of Arizona vested with all associated rights, privileges and benefits and is entitled to the immunities and exemptions granted municipalities and political subdivision under the Constitution and laws of the State of Arizona and the United States; and

WHEREAS, on April 21, 1999, the Mayor and Council adopted Ordinance No. (O) 99-25, "The Town of Oro Valley Personnel Policies and Procedures Code"; and

WHEREAS, on May 16, 2007, the Town repealed Ordinance No. (O) 99-35 and adopted the Town of Oro Valley Personnel Policies and Procedures Manual pursuant to Resolution No. (R) 07-60; and

WHEREAS, the Town desires to repeal two (2) personnel polices regarding employee relations, Policy 25, Advisory Board for the Oro Valley Employees (ABOVE), and Policy No. 27, Annual Employee Forum, of the Town of Oro Valley Personnel Policies and Procedures Manual.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Oro Valley, that Personnel Policy No. 25, Advisory Board for Oro Valley Employees (attached hereto as Exhibit "A"), and Personnel Policy Number 27, Annual Employee Forum (attached hereto as Exhibit "B"), of the Town of Oro Valley Personnel Policies and Procedures Manual" are hereby repealed.

BE IT FURTHER RESOLVED that if any portion of the manual is found to not be enforceable by a court of competent jurisdiction, that portion shall be declared severable and the remainder of the manual will remain in full force and effect.

PASSED AND ADOPTED by Mayor and Town Council, the Town of Oro Valley, Arizona, this 17th day of November, 2010.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

Kathryn E. Cuvelier, Town Clerk

Date: _____

APPROVED AS TO FORM:

Tobin Rosen, Town Attorney

Date: _____

EXHIBIT “A”

EXHIBIT “B”

POLICY 25 ADVISORY BOARD FOR ORO VALLEY EMPLOYEES

The Town of Oro Valley is interested in granting employees an opportunity to provide valuable input on key issues affecting the quality of their work-life with the Town. While the decision making process remains vested in the elected officials of the Town, the role of the Advisory Board for Oro Valley Employees (ABOVE) is to receive input and feedback from fellow employees, and provide suggestions to the decision-makers.

Mission: Meeting on a periodic basis, the ABOVE will be asked to consider and analyze “quality of work life” questions from an employee perspective. Subsequent to their study and discussion, the ABOVE will provide suggestions to Town Management on the issues that they have considered. It must be stressed that the ABOVE is not intended to assume any of the roles or functions of the Grievance Review Board. Individual complaints or grievances will not be considered as actionable items by the ABOVE.

Membership: The ABOVE will be comprised of an employee selected from among each department. In addition, it will be decided by each department to open the meetings to a representative from each division within the department. All meetings of the ABOVE must have representation from each Town department. Employees will be selected on a volunteer basis based upon the following criteria:

- (1) Their ability and willingness to serve in this capacity.
- (2) Their interpersonal skills and willingness to communicate and share ideas.
- (3) Their ability to best reflect the interests and concerns of their work group.

The ABOVE will nominate and elect from among their membership a Chair, Vice-Chair, and Recording Secretary. The term of office for each of these positions shall be six (6) months with the exception of the Recording Secretary, whose position and duties will revolve among the entire membership for each meeting. The Chair (or Vice-Chair if the Chair is not available) will serve as the facilitator for the ABOVE. The Chair will be responsible for the organization and flow of each meeting, including the preparation of the agenda. The Vice-Chair will hold the office and responsibilities of the Chair if the Chair is unable to attend a meeting. The Recording Secretary will be responsible for recording the minutes of each meeting. The Recording Secretary will be expected to forward the draft minutes to each member on the ABOVE roster. After the minutes have been accepted by the ABOVE, the Recording Secretary will forward the final version of the minutes to all members, as well as to the Information Technology Division for posting on the intranet.

Agenda: Meetings should be conducted utilizing pre-established agendas. Group members wishing to put items on the agenda should contact the Chair prior to the meetings in order to provide input. The agenda must be finalized, distributed to each member listed on the ABOVE roster, and posted on the intranet one week prior to the next scheduled meeting. The primary emphasis of the ABOVE is to concentrate on “quality of work-life” issues. These may include compensation and benefits issues, proposed revisions to existing personnel policies/procedures, proposed programs aimed at enhancing the quality of the working environment at the Town of Oro Valley, etc.

Members of ABOVE should solicit feedback from other employees within their work group regarding agenda items for discussion. They should remember that dissenting opinions are extremely valuable to tempering the end product, as well as providing insight into the feelings of the entire workforce regarding issues.

Process: Consensus is desirable in most situations; however, a “majority rules” philosophy will be taken in finalizing recommendations from the ABOVE to Town Management. While dissent should be acknowledged and differing viewpoints respected, in most instances the ABOVE will be faced with developing a majority opinion as opposed to reaching consensus.

As the ABOVE facilitator, the Chair will provide input to Town Management on ABOVE recommendation or proposals.

POLICY 27 ANNUAL EMPLOYEE FORUM

The Town of Oro Valley is committed to the development and continuation of harmonious and cooperative relationships with all of its employees. It is the purpose of this policy to provide a framework for ongoing interactions that are conducive to granting employees an opportunity to communicate suggestions and views regarding areas that significantly impact their working conditions with the Town of Oro Valley.

SECTION 1. Annual Employee Forum

Annual Employee Forum(s) are an opportunity for individual employees; employee groups; or representatives of employees or employees groups (herein referred to collectively as "employees") to recommend or propose changes to compensation plans, benefit plans, or address other issues which significantly affect employee working conditions. The Employee Forum(s) will be scheduled as a study Session before a Town Council Sub-Committee made up of a maximum of (3) three Council Members. Up to (4) four separate Employee Forum(s), which would allow for the varied employee shifts will be scheduled no later than the second week of November of each year. Employee questions and recommendations will be tracked during the Employee Forum(s) in order for the Town Council to provide the Advisory Board of Oro Valley Employees (ABOVE) group with a status report prior to February 15 of the fiscal year to allow each department adequate time to prepare budget requests if necessary.

SECTION 2. Reprisals

No employee, group of employees, or representatives of any groups of employees will be subject to reprisals, threats, or disciplinary action as the result of their participation in these meetings with liaisons of the Town Council.

SECTION 3. Nothing in this policy shall be deemed to negate, preclude, or be inconsistent with the Town of Oro Valley Personnel Policies with regard to the Grievance Review Process and applied to Town employees.

SECTION 4. No agreements resulting from any meeting with the Town Council shall be deemed to negate any agreed upon terms of employment or working conditions that other employees may have negotiated previously or separately.



ADMINISTRATIVE DIRECTIVE

SUBJECT Innovations Team	NUMBER 33	PAGE 1 of 3
	ISSUE DATE November 17, 2010	

D R A F T

I. MISSION

The Employee Innovations Team (I-Team) is a cross-functional group of Town employees formed to call upon the collective ideas, expertise and paradigm breaking perspectives of our staff to help guide the Town into the future. This group will be presented with ideas and issues that address employee work-life as well as operational challenges or needs related to budget and finance, technology, processes, and services that require systematic and innovative solutions. The team will develop and implement new business models and best-practices that can be applied in our day to day operations and planning activities.

II. STRUCTURE

As shown in the attached diagram, the Innovations Team is a overarching framework which will consist of many Squads, or project teams, that flow from a central hub. The First Look Team will function as the central hub of the Innovations Team and will be responsible for initial intake and final distribution of employee innovation project proposals, ideas and challenge resolutions.

The Town Manager and Executive Management Team will solicit employee volunteers and select seven representatives to serve as the First Look Team. A Director “Champion” or designee will be asked to advise and provide support to the First Look Team and to each Squad that is a part of the Innovations Team.

Squad guidelines and criteria:

- May be created by the First Look Team or recommended by the Town Manager.
- Should consist of a manageable number of volunteer members.
- Members will be drawn from a combination of at least one frontline non-supervisory employee, one supervisory level employee, and a mid-level manager.

- May be formed for a specific project or task with a defined timeframe or may be a standing team with the appropriate structure to address proposals and ideas related to an operational topic (e.g., safety and risk management, communications roundtable, subweb editors, etc.)
- Employees from any department or division that may be impacted by the proposal will be encouraged to participate.
- All employees involved with the Innovations Team will be expected to complete an I-Team leadership training and development program administered by the Human Resources department.
- Will have a Director-champion assigned in order to provide management-level authority for those areas that might need approval and can be resolved at the squad level without going up the chain of command
- Will have a Squad Lead who is responsible for the administrative work and a schedule for the team to complete its assignment.

Innovations Team squads will address issues such as employee work life, organizational operations, technology, and professional development. An employee Lead will coordinate the work of each Squad. The names and roles of each Innovations Team squad will be determined by the membership, but may include Squads such as a “Solutions Squad” to address Town Council driven issues or those of a time-sensitive nature, a “Geek Squad” to address technology issues, a “Lightning Team” to provide a quick and innovative response, or a “Peacock Squad” to address employee ideas and suggestions.

III. PROCESS

The First Look Team will hold regularly scheduled meetings to review and assign project proposals submitted. The First Look Team, upon review, may:

- APPROVE a proposal and assign it to a Squad for consideration
- RETURN a proposal to the proposer for refinement and resubmission
- TAKE NO ACTION on a proposal and respond in writing to the project requestor

INITIAL INTAKE

Proposals approved by the First Look Team will be assigned to a standing or newly created Squad for further consideration.

SQUAD RESOLUTION

Squads will submit final recommendations or resolutions to the First Look Team. A special meeting of the First Look Team may be called at any time for the purpose of reviewing Squad recommendations. Recommendations and resolutions will be considered and further action taken by the members present on a case by case basis.

FINAL DISPOSITION

Depending on the nature of the proposal or issue under consideration, a Squad may facilitate employee resolution of an issue or develop recommendations for presentation to the Town Manager and Executive Management Team. A response is expected to return to the First Look Team within 30 days.

The First Look Team should provide the organization a quarterly report summarizing the actions and successes of the Innovations Team via the Intranet.

IV. AMENDMENTS

Guidelines and procedures will be adopted as necessary to provide for continuous improvement and to fulfill the mission of the Innovations Team.

V. ATTACHMENTS

Innovations Team Diagram
Innovations Team Proposal Form

AUTHORIZED:

Town Manager

TC Regular Session

Date: 11/17/2010

Requested by: Kathryn Cuvelier, Town Clerk **Submitted By:** Kathryn Cuvelier, Town Clerk's Office

Department: Town Clerk's Office

Information

SUBJECT:

Approval of 2011 Regular Town Council Meeting Schedule

SUMMARY:

The attached document lists scheduled Regular Meetings of the Town Council for 2011 and the deadlines for submitting Council Packet Materials.

DISCUSSION:

If the Mayor and Council approves the 2011 Regular Town Council Meeting Schedule, the Council will meet on the dates listed in the attached meeting schedule.

FISCAL IMPACT:

N/A.

CONCLUSION/RECOMMENDATION:

It is recommended that the Mayor and Council approve and/or modify the attached Regular Town Council meeting schedule for 2011.

SUGGESTED MOTION:

I MOVE to approve the 2011 Regular Town Council Meeting Schedule as presented (or) approve the schedule with the following modifications....

Attachments

Link: [2011 Regular Council Meeting Schedule](#)

**DRAFT - 2011 REGULAR TOWN COUNCIL MEETING SCHEDULE
AND DEADLINES FOR SUBMITTING COUNCIL PACKET MATERIALS**

Regular Meeting Dates	Submittal of items To be added to Agenda Management Report Due in Clerk's Office & Town Attorney's Office <u>Tuesday 12:00 noon</u>	Agenda Committee Meetings - Kachina Room - <u>Tuesday 2:30 p.m.</u>	Submittal of Packet Materials In Agenda Quick <u>Friday 5:00 p.m.</u>	Packets Distributed By Clerk's Office	
01/05/11	12/14/10	12/14/10	12/17/10	12/22/10	
01/19/11	12/28/10	12/28/10	12/31/10	01/07/11	
02/02/11	01/11/11	01/11/11	01/14/11	01/21/11	
02/16/11	01/25/11	01/25/11	01/28/11	02/04/11	
03/02/11	02/08/11	02/08/11	02/11/11	02/18/11	
03/16/11	02/22/11	02/22/11	02/25/11	03/04/11	
04/06/11	03/15/11	03/15/11	03/18/11	03/25/11	
04/20/11	03/29/11	03/29/11	04/01/11	04/08/11	
05/04/11	04/12/11	04/12/11	04/15/11	04/22/11	
05/18/11	04/26/11	04/26/11	04/29/11	05/06/11	
06/01/11	05/10/11	05/10/11	05/13/11	05/20/11	
06/15/11	05/24/11	05/24/11	05/27/11	06/03/11	
07/06/11	06/14/11	06/14/11	06/17/11	06/24/11	
07/20/11	06/28/11	06/28/11	07/01/11	07/08/11	
08/03/11	MEETING CANCELED	DUE TO SUMMER	BREAK		SUMMER BREAK
08/17/11	MEETING CANCELED	DUE TO SUMMER	BREAK		SUMMER BREAK
09/07/11	08/16/11	08/16/11	08/19/11	08/26/11	
09/21/11	08/30/11	08/30/11	09/02/11	09/09/11	
10/05/11	09/13/11	09/13/11	09/16/11	09/23/11	
10/19/11	09/27/11	09/27/11	09/30/11	10/07/11	
11/02/11	10/11/11	10/11/11	10/14/11	10/21/11	
11/16/11	10/25/11	10/25/11	10/28/11	11/04/11	
12/07/11	11/08/11	11/08/11	11/11/11	11/18/11	
12/21/11	MEETING CANCELED	DUE TO	WINTER	BREAK	WINTER BREAK

TC Regular Session

Date: 11/17/2010

Requested by: David Williams, Planning Division Manager
Submitted By: David Ronquillo, Development Infrastructure Services
Department: Development Infrastructure Services

Information

SUBJECT:

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

SUMMARY:

The applicant is requesting a final plat amendment to remove a general note regarding rooftop mechanical equipment screening. General note number 5.d (sheet 2) on the final plat states, "all rooftop mechanicals must be entirely screened from all surrounding properties." This general note originated during the review process based on staff recommendation and neighborhood input. Because of the adjacent residential homes, the intent was to adequately screen rooftop mechanical equipment (air conditioning units and other equipment) from adjacent properties.

There are homes located to the north, east and west of this property. The homes to the east and west of this site are at a significantly higher elevation and the Mercado rooftops are very visible. Rooftop equipment is partially visible from the neighborhood to the north. Currently, the rooftop air conditioning units and other equipment are screened by a beige colored mesh material providing screening around all four sides of the equipment. There are zoning code criteria and design guidelines that provide for screening of mechanical equipment.

Site Conditions

- Property is 8.1 acres in size
- Total number of lots is 9
- Zoning is El Conquistador Planned Area Development Commercial
- There are existing retail uses on this site

Approvals to Date

- 2005: Development plan and preliminary plat approved by Town Council
- 2007: Final plat approved by Town Council

DISCUSSION:

Applicant's Request

The applicant is requesting removal of the screening requirement for the following reasons: 1) the metal screens accentuate the air conditioning units which are only visible from two homes on the east side of the project; (2) the air conditioning units would be less visible if they were painted to blend in with the building color; and (3) the weight of the metal mesh screen around the air conditioning units is creating chronic roof leaks.

Typically, roof mounted equipment is screened by the building parapet wall and additional screening around the mechanical equipment is not necessary. However, on this particular project, the building is surrounded by properties to the north, west and east that are higher in elevation.

Only two of a total of nine buildings have been built on the site. To the south, the mechanical equipment

on the nearby Fry's Food Store rooftop is visible from the adjacent residential area and no screening was required for this building.

Staff Analysis

The zoning code addresses screening of mechanical equipment in two areas, Section 22.6, Development Review Criteria which states, "mechanical equipment, appurtenances and utilities shall be concealed from view and integral to the building design" and Addendum A Design Guidelines which states, "mechanical equipment should be screened from public view." Typically, this language is incorporated as notes on the plan or plat to assure that it becomes a requirement. In order to remove this note, a final plat amendment is necessary.

Based on a recent site visit, the equipment screens were visible from residential areas to the north and west side of the property and were highly visible from the east (the attached photos are taken from the east and north). Overall, the equipment screening blocked views of the air conditioning units; however, the actual "screening" devices were highly visible on the roof typically twice the height of the equipment being screened.

During the development plan/plat process, four neighborhood meetings were held and as a result, conditions were added to the development plan/plat, and specifically this note. Furthermore, removal of this requirement would deviate from zoning code criteria and guidelines that were applied as part of the original approval. In sum, staff recommends denial of the applicant's request.

Public Notification and Comment

This project has been noticed in accordance with Town procedures, which includes the following:

- Property owner mailing for all affected residents within 300' of subject parcel
- Homeowners Association mailing
- Post property
- Post at Town Hall and on website

No comments have been received as of the completion of this report. Because of the nature of the application, and prior neighborhood meetings, a new neighborhood meeting was not required.

FISCAL IMPACT:

N/A

CONCLUSION/RECOMMENDATION:

The requirement for mechanical equipment screening was incorporated as part of the original approval. The property is surrounded by homes higher in elevation to the north, west and east. Screening is necessary to block views of the roof mounted equipment.

Staff recommends denial of the applicant's request.

SUGGESTED MOTION:

The Mayor and Council may wish to consider one of the following motions:

I move to [approve, approve with conditions or deny] OV1203-31F, final plat amendment to remove a requirement for mechanical equipment screening for Mercado at Canada Hills.

Attachments

Link: [Exhibit A](#)

Link: [Request Letter](#)

Link: [Final Plat](#)

View From East



View from East – Zoomed In

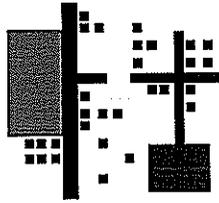


View From North



View From North





Whirlygig Properties, LLC

Request for Plat Text Amendment, OV12-03-31A

A "Building Condition" was included in the Final Plat for Mercado at Canada Hills which required "Mechanical Equipment" mounted on the roof of all the buildings to be screened. My understanding at the time is that this requirement was primarily being included for the benefit of two homes overlooking the project which are located on a hill to the east of the property. The driveway which leads to the homes faces the shopping center and the center is visible from the driveway. However, it is my understanding that the views from the living spaces face east and do not look out at the shopping center. It seems the only time the center is in view is when driving onto the property. The Fry's is also visible from the driveways and I do not believe there are any screens on the Fry's mechanical equipment.

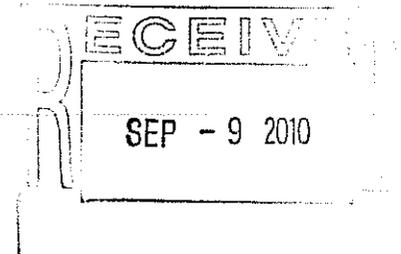
The screens are also partially visible from La Canada when driving south however I do not think the A/C units themselves are visible. We have built two of the 9 proposed buildings and the cost to screen the units that are currently on the roofs was approx. \$30,000. One tenant was not required to build a screen because the A/C unit was screened by the building Parapet Walls and was not visible from the homes above. Besides the initial cost of construction, our tenants suffer chronic roof leaks, which are time consuming and annoying. The wind blows the screens and is constantly moving them; creating cracks in the roof membrane where they are attached and thus causing roof leaks. It is costing approx. \$1,500 a year to take care of the roof leaks caused by the screens.

In my opinion the roofs would look better if we painted the A/C units to match the roof color rather than having these large metal screens around the units.

Please amend the text by removing the "Mechanical Screening Requirement".

Thank you,

Barry Kitay, Manager
La Canada Land Holdings, LLC



Commercial Real Estate Excellence

6236 E. Pima, Suite 170, Tucson, Arizona 85712 ■ P.O. Box 31058, Tucson, Arizona 85751-1058
Tel. (520) 546-9003 ■ Fax (520) 546-9640

GENERAL NOTES

- 1. THE GROSS AREA OF THIS DEVELOPMENT IS 8.156± ACRES. NET BUILDING AREA: 71,058 SQ. FT. FLOOR AREA RATIO: 20.0% OPEN SPACE: 1.66 ACRES. 2. TOTAL NUMBER OF LOTS IS 9. MINIMUM LOT SIZE IS 9338 SF. AVERAGE LOT SIZE IS 17685 SF. MAXIMUM BUILDING HEIGHT IS 38 FEET BUILDING SETBACKS: FRONT 20 FEET, REAR 0 FEET, AND SIDES 0 FEET PARKING PROVISIONS: 292 SPACES (AS ACCEPTED BY DRB) 3. EXISTING ZONING: EL CONQUISTADOR P.A.D. - COMMERCIAL PROPOSED 9 LOTS: 95,528 SF, COMMON AREA: 5.97 ACRES, 260,053 SF 4. BASIS OF BEARINGS: TRUE NORTH FROM GPS OBSERVATIONS RESULTING IN BEARING BEING N00°04'00"W FOR LA CANADA BOULEVARD FROM BRUCE SMALL SURVEYS INC. ALTA/ACSM LAND TITLE SURVEY RECORDED IN BOOK 27, PAGE 38 RECORDS OF SURVEY. 5. NO FURTHER SUBDIVISION OF ANY LOT OR PARCEL SHOWN WILL BE DONE WITHOUT THE WRITTEN APPROVAL OF THE ORO VALLEY TOWN COUNCIL. 6. THE PROPERTY OWNER, SUCCESSORS, ASSIGNS OR A DESIGNATED OWNERS ASSOCIATION AGREES TO 1) KEEP ALL REQUIRED LANDSCAPED AREAS MAINTAINED IN A WEED FREE, TRASH FREE CONDITION, 2) REPLACE ANY DEAD PLANT MATERIALS WITHIN 90 DAYS AND 3) MAINTAIN THE IRRIGATION AND PRIVATE SEWER COLLECTION SYSTEMS IN PROPER WORKING ORDER. 7. THIS SUBDIVISION IS AFFECTED BY A BLANKET ERRANT GOLFBALL EASEMENT RECORDED IN DOCKET 8622, PAGE 1830. 8. ALL DRAINAGE IMPROVEMENTS ON OR ADJACENT TO THIS PROJECT WHICH ARE TO BE CONSTRUCTED IN CONJUNCTION WITH THE DEVELOPMENT OF THIS PROJECT SHALL BE CONSTRUCTED ACCORDING TO PLANS AS REVIEWED AND APPROVED BY THE TOWN OF ORO VALLEY. 9. ANY UTILITIES THAT MAY HAVE TO BE RELOCATED AS A RESULT OF THIS DEVELOPMENT WILL BE DONE SO AT NO EXPENSE TO THE TOWN OF ORO VALLEY AND/OR PIMA COUNTY, UNLESS OTHERWISE AGREED TO WITH THE TOWN OF ORO VALLEY AND/OR PIMA COUNTY. 10. ALL ELECTRIC AND TELEPHONE SERVICES ARE TO BE UNDERGROUND. UTILITY SIZING AND LOCATION SUBJECT TO FINAL APPROVAL BY THE APPROPRIATE WATER DEPARTMENT, PIMA COUNTY WASTEWATER MANAGEMENT, AND ARIZONA DEPARTMENT OF HEALTH SERVICES. 11. THE PROFESSIONAL ENGINEER OF RECORD SHALL CERTIFY AS TO THE FORM, LINE AND FUNCTION OF ALL PUBLIC AND PRIVATE ROADWAYS AND DRAINAGE STRUCTURES BEFORE THE RELEASE OF ASSURANCES. 12. NOT USED. 13. THE DEVELOPER WILL COVENANT TO HOLD TOWN OF ORO VALLEY, ITS SUCCESSORS AND ASSIGNS, HARMLESS IN THE EVENT OF FLOODING. 14. IN ACCORDANCE WITH THE CROSS ACCESS & MAINTENANCE AGREEMENT THE OWNER OF THIS PROPERTY SHALL ENSURE CONTINUAL ACCESS FOR SOUTH PROPERTY OWNERS RECORDED IN DKT. 12669 PG. 3801. 15. THE LANDSCAPING WITHIN ALL PUBLIC SEWER EASEMENTS SHOWN HEREON SHALL BE IN ACCORDANCE WITH THE PLANTING GUIDELINES OF PC/COT STANDARD DETAIL WYM A-4. 16. THE OWNERS SHALL NOT CONSTRUCT ANY PERMANENT STRUCTURE (I.E., MASONRY WALLS, SIGNS, FENCES, ETC.) ON OR THROUGH THE PUBLIC SEWER EASEMENT WITHOUT SEPARATE WRITTEN CONSENT OF THE PIMA COUNTY WASTEWATER MANAGEMENT DEPARTMENT. 17. ON-SITE SANITARY SEWERS ARE PRIVATE AND WILL BE OPERATED AND MAINTAINED ON A PRIVATE BASIS. 18. THIS SUBDIVISION IS SUBJECT TO AN EASEMENT TO SOUTHWEST GAS CORPORATION AS RECORDED IN DOCKET 13099 AT PAGE 1312. THE EASEMENT IS DESCRIBED AS "A STRIP OF LAND TEN(10) FEET IN WIDTH, BEING FIVE(5) FEET ON EACH SIDE OF THE NATURAL GAS PIPELINE(S)". THE PIPELINE(S) (IF ANY) WERE NOT LOCATED BY EEC AND THEREFORE THE EASEMENT(S) CAN NOT BE SHOWN.

DEVELOPMENT PLAN (GENERAL NOTES)

- 1. NO DRIVE THROUGH FOOD USES ARE PERMITTED ON THIS SITE. 2. THIS DEVELOPMENT HAS BEEN APPROVED BY THE CANADA HILLS COMMUNITY ASSOCIATION BASED ON THE FOLLOWING CONDITIONS: A. CREATE A TURNAROUND BEHIND BUILDINGS 6 AND 7 TO FACILITATE TRACTOR TRAILER TRUCKS MAKING DELIVERIES TO THE FRY'S BUILDING. B. SECURE AN AGREEMENT, IN WRITING, FROM FRY'S AND PRIOR TO ISSUANCE OF THE ORO VALLEY CERTIFICATE OF OCCUPANCY THAT TRACTOR TRAILERS MUST ENTER AND EXIT BY WAY OF LAMBERT LANE. C. POST A SIGN ON THE NORTHERN DRIVEWAY TO PROHIBIT TRACTOR TRAILER TRUCKS, MAKING DELIVERIES TO FRY'S FROM ENTERING AND STATING THAT THIS DRIVEWAY IS A ONE WAY "IN ONLY" FOR ALL OTHER DELIVERY TRUCKS. D. POST A SIGN NEAR THE REAR OF BUILDING 6 INFORMING TRUCK DRIVERS THAT THE ROADWAY GOING NORTH IS NOT AN EXIT FOR DELIVERY TRUCKS. E. THE TOWN OF ORO VALLEY WILL REVIEW THE NEED FOR A GATE IN THE BACK DRIVEWAY AT THE END OF THE FIRST YEAR AFTER FULL OCCUPANCY OF ALL THE BUILDINGS. F. LA CANADA LAND HOLDINGS, LLC RETAINS THE RIGHT TO UTILIZE LA CANADA DRIVE FOR TRUCK TRAFFIC INGRESS AND EGRESS GENERATED BY USERS OF LOTS 1 THROUGH 9. G. COMMON AREA "B" PRIVATE EASEMENT, AS ESTABLISHED BY THE PROPERTY OWNER, IS FOR VEHICULAR AND PEDESTRIAN ACCESS TO SERVE INVITEES. 3. PER SEC. 14-205C4, ALL BUILDINGS SHALL HAVE A MINIMUM OF 10' OF LANDSCAPING ON ALL SIDES-EXCEPT WHERE REQUIRED FOR ACCESS, SIDEWALKS ETC. MAY BE INCLUDED WITHIN THE 10'; HOWEVER, A MINIMUM OF 4' MUST BE LANDSCAPED. THIS DOES NOT APPLY TO AREAS WITH MULTIPLE BUILDING ENTRANCES CONSOLIDATED TOGETHER. IF BUILDINGS INDICATED ON THE PLAN FOR MULTIPLE ENTRANCES OR USERS ARE CONVERTED TO A SINGLE TENANT SPACE, PLANTERS MUST BE ADDED IN ACCORDANCE WITH THE ZONING REQUIREMENT. 4. THE FOLLOWING UTILITIES WILL PROVIDE SERVICE TO THIS DEVELOPMENT: (A) ELECTRIC - TUCSON ELECTRIC POWER COMPANY (B) GAS - SOUTHWEST GAS CORPORATION (C) WATER - ORO VALLEY WATER UTILITY (D) SEWER - PIMA COUNTY WASTEWATER MANAGEMENT (E) TELEPHONE - QWEST COMMUNICATIONS (F) FIRE PROTECTION - GOLDBER RANCH FIRE DEPARTMENT (G) CABLE TELEVISION - COMCAST CABLE (SEE SHEET 2 FOR ADDITIONAL GENERAL NOTES).

DEDICATION

WE, THE UNDERSIGNED, HEREBY WARRANT THAT WE ARE ALL AND THE ONLY PARTIES HAVING ANY RECORD TITLE INTEREST IN THE LAND SHOWN ON THIS PLAT, AND WE CONSENT TO THE SUBDIVISION OF SAID LAND IN THE MANNER SHOWN HEREON. WE, THE UNDERSIGNED, OUR SUCCESSORS AND ASSIGNS, DO HEREBY SAVE THE TOWN OF ORO VALLEY, ITS SUCCESSORS AND ASSIGNS, THEIR EMPLOYEES, OFFICERS, AND AGENTS HARMLESS FROM ANY AND ALL CLAIMS FOR DAMAGES RELATED TO THE USE OF SAID LANDS NOW AND IN THE FUTURE BY REASON OF FLOODING, FLOWAGE, EROSION, OR DAMAGE CAUSED BY WATER, WHETHER SURFACE, FLOOD OR RAINFALL. IT IS FURTHER UNDERSTOOD AND AGREED THAT NATURAL DRAINAGE SHALL NOT BE ALTERED, DISTURBED, OR OBSTRUCTED WITHOUT APPROVAL OF THE ORO VALLEY TOWN COUNCIL. PRIVATE EASEMENTS AS SHOWN HEREON, ARE RESERVED FOR THE PRIVATE USE AND CONVENIENCE OF ALL OWNERS OF PROPERTY WITHIN THIS SUBDIVISION, AND ARE FOR THE INTENDED PURPOSE ONLY AS SHOWN HEREON, AND IN THE COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE DEVELOPMENT DESCRIBED BELOW INCLUDING ALL LIMITATIONS CONTAINED THEREIN. COMMON AREAS, PRIVATE DRAINAGEWAYS, VEHICULAR CROSS ACCESS AND PEDESTRIAN EASEMENTS AS SHOWN HEREON, ARE RESERVED FOR THE PRIVATE USE AND CONVENIENCE OF ALL OWNERS OF PROPERTY WITHIN THIS SUBDIVISION, AND THEIR GUESTS AND INVITEES, AND (EXCEPT FOR DRAINAGEWAYS) ARE GRANTED AS EASEMENTS FOR THE PURPOSE OF INSTALLATION AND MAINTENANCE OF UNDERGROUND UTILITIES AND PUBLIC SEWERS AND IN THE COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE DEVELOPMENT DESCRIBED BELOW INCLUDING ALL LIMITATIONS CONTAINED THEREIN. TITLE TO THE LAND OF ALL COMMON AREAS AND PRIVATE DRAINAGEWAYS SHALL BE VESTED IN AN ASSOCIATION OR INDIVIDUAL LOT OWNERS AS ESTABLISHED BY THE RECORDED COVENANTS, CONDITIONS AND RESTRICTIONS. THE ASSOCIATION WILL ACCEPT ALL RESPONSIBILITY FOR THE CONTROL, MAINTENANCE, SAFETY AND LIABILITY OF THE PRIVATE SEWER COLLECTION SYSTEM, THE COMMON AREAS AND PRIVATE DRAINAGEWAYS WITHIN THIS SUBDIVISION AS SHOWN HEREON.

PUBLIC UTILITY EASEMENTS AS SHOWN HEREON, ARE DEDICATED TO THE TOWN OF ORO VALLEY, PIMA COUNTY AND ALL PUBLIC UTILITY COMPANIES FOR THE PURPOSES OF ACCESS, INSTALLATION AND MAINTENANCE OF UTILITIES AND PUBLIC SEWERS FOR THE DEVELOPMENT. ALL COMMON AREAS, AS SHOWN HEREON, ARE DEDICATED TO THE TOWN OF ORO VALLEY, PIMA COUNTY, AND ALL PUBLIC UTILITY COMPANIES AS EASEMENTS FOR THE PURPOSES OF ACCESS, INSTALLATION AND MAINTENANCE OF UNDERGROUND UTILITIES AND PUBLIC SEWERS FOR THE DEVELOPMENT. THE COVENANTS, CONDITIONS AND RESTRICTIONS FOR THIS PLAT HAVE BEEN RECORDED IN DOCKET PAGE LANDMARK TITLE ASSURANCE AGENCY OF ARIZONA, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS TRUSTEE UNDER 18164-T AND NOT OTHERWISE. THE NAME AND ADDRESS OF THE BENEFICIARY AS OF SAID TRUST ARE AS FOLLOWS: LA CANADA LAND HOLDINGS, LLC, AN ARIZONA LIMITED LIABILITY COMPANY 6236 EAST PIMA STREET, SUITE 171 TUCSON, AZ 85712

ACKNOWLEDGMENT

STATE OF ARIZONA } COUNTY OF PIMA } THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 8th DAY OF October 2009, BY Joyce M. Rodda Trust Officer of Landmark Title Assurance Agency, ON BEHALF OF THE CORPORATION AND NOT OTHERWISE. MY COMMISSION EXPIRES: 11/4/09

ASSURANCES

ASSURANCE IN THE FORM OF THIS FROM LANDMARK TITLE AS RECORDED IN DOCKET 12669, PAGE 38 IN THE OFFICE OF THE PIMA COUNTY RECORDER, HAS BEEN PROVIDED TO GUARANTEE DRAINAGE AND STREET IMPROVEMENTS (INCLUDING MONUMENTS) AND UTILITY IMPROVEMENTS (ELECTRIC, TELEPHONE, GAS, WATER) IN THIS SUBDIVISION.

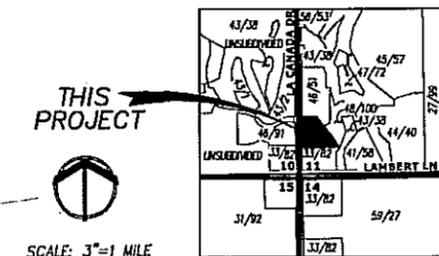
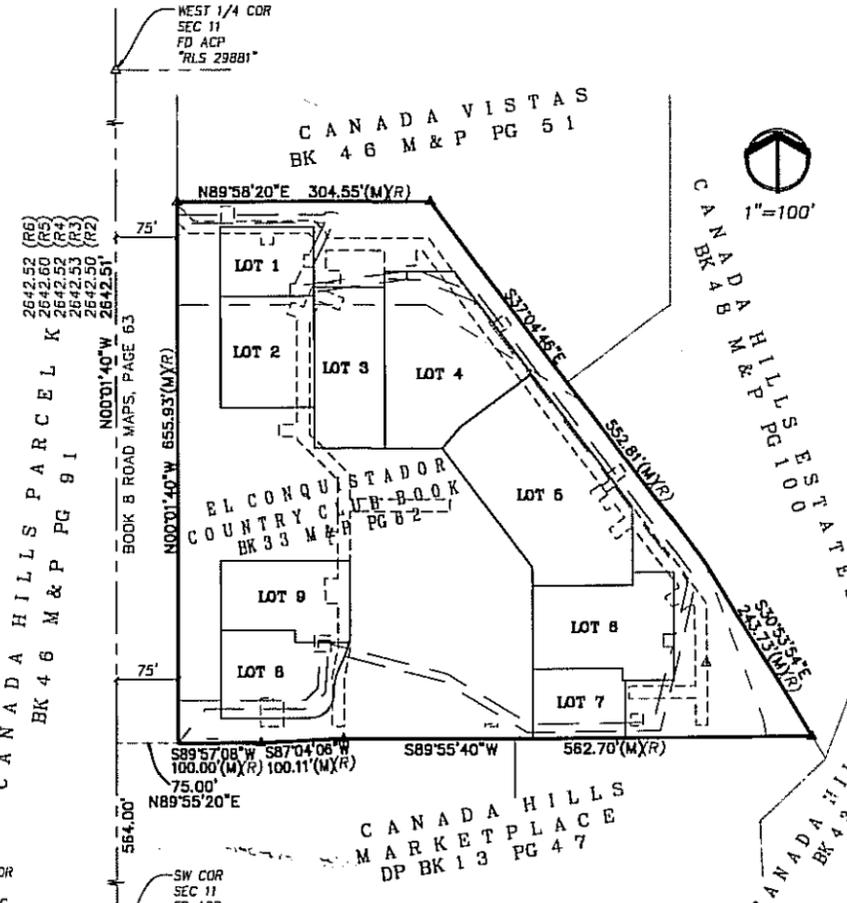
BY: Mayor, Town of Oro Valley DATE: 10/14/09

RECORDING

STATE OF ARIZONA } COUNTY OF PIMA } THIS INSTRUMENT WAS FILED FOR RECORD AT THE REQUEST OF ENGINEERING AND ENVIRONMENTAL CONSULTANTS, INC. ON THIS 21st DAY OF October, 2009 AT 9:21 A.M. IN BOOK 14 OF MAPS AND PLATS AT PAGE 93 THEREOF. WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR ABOVE AS WRITTEN. F. Ann Rodriguez PIMA COUNTY RECORDER J. Cabral Deputy County Recorder

WATER ADEQUACY

A CERTIFICATION OF ASSURED WATER SUPPLY HAS BEEN RECEIVED FROM THE DIRECTOR OF WATER RESOURCES. BY: Philip C. Salter, Director, Town of Oro Valley Water Utility DATE: 10/12/09



LOCATION MAP

SW 1/4 OF SECTION 11, T12 S, R13 E, G & S.R.M., PIMA COUNTY, ARIZONA

OWNER

LA CANADA LAND HOLDINGS, LLC C/O WHIRLYGIG PROPERTIES 6236 E PIMA #170 TUCSON, AZ 85712 ATTN: BARRY KITAY (520) 546-9003

LEGEND

- BOUNDARY OF PARCEL SUBDIVIDED LOT LINE SECTION LINE EXISTING EASEMENT NEW EASEMENT DEDICATED PER THIS PLAT ORIGINAL LOT LINE SHOWN FOR REFERENCE ONLY SET 1/2" IRON PIN "RLS 14145" SET PK NAIL/DISK "RLS 14145" SET DRILL HOLE/LEAD PLUG SCREW/TAG "RLS 14145" FOUND SURVEY MONUMENT - AS NOTED RECORDED MEASURED

KEY NOTES

- 30'x60' PUBLIC SEWER EASEMENT DEDICATED BY THIS PLAT VEHICULAR CROSS ACCESS AND PEDESTRIAN PRIVATE EASEMENT AND PUBLIC UTILITY EASEMENT AS ESTABLISHED BY THE PROPERTY OWNER. PRIVATE DRAINAGE EASEMENT AS ESTABLISHED BY THE PROPERTY OWNER. COMMON AREA "B" PRIVATE EASEMENT FOR VEHICULAR AND PEDESTRIAN ACCESS AS ESTABLISHED BY THE PROPERTY OWNER TO SERVE ALL INVITEES.

REFERENCE DRAWINGS

- (R1) = BOOK 27, PAGE 38 RECORDS OF SURVEY (R2) = BOOK 69, PAGE 04 RECORDS OF SURVEY (R3) = BOOK 71, PAGE 01 RECORDS OF SURVEY (R4) = CANADA VISTA BOOK 46, PAGE 51 MAPS AND PLATS (R5) = EL CONQUISTADOR COUNTRY CLUB BOOK 33, PAGE 82 MAPS AND PLATS (R6) = CANADA HILLS GOLF COURSE BOOK 43, PAGE 38 MAPS AND PLATS

FINAL PLAT MERCADO AT CANADA HILLS LOTS 1 THROUGH 9 & COMMON AREA "A" & "B" (CROSS ACCESS, PEDESTRIAN AND DRAINAGE)

A PORTION OF THE SW 1/4 SECTION 11, T12S, R13E, G&SRM AND A RESUBDIVISION OF A PORTION OF BLOCK 2, AS RECORDED IN EL CONQUISTADOR COUNTRY CLUB BK. 33 M&P, PG. 82, TOWN OF ORO VALLEY PIMA COUNTY, ARIZONA

APPROVALS

- Kathryn E. Cuddeback, Clerk of the Town of Oro Valley, dated 10-14-09. Mayor H. Coates, dated 10/14/09. Pima County Wastewater Management (C.C. Patel, P.E.), dated 10-7-09. Philip C. Salter, Water Utility Director, dated 10/12/09. Town Engineer, dated 10-9-09. Zoning Administrator, dated 10-12-09.

CERTIFICATION OF SURVEY

I HEREBY CERTIFY THAT THE BOUNDARY SHOWN ON THIS PLAT WAS PERFORMED UNDER MY DIRECTION AND THAT ALL EXISTING SURVEY MONUMENTS AND MARKERS SHOWN ARE CORRECTLY DESCRIBED. I FURTHER CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY DIRECTION. GENERAL NOTES NO. 5, 6, 8 THROUGH 26 AND DEDICATION WERE NOT REVIEWED BY THE SURVEYOR.

JAMES L. DEAN R.L.S. NO. 14145

ENGINEER

AS TO DEVELOPMENT PLAN (GENERAL NOTES) SHOWN ON PLAT.

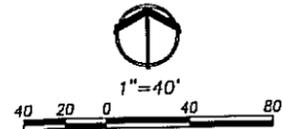


Engineering and Environmental Consultants, Inc. 4025 E. FT. LOWELL RD. Tel: 520-321-4626 Fax: 520-321-0333 TUCSON, ARIZONA 85712 www.eec-info.com

GENERAL NOTES (CONTINUED FROM SHEET 2)

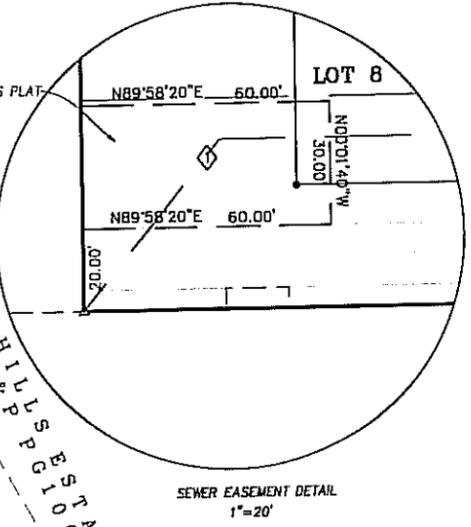
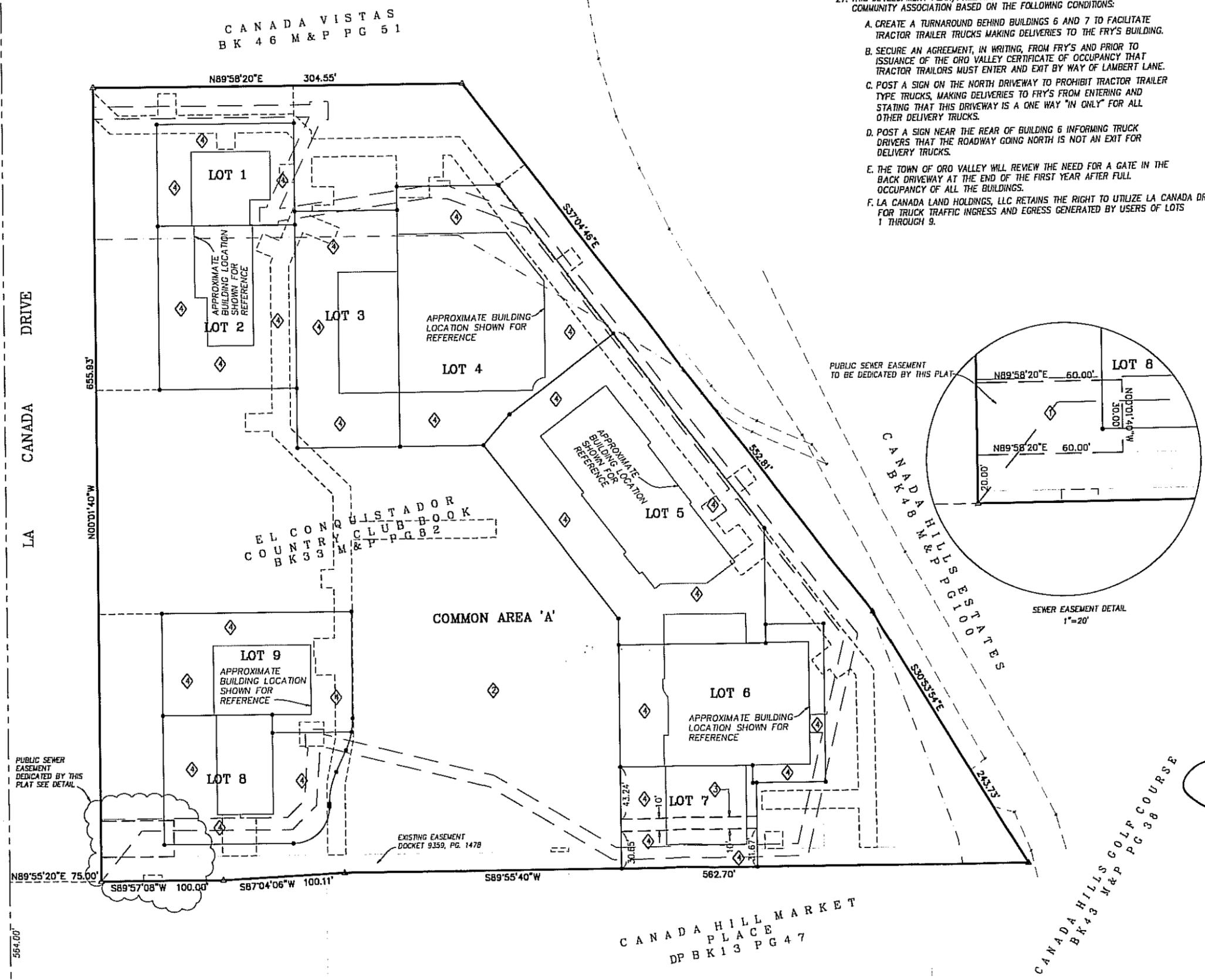
27. THIS DEVELOPMENT PLAN/PRELIMINARY PLAT IS APPROVED BY THE CANADA HILLS COMMUNITY ASSOCIATION BASED ON THE FOLLOWING CONDITIONS:

- A. CREATE A TURNAROUND BEHIND BUILDINGS 6 AND 7 TO FACILITATE TRACTOR TRAILER TRUCKS MAKING DELIVERIES TO THE FRY'S BUILDING.
- B. SECURE AN AGREEMENT, IN WRITING, FROM FRY'S AND PRIOR TO ISSUANCE OF THE ORO VALLEY CERTIFICATE OF OCCUPANCY THAT TRACTOR TRAILERS MUST ENTER AND EXIT BY WAY OF LAMBERT LANE.
- C. POST A SIGN ON THE NORTH DRIVEWAY TO PROHIBIT TRACTOR TRAILER TYPE TRUCKS, MAKING DELIVERIES TO FRY'S FROM ENTERING AND STATING THAT THIS DRIVEWAY IS A ONE WAY "IN ONLY" FOR ALL OTHER DELIVERY TRUCKS.
- D. POST A SIGN NEAR THE REAR OF BUILDING 6 INFORMING TRUCK DRIVERS THAT THE ROADWAY GOING NORTH IS NOT AN EXIT FOR DELIVERY TRUCKS.
- E. THE TOWN OF ORO VALLEY WILL REVIEW THE NEED FOR A GATE IN THE BACK DRIVEWAY AT THE END OF THE FIRST YEAR AFTER FULL OCCUPANCY OF ALL THE BUILDINGS.
- F. LA CANADA LAND HOLDINGS, LLC RETAINS THE RIGHT TO UTILIZE LA CANADA DRIVE FOR TRUCK TRAFFIC INGRESS AND EGRESS GENERATED BY USERS OF LOTS 1 THROUGH 9.



KEY NOTES

- ◆ 30'x60' PUBLIC SEWER EASEMENT DEDICATED BY THIS PLAT
- ◆ VEHICULAR CROSS ACCESS AND PEDESTRIAN PRIVATE EASEMENT AND PUBLIC UTILITY EASEMENT AS ESTABLISHED BY THE PROPERTY OWNER.
- ◆ PRIVATE DRAINAGE EASEMENT AS ESTABLISHED BY THE PROPERTY OWNER.
- ◆ COMMON AREA 'B' PRIVATE EASEMENT FOR VEHICULAR AND PEDESTRIAN ACCESS AS ESTABLISHED BY THE PROPERTY OWNER TO SERVE ALL INVITEES.



SEE SHEET 2 OF 3 FOR BOUNDARY DATA

AS TO CERTIFICATION ON SHEET 1



James L. Deah

**FINAL PLAT
MERCADO AT CANADA HILLS
LOTS 1 THROUGH 9 &
COMMON AREA "A" & "B" (CROSS
ACCESS, PEDESTRIAN AND DRAINAGE)**

A PORTION OF THE SW 1/4 SECTION 11, T12S, R13E, G&SRM AND A RESUBDIVISION OF A PORTION OF BLOCK 2, AS RECORDED IN EL CONQUISTADOR COUNTRY CLUB BK. 33 M&P, PG. 82, TOWN OF ORO VALLEY PIMA COUNTY, ARIZONA

SCALE: 1"=40'

CANADA HILL MARKET
PLACE
DP BK 13 PG 47



civil engineering • land development •
land surveying and construction staking •
environmental services • flood control and drainage •
landscape architecture • natural resources • transportation •
water and wastewater

Engineering and Environmental Consultants, Inc.
4625 E. FT. LOWELL RD. Tel: 520-321-4825 • Fax: 520-321-0333
TUCSON, ARIZONA 85712 www.eec-info.com

Co12-80-75, Co9-18-121

OV12-03-31A
EEC JOB 203143

SEPTEMBER 2009 SHEET 3 OF 3

SW COR
SEC 11
FD BC5M
"RLS 12214"

PUBLIC SEWER
EASEMENT
DEDICATED BY THIS
PLAT SEE DETAIL

EXISTING EASEMENT
DOCKET 9359, PG. 147B

CANADA VISTAS
BK 46 M&P PG 51

LA CANADA DRIVE
CANADA HILLS STATES

EL CONQUISTADOR
COUNTRY CLUB
BK 33 M&P PG 82

TC Regular Session

Date: 11/17/2010

Requested by: Kathryn Cuvelier, Town Clerk **Submitted By:** Kathryn Cuvelier, Town Clerk's Office

Department: Town Clerk's Office

Information

SUBJECT:

Reappointment of Mr. C. Kent Russell to the Municipal Property Corporation Board of Directors with term effective through December 31, 2013

SUMMARY:

The Municipal Property Corporation (MPC) is a non-profit corporation that contracts with the Town to construct and finance public facilities in accordance with specifications approved by the Town Council. The MPC sells bonds in order to obtain the necessary funds. The MPC has a three member Board of Directors that meets on an as-needed basis.

The term of Mr. C. Kent Russell member of the Municipal Property Corporation was extended by the Mayor and Council from September 30, 2010 to December 31, 2010 when the Council voted to change the terms of office for Boards and Commissions from a fiscal year to a calendar year.

DISCUSSION:

Mr. Russell's term will expire on December 31, 2010. Mr. Russell has indicated his desire to serve an additional term on the MPC. Members of the MPC serve 3 year terms; therefore, Mr. Russell's new term would expire December 31, 2013.

FISCAL IMPACT:

N/A.

CONCLUSION/RECOMMENDATION:

Staff recommends that Mr. Russell be reappointed to the Board of Directors of the Municipal Property Corporation with term effective through December 31, 2013.

SUGGESTED MOTION:

I MOVE to reappoint Mr. C. Kent Russell to the Municipal Property Corporation with term effective through December 31, 2013.

OR

I MOVE to

TC Regular Session

Date: 11/17/2010

Submitted By: David Parker, Development Infrastructure Services

Department: Development Infrastructure Services

Information

SUBJECT:

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.

SUMMARY:

The Stormwater Utility fee was approved by the Town Council in November 2007 and the first bills sent out in January 2008. Penalty and collection procedures were established to mirror the Oro Valley Water Utility (OVWU) collection procedures for all OVWU customers. Since numerous residents and business owners in Town receive their water from Tucson and Metro Water, additional collection procedures were added to the ordinance authorizing placing liens on real property and the issuance of civil citations. The original procedures identified in the ordinance have proven to be inadequate for civil enforcement. As such, the enforcement provisions of the ordinance have been amended by Town legal staff in consultation with the Town Magistrate and Development and Infrastructure Services department personnel. The amendments are presented today for Council consideration and approval.

DISCUSSION:

Since January 2008, if a non OVWU customer was overdue in paying their Stormwater Utility fee, a collection procedure that included numerous late notices from the Stormwater Utility Manager and the Town Attorney culminating in a civil citation was used to enforce collection. The existing ordinance authorizes the use of civil citations but does not detail specific step by step procedures or penalties to be assessed. These shortcomings in the existing ordinance have hindered enforcement and collections. The need to amend the ordinance was highlighted by a case in which a default judgment was required but not obtainable under the existing ordinance due to a resident not paying, being summoned, and not appearing in court in response to the summons. The amended ordinance corrects the enforcement issues by identifying the specific step by step process to follow and specific penalties that can be assessed through civil sanctions or a default judgment.

FISCAL IMPACT:

The amended ordinance will be revenue neutral to the Town. The number of potential sanctions cannot be estimated.

CONCLUSION/RECOMMENDATION:

Staff recommends approval of Ordinance No. (O) 10 - 14.

SUGGESTED MOTION:

I move to adopt Ordinance No. (O) 10 - 14, Amending Oro Valley Town Code, Chapter 15, Water Code, Article 24, Stormwater, Subsection 15-24-13(K).

Attachments

Link: [Ordinance 10-14](#)

ORDINANCE NO. (O) 10-14

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, 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.

WHEREAS, Oro Valley is a political subdivision of the State of Arizona, is vested with all rights, privileges, and benefits and entitled to the immunities and exemptions granted municipalities and political subdivisions under the Constitution and laws of the State of Arizona and the United States; and

WHEREAS, pursuant to A.R.S. 9-511, *et seq.*, the Town has requisite statutory authority to acquire, own and maintain a Stormwater utility for the benefit of the landowners within and without the Town's corporate boundaries; and

WHEREAS, on June 20, 2001, the Council adopted Ordinance No. (O) 01-15, Article 15-24, Stormwater Utility Ordinance which serves as the Comprehensive Stormwater Management Plan; and

WHEREAS, on November 9, 2007, the Town adopted Oro Valley Town Code, Chapter 15, Article 24, Section 15-24-13, Stormwater Utility Fee System; and

WHEREAS, the current Subsection 15-24-13(K), Stormwater Utility Fee Payable Date; Interest Amount; Lien on Real Property; Abatement of Small Amounts Due, proved unworkable as a mechanism to collect delinquent stormwater utility fees; and

WHEREAS, the Mayor and Council desire to rename Subsection 15-24-13(K) to "Delinquent Stormwater Utility Fee Process/Penalties", and to amend the subsection to clarify the mechanism for collection of delinquent stormwater utility fees.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the Council of the Town of Oro Valley, Arizona, that:

SECTION 1. Subsection 15-24-13(K) of the Oro Valley Town Code is hereby amended as follows with additions in ALL CAPS and deletions in ~~strikethrough~~.

15-24-13 Stormwater Utility Fee System

~~K. Stormwater Utility Fee Payable Date; Interest Amount; Lien on Real Property; Abatement of Small Amounts Due.~~

~~1. The invoiced fee is due within thirty (30) days from the date that the bill is issued to the property owner and is overdue after that date. Late fees will be charged in accordance with the Oro Valley Water Utility's delinquency policy.~~

~~2. Any fee, including interest, when overdue, is a lien on real property and may be collected in the same manner as delinquent Oro Valley Water Utility fees.~~

~~3. The Stormwater Utility Administrator may abate the fee, including interest, if the cost of collection is estimated to exceed the amount of the fee, including any interest due.~~

~~4. The Town Engineer, and/or his designee, may institute any appropriate action or proceeding by the issuance of a civil citation or summons pursuant to Article 1-8, Penalties, of the Oro Valley Town Code.~~

...

K. DELINQUENT STORMWATER UTILITY FEE PROCESS/PENALTIES. FOR ORO VALLEY RESIDENTS BEING SERVED WATER BY THE ORO VALLEY WATER UTILITY AND CHARGED THEIR STORMWATER UTILITY FEES AS PART OF THEIR WATER UTILITY BILL, THE ORO VALLEY WATER UTILITY REGULATIONS SHALL APPLY TO ALL DELINQUENT FEES.

FOR ALL OTHER ORO VALLEY STORMWATER UTILITY CUSTOMERS, THE FOLLOWING SHALL BE FOLLOWED TO OBTAIN PAYMENT OF DELINQUENT FEES AND PENALTIES.

1. **PROCESS.** STORMWATER UTILITY FEES ARE OVERDUE TWENTY ONE (21) DAYS AFTER THE STORMWATER UTILITY BILL IS ISSUED AND A PENALTY FOR ANY OVERDUE PAYMENTS MAY BE IMPOSED.
 - a) THE STORMWATER UTILITY MANAGER SHALL SEND A DELINQUENCY NOTICE TO PROPERTY OWNERS RESPONSIBLE FOR STORMWATER UTILITY FEES DEMANDING PAYMENT OF THEIR DELINQUENT FEE WITHIN TEN (10) DAYS OF THE DATE OF THE NOTICE.
 - b) IF THERE IS NO REPLY TO THE STORMWATER UTILITY MANAGER'S LETTER, THE TOWN ATTORNEY'S OFFICE SHALL SEND A LETTER DEMANDING PAYMENT OF THE STORMWATER UTILITY FEE FROM PROPERTY OWNERS WHO HAVE NOT REPLIED TO THE FIRST NOTICE. IN THE EVENT THAT THERE IS NO RESPONSE TO THE TOWN ATTORNEY'S LETTER, THE TOWN WILL INITIATE LEGAL PROCEEDINGS IN THE ORO VALLEY MAGISTRATE COURT AFTER TEN (10) DAYS.
 - c) FAILURE TO PAY THE FEE, INCLUDING ANY LATE CHARGES, BY THE DUE DATE SHALL BE CONSIDERED A CIVIL VIOLATION AND A SUMMONS AND COMPLAINT WILL BE SERVED ON THE PROPERTY OWNER. THE SUMMONS AND COMPLAINT WILL BE SERVED ON THE PROPERTY OWNER BY A PROCESS SERVER.
 - d) IN THE EVENT THE DEFENDANT(S) FAIL(S) TO APPEAR IN COURT, THE ORO VALLEY MAGISTRATE IS AUTHORIZED TO ISSUE A DEFAULT

2. PENALTIES.

A. CIVIL SANCTIONS

1. A PERSON FOUND RESPONSIBLE FOR A VIOLATION OF THIS ARTICLE SHALL BE SANCTIONED BY THE MAGISTRATE OR HEARING OFFICER AS FOLLOWS:
 - a) FIRST VIOLATION WITHIN A TWENTY FOUR (24) MONTH PERIOD: A SANCTION OF NOT MORE THAN ONE HUNDRED DOLLARS (\$100.00).
 - b) SECOND VIOLATION WITHIN A TWENTY FOUR (24) MONTH PERIOD: A SANCTION OF NOT MORE THAN ONE HUNDRED AND FIFTY HUNDRED DOLLARS (\$150.00).
 - c) THIRD OR SUBSEQUENT VIOLATION WITHIN A TWENTY FOUR (24) MONTH PERIOD: A SANCTION OF NOT MORE THAN TWO HUNDRED DOLLARS (\$200.00).
 - d) THE COURT MAY, AT ITS DISCRETION, REDUCE OR SUSPEND THE SANCTION.

SANCTIONS ARE IN ADDITION TO THE DELINQUENT STORM WATER UTILITY FEE, LATE FEES AND CHARGES.

B. DEFAULT JUDGMENT

1. IF AFTER BEING LEGALLY SERVED WITH A SUMMONS AND COMPLAINT, THE PARTY FAILS TO APPEAR AT THE HEARING TIME DESIGNATED IN THE SUMMONS AND COMPLAINT AND/OR TIME DESIGNATED FOR A HEARING BY THE COURT, THAT INDIVIDUAL SHALL BE DEEMED TO HAVE ADMITTED THE ALLEGATION IN THE COMPLAINT AND THE COURT SHALL ENTER JUDGMENT AND IMPOSE A CIVIL SANCTION IN ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER.
2. UPON ENTRY OF THE DEFAULT JUDGMENT THE COURT, IN ADDITION TO THE SANCTIONS, MAY IMPOSE ALL APPLICABLE SURCHARGES, SECURITY FEES, A DEFAULT JUDGMENT FEE AND OTHER COURT FEES AS AUTHORIZED BY STATE LAW OR TOWN ORDINANCE.
3. IF ANY PENALTY ORDERED TO BE PAID BY THE MAGISTRATE OR FORFEITED PURSUANT TO DEFAULT IS NOT PAID WITHIN THIRTY (30) DAYS OF THE MAGISTRATE'S ORDER, A LIEN ON THE REAL

...

SECTION 2. All Oro Valley ordinances, resolutions, or motions and parts of ordinances, resolutions or motions of the Council in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona this 17th day of November, 2010.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

APPROVED AS TO FORM:

Tobin Rosen, Town Attorney

ATTEST:

Kathryn E. Cuvelier, Town Clerk

Date: _____

Date: _____

TC Regular Session

Date: 11/17/2010

Requested by: Philip Saletta, Water
Utility Director

Submitted By: Shirley Seng, Water

Department: Water

Information

SUBJECT:

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

SUMMARY:

The Water Utility Commission approved a motion on September 13, 2010 to recommend the Preferred Financial Scenario to the Mayor and Council. The Commission's recommendation was based on the following:

1. Meeting all Mayor and Council water policies with regard to debt service, cash reserves and rate shock.
2. Maintaining financial sustainability.
3. Minimizing future debt for existing system capital improvements.
4. Building cash reserves in anticipation of direct delivery of CAP water.

The following items highlight the proposed changes for water rates, fees and charges included in the Preferred Financial Scenario:

- No increase in the monthly base rate
- No increase in the tiered commodity rates
- No increase in the construction water rate
- Increase the Groundwater Preservation Fee by \$0.20 per 1,000 gallons for potable water use
- Increase the Groundwater Preservation Fee by \$0.10 per 1,000 gallons for reclaimed water use
- Increase the Meter Installation Fees to recover costs
- Increase the New Service Establishment Fees to recover costs

The purpose of the Groundwater Preservation Fee (GPF) is for existing customers to pay for a portion of the acquisition of renewable water resources including wastewater effluent, reclaimed water and CAP water, infrastructure and related debt. The GPF was established in 2003 prior to the issuance of the Series 2003 Bonds which were sold to finance the first phase of the reclaimed water delivery system. This was the first debt to be repaid by GPF revenue with annual debt service of \$887,000. Subsequent debt includes the acquisition of effluent and CAP water rights from the City of Tucson and construction of the second phase of the reclaimed water delivery system. These additional obligations have increased the annual debt service in the AWRDIF Fund to \$1.66 million for FY 10-11.

In addition to this debt, capital costs associated with our allocation of CAP water (\$154,000 annually) are paid through the AWRDIF Fund as well as the past capital costs associated with the reallocation of CAP water in 2007 (\$994,000 remaining balance).

The proposed increase in the GPF is to help pay these costs and to begin building cash reserves for future CAP development. The intent is to have the proposed GPF increases keep pace with the CAP water development time line.

DISCUSSION:

The Town Council held a study session on September 22, 2010 to discuss the proposed water rates. Discussion centered around the intended use of Groundwater Preservation Fees and the need to build cash reserves in the Alternative Water Resources Development Impact Fee (AWRDIF) Fund for future CAP water development. The Council requested that Staff provide additional information on the different options for bringing CAP water to the Town and their respective time lines prior to the public hearing. That information will be provided under separate cover to the Council.

On October 6, 2010 the Town Council adopted Resolution No. (R) 10-68 providing the Town's notice of intent to increase water rates, fees and charges for the Water Utility. This action established a public hearing date for November 17, 2010 and made the *Water Rates Analysis Report* available to the public. Comments that have been received from customers regarding the proposed rate increases are included as an attachment. Comments received after this communication will be provided to the Council prior to or on the day of the public hearing.

Advertising of Resolution No. (R) 10-68 occurred on October 18, 2010 in the Daily Territorial newspaper as required by state statute. Additionally, the Water Utility inserted a flyer in water bills in late October that advertised the public hearing and explained the proposed increases. This flyer will also be inserted in the early November water bills.

FISCAL IMPACT:

The proposed increase in the GPF will help pay existing debt service on the reclaimed water system and the remaining debt on the CAP acquisition. It will put the Water Utility in a better financial position with a sufficient ending fund cash balance for the future debt service on CAP water.

The proposed increases in Meter Installation Fees and New Service Establishment Fees will allow the Water Utility to recover costs associated with providing those services.

CONCLUSION/RECOMMENDATION:

The Water Utility Commission has recommended the Preferred Financial Scenario in the *Water Rates Analysis Report*.

Staff respectfully requests approval of Resolution No. (R) 10 - 82.

SUGGESTED MOTION:

I move 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.

Attachments

Link: [R 10-82 Water Rate Increase w/ Exhibit A](#)

Link: [Correspondence on Increase](#)

Link: [Schedule](#)

RESOLUTION NO. (R) 10- 82

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, AUTHORIZING AND APPROVING INCREASES IN WATER RATES, FEES AND CHARGES FOR THE TOWN OF ORO VALLEY WATER UTILITY.

WHEREAS, the Town of Oro Valley is a political subdivision of the State of Arizona vested with all associated rights, privileges and benefits and is entitled to the immunities and exemptions granted municipalities and political subdivisions under the Constitution and laws of the State of Arizona and the United States; and

WHEREAS, pursuant to ARS § 9-511, *et seq.*, the Town has the requisite statutory authority to acquire, own and maintain a water utility for the benefit of the residents within and without the Town's corporate boundaries; and

WHEREAS, pursuant to ARS § 9-511, *et seq.*, the Town finds it necessary to increase water rates, fees and charges for the Oro Valley Water Utility, which increases are described in Exhibit "A" attached hereto; and

WHEREAS, the Mayor and Council held a study session regarding increases in water rates, fees and charges on September 22, 2010; and

WHEREAS, on October 6, 2010, Mayor and Council approved Resolution 10-68, providing Notice of Intent to increase water rates, fees and charges; and

WHEREAS, Mayor and Council held a Public Hearing to deliberate and vote on the proposed increases in water rates, fees and charges on November 17, 2010.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Oro Valley, Arizona, that:

1. The Oro Valley Water Utility increases in water rates, fees and charges, as described in Exhibit "A" attached hereto and incorporated herein by this reference, are hereby authorized and approved.
2. The Mayor and other administrative officials of the Town of Oro Valley are hereby authorized to take such steps as are necessary to implement the increases in water rates, fees and charges.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona this 17th day of November, 2010.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

APPROVED AS TO FORM:

Kathryn E. Cuvelier, Town Clerk

Tobin Rosen, Town Attorney

Date: _____

Date: _____

EXHIBIT "A"

Groundwater Preservation Fees

Potable Water Use	\$ 0.95 per 1,000 gallons
Reclaimed Water Use	\$ 0.50 per 1,000 gallons

New Service Establishment Fees: \$ 35.00

Meter Installation Fees

<u>Meter Size</u>	<u>Meter Type</u>	<u>Fees</u>
5/8 x 3/4	standard	\$ 296.00
3/4 x 3/4	standard	\$ 296.00
1	standard	\$ 370.00
1.5	irrigation (turbo) T2	\$ 1,105.00
1.5	high use (compound) C2	\$ 1,568.00
2	irrigation (turbo) T2	\$ 1,280.00
2	high use (compound) C2	\$ 1,795.00
3	irrigation (turbo)	\$ 1,575.00
3	high use (compound)	\$ 2,224.00
4	irrigation (turbo)	\$ 2,868.00
4	high use (compound)	\$ 3,758.00
6	irrigation (turbo)	\$ 5,093.00
6	high use (compound)	\$ 6,452.00
8	irrigation (turbo)	\$ 7,635.00



Correspondence & Comments
2010 Proposed Rate Increase

To: Seng, Shirley

Subject: Increase in Water Rates

Entered on 10/07/2010 at 07:41:30 MST (GMT-0700) by Carol Frederick:

I cannot believe that you are considering raising the water rates again. Every year except 2006 , you have raised the rates on our water bills. I moved here in 1996 and first paid about \$35.00 or 45.00 a month and now I am paying \$80.00 or more every month and there are 2 people in the house. We wash clothes only once a week and wash dish's every 3 days using the dishwasher and only water for 30 minutes on a drip system per day when is is not raining and if the weather gets colder it is only 15 minutes per day. I would like to know how you justify a water rate hike every year. It seems to me that there is something wrong with your water utility office.

Pat Klein
Constituent Services Coordinator
Town of Oro Valley
11000 N. La Cañada Dr.
Oro Valley, AZ 85737
p. (520) 229-4711
www.orovalleyaz.gov

Caring for our heritage, our community, our future.

Seng, Shirley

From: Seng, Shirley
Sent: Thursday, October 07, 2010 3:59 PM
To: 'catsambo@aol.com'
Cc: Klein, Pat; Saletta, Philip
Subject: RE: Increase in Water Rates
Attachments: Response to C. Frederick.pdf

Dear Carol:

Thank you for your email entered on 10/7/10 regarding the proposed increase in water rates. This year, the Water Utility Commission has recommended an increase in the Groundwater Preservation Fee (GPF) only. There are no proposed increases to the monthly base rate or the tiered commodity rates.

Revenue from the GPF is currently used to repay the existing debt on the reclaimed water delivery system. These funds will also be used to repay debt associated with the delivery of CAP water in the future.

I have attached a graph of your water use for the last two years along with a table that details the charges for water, sewer and stormwater that were included on your monthly water bills. It is important to note that the sewer fees included on your monthly water bill are collected for Pima County Regional Wastewater Reclamation Department and are remitted to them. The stormwater fees are collected for the Town but are not part of the Water Utility. Given your water use ranging from 4,000 gallons to 11,000 gallons per month, you would experience increases of \$0.80 to \$2.20 per month depending on your actual water use.

There is a Public Hearing scheduled for November 17, 2010 at 6:00 p.m. in the Council Chambers. The Council will use this opportunity to receive comments from the residents of Oro Valley regarding the proposed GPF increase. I will provide the Council with a copy of your email and this response in the event you are unable to attend.

Again, thank you for your comments regarding the proposed increase. If I can be of further assistance in this regard, please do not hesitate to contact me.

Regards,
Shirley Seng

Shirley Seng
Water Utility Administrator
Oro Valley Water Utility
11000 N. La Canada Dr.
Oro Valley, AZ 85737
(520) 229-5013 direct
(520) 229-5029 fax
sseng@orovalleyaz.gov

Caring for our heritage, our community, our future.

From: Klein, Pat
Sent: Thursday, October 07, 2010 1:23 PM

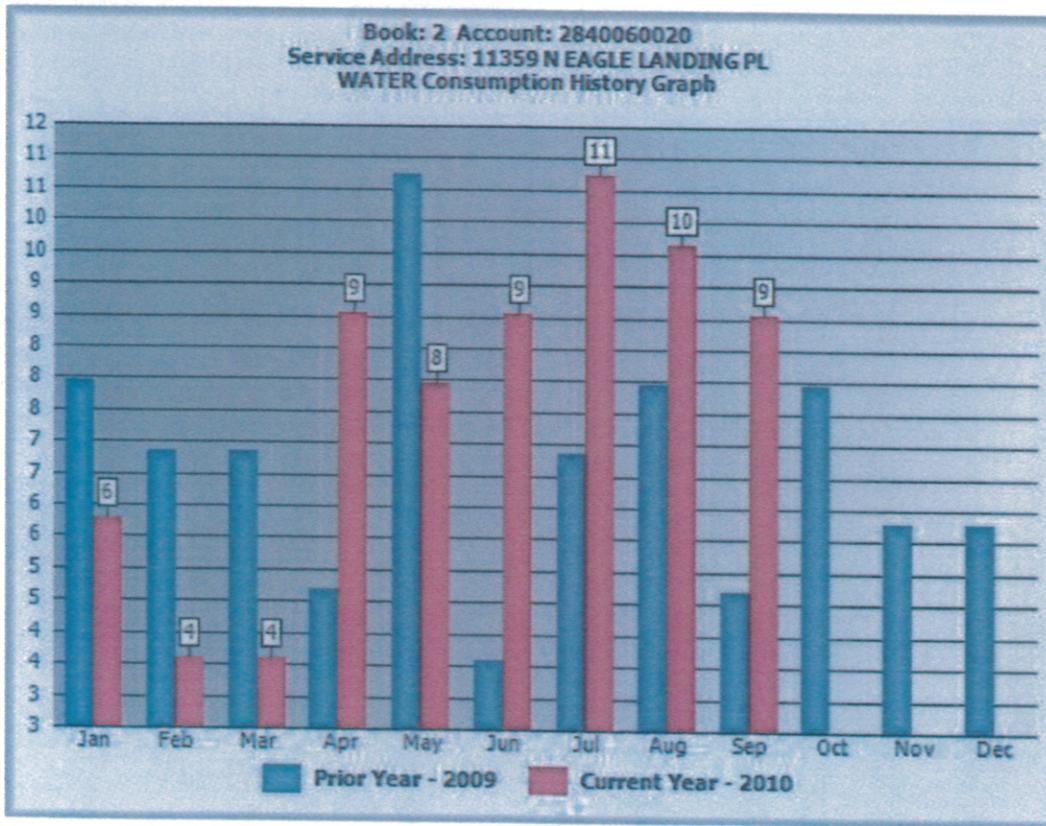
10/7/2010

Frederick, Carol
 11359 N. Eagle Landing Place
 Account No. 2840060020
 Prepared: October 7, 2010

The following will illustrate your water, sewer & stormwater charges for the past 4 years:

Date	Water Use	Charges		
		Water	Sewer	Stormwater
SEP 2007	7,000	\$ 31.30	\$ 16.36	\$ -
AUG 2008	7,000	\$ 32.90	\$ 16.48	\$ 2.90
JUL 2009	7,000	\$ 35.42	\$ 26.04	\$ 2.90
MAY 2010	8,000	\$ 41.27	\$ 35.56	\$ 2.90

The graph below provides the most recent 2 year history of water use. The highest monthly use was 11,000 gallons and the lowest was 4,000 gallons. The average monthly water use was 7,000 gallons, therefore, that average water use was used to demonstrate the change in billed amounts.



Seng, Shirley

From: Hornat, Joe
Sent: Monday, October 11, 2010 9:32 AM
To: Seng, Shirley
Cc: Saletta, Philip
Subject: RE: water rates

Well, at least he is accurate!! :)
Thanks
Joe

From: Seng, Shirley
Sent: Monday, October 11, 2010 9:31 AM
To: Hornat, Joe
Cc: Saletta, Philip
Subject: RE: water rates

Good morning Councilmember Hornat –
Mr. Mariani is correct. Based on the water use in FY 2009-10 the proposed \$0.10 increase in the reclaimed GPF will result in an annual increase of \$13,571.50 to the Sun City Golf Course.
Thank you,
Shirley

Shirley Seng
Water Utility Administrator
Oro Valley Water Utility
11000 N. La Canada Dr.
Oro Valley, AZ 85737
(520) 229-5013 direct
(520) 229-5029 fax
sseng@orovalleyaz.gov

Caring for our heritage, our community, our future.

From: Hornat, Joe
Sent: Monday, October 11, 2010 8:51 AM
To: Saletta, Philip
Cc: Seng, Shirley
Subject: FW: water rates

Just FYI in case you guys didn't see this yet.
Thanks
Joe

PS. Any way to verify that this guy or group is accurate in their assessment of the increased cost...? Just wondering.

From: Bob Mariani [bmariani@suncity-vistoso.com]
Sent: Friday, October 08, 2010 4:28 PM
To: Hiremath, Satish; Garner, William; Gillaspie, Barry; Hornat, Joe; Snider, Mary; Solomon, Steve; Waters, Lou
Cc: Carol Rosner; djarrett45@aol.com; Fred Bjorling; George Williams; Hal Linton; Jack Evert ; Ruth

10/11/2010

Gitzendanner

Subject: water rates

Mayor Hiremath and Councilmembers:

I was informed today of a proposal to increase the reclaimed water groundwater preservation fee from \$.40 to \$.50 per 1000 gallons. Assuming this report is accurate, I am submitting this message of concern regarding what will result in a substantial financial burden to our golf course and an industry that is already struggling to exist.

A \$.10 per 1000 gallons of water may appear to be a very small increase that will result in only a minor expense to any Oro Valley business. However, based on our golf course reclaimed water usage during our 2009-10 fiscal year, this seemingly small increase will result in an additional operational expense of \$13,571.50. In order to offset this expense, approximately 388 more rounds of golf must be generated in a market where most courses are struggling to maintain the current level of rounds.

I understand that the Water District costs may be escalating and increased revenues may be required to balance the budget. On the other hand, further examination of cost reductions and/or other revenue sources should be conducted that will not impact the Oro Valley golf courses. Please keep in mind that golf courses across the country including those in Oro Valley are barely surviving. Every additional burden large or small may put anyone of these operations out of business leaving the community with a blight and a reduction in sales tax revenue.

Thank you for the opportunity to comment on this issue and for your consideration.

Bob Mariani, MCM, CMCA, AMS, PCAM

General Manager

Sun City Vistoso Community Association

The Views Golf Club

1565 E. Rancho Vistoso Blvd. Oro Valley, AZ 85755

520-825-3711 X122 office - 520-825-0432 fax

bmariani@suncity-vistoso.com - www.suncity-vistoso.com

Seng, Shirley

From: Seng, Shirley
Sent: Friday, October 15, 2010 1:04 PM
To: 'bmariani@suncity-vistoso.com'
Cc: Saletta, Philip
Subject: RE: water rates

Mr. Mariani –

The following is in response to your email to Philip Saletta:

The Groundwater Preservation Fee (GPF) was established in 2003 as a means of generating revenue to pay for renewable water supplies and the infrastructure required to deliver those supplies to our customers. The GPF revenue, along with impact fee revenue, is handled through the Alternative Water Resources Development Impact Fee Fund (AWRDIF Fund). The AWRDIF Fund was established in 1996 to manage the revenue and expenditures related to renewable water resources. Renewable water resources are water resources other than groundwater and include reclaimed water and Central Arizona Project (CAP) water.

The proposed increase in the GPF is to help repay existing debt. The Utility borrowed \$15.5 million to construct our reclaimed water delivery system. The GPF is currently being used to repay that debt along with the remaining debt on the acquisition of effluent water rights and CAP water allocations. The current annual debt service payment for all of this outstanding debt is \$2.78 million. Under the existing rates, the Utility would generate approximately \$1.98 million in GPF revenue and \$448,000 in impact fees. The shortfall of approximately \$350,000 would have to come from cash reserves. The Utility is trying to build cash reserves in this specific fund as we move toward delivery of CAP water. It is projected that we will be delivering CAP water to our customers within the next five years and will be seeking direction from the Town Council as to the manner in which this is done as well as the time frame in which it will be done.

If you need additional information, please do not hesitate to contact me.

Regards,
Shirley

Shirley Seng
Water Utility Administrator
Oro Valley Water Utility
11000 N. La Canada Dr.
Oro Valley, AZ 85737
(520) 229-5013 direct
(520) 229-5029 fax
sseng@orovalleyaz.gov

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From: Saletta, Philip
Sent: Friday, October 15, 2010 8:39 AM
To: Seng, Shirley
Subject: FW: water rates

Hi Shirley - Please respond to Bob. Thanks Philip

From: Bob Mariani <bmariani@suncity-vistoso.com>
Sent: Thursday, October 14, 2010 2:58 PM
To: Saletta, Philip <psaletta@orovalleyaz.gov>

10/15/2010

Subject: FW: water rates

Philip,

I sent the message below to you Monday and am following up today as my Board and I are asking for this information. If we understand the basis for a proposed increase, we will have a better chance of understanding the need to increase the groundwater preservation fee.

Thanks again for your response.

Bob Mariani, MCM, CMCA, AMS, PCAM
General Manager
Sun City Vistoso Community Association
The Views Golf Club
1565 E. Rancho Vistoso Blvd. Oro Valley, AZ 85755
520-825-3711 X122 office - 520-825-0432 fax
bmariani@suncity-vistoso.com - www.suncity-vistoso.com

From: Bob Mariani
Sent: Monday, October 11, 2010 8:31 AM
To: 'psaletta@orovalleyaz.gov'
Subject: water rates

Philip,

I understand there is a proposal to increase the groundwater preservation fee for reclaimed water. If that is correct, I would appreciate understanding the basis for this increase.

Thank you in advance for your response.

Bob Mariani, MCM, CMCA, AMS, PCAM
General Manager
Sun City Vistoso Community Association
The Views Golf Club
1565 E. Rancho Vistoso Blvd. Oro Valley, AZ 85755
520-825-3711 X122 office - 520-825-0432 fax
bmariani@suncity-vistoso.com - www.suncity-vistoso.com

10/15/2010

Seng, Shirley

From: Saletta, Philip
Sent: Wednesday, October 20, 2010 12:11 PM
To: Lemos, Stacey
Cc: Seng, Shirley
Subject: FW: Water rate increase

Hi Stacey - Here is my response to Councilmember Hornat's question. Please call Shirley or my cell if ?
s. Thanks, Philip

Hello Councilmember Hornat - The Groundwater Preservation Fee (GPF) is essentially in place to cover debt service for capital projects related to the development of renewable water resources such as the reclaimed water system and the future development of our CAP water.

If the GPF is not increased this fiscal year (FY 10-11) we would still meet our debt service coverage ratio for this year, however the ending fund cash balance would be lower by approximately \$310,000 moving into the next fiscal year. In addition, we may not pay off a loan for the acquisition of the additional allocation of CAP water that we were planning to pay off and therefore would not save approximately \$27,000 in finance charges.

In the next fiscal year (FY 11-12), the GPF would need to be increased just to pay the debt service obligations in the Alternative Water Resources Development Impact Fee Fund. In addition, if we plan to develop our CAP water in 2015, we would still need the full GPF in place at that time. Essentially we would need to shift the increases to the following years.

Please let me know if you have any additional questions. Thanks, Philip

Philip C. Saletta, P.E.
Town of Oro Valley
Water Utility Director
11000 N. LaCanada Dr.
Oro Valley, AZ 85737

Office:(520) 229-5010
Cell: (520) 631-7345
Fax: (520) 229-5029

From: Hornat, Joe
Sent: Wednesday, October 20, 2010 8:04 AM
To: Saletta, Philip
Cc: Lemos, Stacey; Watson, Jerene
Subject: Water rate increase

Phil,

I almost hate to ask, but what would be the "impact" of no increase in the GWP?

Just asking if it is even a realistic chance of this without damaging our system or

10/20/2010

future?

Short answer would be good. :) I don't want to make a big deal about this question. It has come up and I have no idea what the impact would be.

Thanks
Joe

PS. Per protocol this question and short answer should be shared with Council.

Response to concerns raised by Mr. Ron Teaney (SAHBA) and Amber Smith (MPA):

1. The install and the meters themselves are only a small part of their fees.

Ron was referring to the impact fees that the Town of Oro Valley assesses for new meter installations. The PWSDIF was adopted in 2007 and the AWRDIF was adopted in 2008. Both impact fees were modified after extensive analyses were performed by engineering consultants based on the projected needs of the Town. In reality, the growth is considerably less than projected meaning the Town will not realize the projected revenue from these impact fees. Neither of these fees will be considered for modification on November 17th.

2. It is not a good time to increase any fees.

We understand the current economic situation. The economy has had an impact on the Town as well. As such, it is important for the Utility to recover costs incurred to provide services to our customers. The majority of the increases in the meter installation fees result from increased meter costs.

3. Why are they giving raises in these times to increase the labor cost when people are being laid off?

The Town has not given raises since FY 08-09 and will not be giving raises this FY either. The increased labor costs are a result of slight wage increases prior to and during FY 08-09 and a recalculation of the time to install the meters.

4. If the new meters are going to last that much longer and will be less expensive to maintain then the fees should go down.

The meter installation fees are comprised of the cost of the new meter plus labor to install it. The life of the meter will have no bearing on the initial cost to purchase and install a new meter. However, it will reduce the Utility's costs when it's time to replace the meters. The replacement meters are not paid for by developers – they are paid for by the Utility. Therefore, our O&M costs will decrease by not having to replace meters as frequently. Additionally, the ease with which we are able to test the newer commercial meters will improve customer service. It will take years to replace all of the meters with equipment that can read the meters electronically, but as the replacement process in each subdivision is completed, the labor cost to read those meters will be reduced.

5. If these new meters are more efficient, I assume that means water conservation and therefore water costs will go down? Has there been any analysis on this potential?

The new meters are more efficient in that they will register lower flows. This will allow the Utility to more accurately bill for water used. Will this encourage customers to conserve more water? Possibly. What it will definitely do is provide the Utility a more accurate accounting of the groundwater used which is a regulatory compliance requirement.

Oro Valley Water Utility
 11000 N. La Cañada Dr.
 Oro Valley, AZ 85737

PROPOSED METER INSTALLATION FEES

Meter Size	Meter Type	Current Fees	Proposed Fees	Increase =	Meters +	Labor
5/8 x 3/4	standard	\$ 247.00	\$ 296.00	\$ 49.00	\$ 45.25	\$ 3.75
3/4 x 3/4	standard	\$ 251.00	\$ 296.00	\$ 45.00	\$ 41.25	\$ 3.75
1	standard	\$ 319.00	\$ 370.00	\$ 51.00	\$ 51.00	\$ -
1.5	irrigation (turbo) T2	\$ 750.00	\$ 1,105.00	\$ 355.00	\$ 315.00	\$ 40.00
1.5	high use (compound) C2	\$ 1,000.00	\$ 1,568.00	\$ 568.00	\$ 528.00	\$ 40.00
2	irrigation (turbo) T2	\$ 1,258.00	\$ 1,280.00	\$ 22.00	\$ -	\$ 22.00
2	high use (compound) C2	\$ 1,760.00	\$ 1,795.00	\$ 35.00	\$ -	\$ 35.00
3	irrigation (turbo)	\$ 1,530.00	\$ 1,575.00	\$ 45.00	\$ 15.00	\$ 30.00
3	high use (compound)	\$ 2,200.00	\$ 2,224.00	\$ 24.00	\$ -	\$ 24.00
4	irrigation (turbo)	\$ 2,838.00	\$ 2,868.00	\$ 30.00	\$ 30.00	\$ -
4	high use (compound)	\$ 3,537.00	\$ 3,758.00	\$ 221.00	\$ 221.00	\$ -
6	irrigation (turbo)	\$ 4,662.00	\$ 5,093.00	\$ 431.00	\$ 431.00	\$ -
6	high use (compound)	\$ 6,360.00	\$ 6,452.00	\$ 92.00	\$ 92.00	\$ -
8	irrigation (turbo)	\$ 6,473.00	\$ 7,635.00	\$ 1,162.00	\$ 1,162.00	\$ -

METER INSTALLATION FEES

Meter Size	Proposed Oro Valley	Marana	Metro	Tucson
5/8	\$ 296.00	\$ 360.00	\$ 450.00	\$ 379.00
3/4	\$ 296.00	\$ 400.00	\$ 475.00	N/A
1	\$ 370.00	\$ 460.00	\$ 565.00	\$ 421.00
1.5	\$ 1,568.00	\$ 920.00	\$ 772.00	\$ 604.00
2	\$ 1,795.00	\$ 1,840.00	\$ 1,007.00	\$ 686.00

Seng, Shirley

From: David Godlewski [David@sahba.org]
Sent: Monday, October 11, 2010 12:10 PM
To: Seng, Shirley
Cc: Amber Smith
Subject: FW: Meter Installation Fee Increase
Attachments: Summary+of+Fees+Associated+with+Purchase+and+Installation+of+Meters+-+Effective+6-01-10.pdf

Shirley,

Thank you for your help on this issue. I appreciate the information. I'm sending along some additional comments from Ron Teaney the chairman of the SAHBA Technical committee (below). I've also "cc'd" Amber Smith from Metropolitan Pima Alliance...I know that MPA is interested in the meter installation fee increase as well. MPA represents both commercial and residential developers.

I'd like to request you and Phil make a presentation at next Tuesday's SAHBA Technical committee meeting (3:30 at SAHBA). This way we can address Ron's questions and I will invite Amber to attend that meeting as well. If next Tuesday doesn't work, we'd be happy to find another time to meet with SAHBA and MPA to discuss.

Thanks,

David

David Godlewski
 Gov't Liaison, SAHBA
 (o) 520.795.5114
 (c) 520.548.7267

From: Ron Teaney [mailto:rteaney@miramontehomes.com]
Sent: Thursday, October 07, 2010 7:36 AM
To: David Godlewski
Subject: RE: Meter Installation Fee Increase

Couple more concerns,

1. The install and the meters them self are only a small part of their fees see attached they are the most expensive in the area by far for total cost. I highlighted in yellow the 3 meters that are used for most residual homes, some customs might go a little bit bigger.
2. It is not a good time to increase any fees
3. Why are they giving raises in these times to increase the labor cost when people are being laid off.
4. If the new meters are going to last that much longer and will be less expensive to maintain then the fees should go down
5. I thought their responsibility is to make the Utility company run more

10/11/2010

efficient

Ron Teaney



520-615-8900 ext 18 Office

520-615-8902 Fax

520-300-1280 Cell

rteaney@miramontehomes.com

From: David Godlewski [mailto:David@sahba.org]
Sent: Wednesday, October 06, 2010 5:47 PM
To: Ron Teaney
Subject: FW: Meter Installation Fee Increase

Let me know if I've asked the right questions and what you think of the responses.

From: Seng, Shirley [mailto:sseng@orovalleyaz.gov]
Sent: Wednesday, October 06, 2010 3:33 PM
To: David Godlewski
Cc: Saletta, Philip
Subject: RE: Meter Installation Fee Increase

Hi, David –

I have responded to your questions with comments embedded in your email.

If I can provide any other assistance in this regard, please let me know.

Regards,

Shirley

Shirley Seng
Water Utility Administrator
Oro Valley Water Utility
11000 N. La Canada Dr.
Oro Valley, AZ 85737
(520) 229-5013 direct
(520) 229-5029 fax
sseng@orovalleyaz.gov

Caring for our heritage, our community, our future.

From: David Godlewski [mailto:David@sahba.org]
Sent: Wednesday, October 06, 2010 10:36 AM
To: Saletta, Philip
Subject: RE: Meter Installation Fee Increase

Thanks Phil.

I've reviewed the attachment. I've talked with members about this topic and there is a concern about this increase and the overall costs for new service. Is there a comparison that shows the current and proposed Town fees compared to other water providers in the region and around the state (are OV's current and proposed fees higher, lower, or in the middle in terms of costs)? **Please refer to the table below that will provide meter**

10/11/2010

installations costs for other regional water providers. This table provides a comparison of the most common residential meter sizes. Also, while the detailed cost chart is helpful, I'm curious as to the precise cost increases that have necessitated the fee increase? Have the meter prices gone up? **Yes.** Have the labor costs gone up? **Yes.** Are you proposing a new type or brand of meter? **Yes.** **The Utility will be using the newest technology meters developed by Sensus Metering. The smaller meters have a 20 year life and can register lower flows, the larger meters can be serviced in the field without removing the meter from service. The meter flow information may be found on Page D-3 of the report.** I will look for these answers in the report but would like to request a presentation on this subject to the SAHBA Technical Committee on October 19. Perhaps I can meet with you and Shirley in advance to discuss. **Both Philip and I are available to meet with you to discuss these proposed changes. Please let us know when you would like to meet.**

Regards,

David

METER INSTALLATION FEES				
Meter Size	Proposed Oro Valley	Marana	Metro	Tucson
5/8	\$ 296.00	\$ 360.00	\$ 450.00	\$ 379.00
3/4	\$ 296.00	\$ 400.00	\$ 475.00	N/A
1	\$ 370.00	\$ 460.00	\$ 565.00	\$ 421.00
1.5	\$ 1,105.00	\$ 920.00	\$ 772.00	\$ 604.00
2	\$ 1,280.00	\$ 1,840.00	\$ 1,007.00	\$ 686.00

From: Saletta, Philip [mailto:psaletta@orovalleyaz.gov]

Sent: Tuesday, October 05, 2010 2:15 PM

To: David Godlewski

Subject: RE: Meter Installation Fee Increase

Hi David - Thanks for asking. In response to your questions, please see the attached pages from Appendix D of the Water Rates Analysis Report. The entire report is available through the Town Website-Upcoming Meetings for the 10/6 Council Meeting and then click on the attachments to Agenda Item 2.

The purpose of the the fee and increase is to recover our costs for purchasing meters and installing those meters at a new residence or business.

If you have any additional questions, please feel free to contact Shirley Seng at 229-5013 or me.

Thanks, Philip

Philip C. Saletta, P.E.
Town of Oro Valley
Water Utility Director
11000 N. LaCanada Dr.
Oro Valley, AZ 85737

Office:(520) 229-5010
Cell: (520) 631-7345

10/11/2010

Seng, Shirley

From: Amber Smith [ambermooresmith@hotmail.com]

Sent: Wednesday, October 13, 2010 1:54 PM

To: David Godlewski; Seng, Shirley

Subject: RE: Meter Installation Fee Increase

Shirley- thank you for taking the time to respond to some of our issues. One question MPA has is related to a comment made by Ron Teaney. If these new meters are more efficient, I assume that means water conservation and therefore water costs will go down? Has there been any analysis on this potential? Thanks.

Amber Smith, MPA

Governmental Relations Director

Metropolitan Pima Alliance

PO Box 2790

Tucson , AZ 85702

(c) 520.360.4806

www.mpaaz.org

Common Ground Oct 15th! <http://www.mpaaz.org/events/common-ground>

Fax: (520) 229-5029

From: David Godlewski [mailto:David@sahba.org]
Sent: Tuesday, October 05, 2010 1:53 PM
To: Saletta, Philip
Subject: Meter Installation Fee Increase

Phil,

What are the specifics on the proposed increase for Water Meter Installation fees?

Thanks,



David Godlewski
Government Liaison

Southern Arizona Home Builders Association
2840 N. Country Club Rd. | Tucson, AZ 85716
520.795.5114 | 520.326.8665 fax
david@sahba.org

Visit our website and my profile on LinkedIn:



2010 Water Rate Increase Schedule

- 09/13/10 WUC Meeting – final recommendation on water rates
- 09/22/10 Council Study Session on water rates
- 10/06/10 Council adopted Notice of Intent to increase rates
- 10/18/10 Notice of Intent published in Daily Territorial
- 10/22/10 Mail notice of public hearing to customers
- 11/05/10 Mail notice of public hearing to customers
- 11/17/10 Public Hearing to consider water rates
- 12/18/10 If adopted, new rates become effective

TC Regular Session

Date: 11/17/2010

Requested by: Stacey Lemos, Interim Assistant Town Manager

Submitted By: Stacey Lemos, Finance

Department: Town Manager's Office

Information

SUBJECT:

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION NO. (R) 07-55, THE TOWN'S FORMAL POSITION ON DEVELOPMENT OF PROPOSED ROSEMONT MINE IN THE SANTA RITA MOUNTAINS

SUMMARY:

At the April 18, 2007 Regular Town Council meeting, the Mayor and Town Council adopted Resolution No. (R) 07-55 in opposition to the proposed Rosemont Mine in the Santa Rita Mountains south of Tucson. A copy of this resolution is included as **ATTACHMENT A**. In response to repeated contact from representatives of Rosemont Copper, members of the Council have expressed an interest in revisiting this resolution.

DISCUSSION:

The packet materials and minutes from the April 18, 2007 Council meeting where Resolution No. (R) 07-55 was approved are included as **ATTACHMENT B**. Some of the concerns expressed when this topic came before the Council in 2007 included the following:

- Pima Association of Governments (PAG) Regional Council and Pima County opposition to the project and the issue of the appropriateness of a new mine in consideration of local land use plans, such as the Pima County Sonoran Desert Conservation Plan
- Water quality and supply issues based on historical impacts found with these types of mines, such as a lower water table
- Potential impacts to protected habitats and species
- Potential adverse economic impacts of the mining industry in general

At the time this initially came to the Oro Valley Town Council, PAG brought this matter to the attention of member agencies, coordinating an effort for local jurisdictions to consider formal action in opposition to the mine. On September 21, 2010 the Marana Town Council rescinded their previously adopted resolution opposing the Rosemont Mine and have taken a neutral position on the project. To date, other local jurisdictions have not followed suit.

FISCAL IMPACT:

No direct fiscal impact has been determined by Town staff, but the County Administrator stated in his 2007 letter (attached as part of the 2007 Council packet) that there is a fiscal impact to county taxpayers from mining operations.

CONCLUSION/RECOMMENDATION:

Council's desire.

SUGGESTED MOTION:

I move to re-affirm Resolution No. (R) 07-55, opposing the proposed Rosemont Mine.

or

I move to rescind Resolution No. (R) 07-55, thereby taking a neutral position on the proposed Rosemont Mine.

or

I move to rescind Resolution No. (R) 07-55, and direct staff to prepare a new resolution in support of the proposed Rosemont Mine.

Attachments

Link: [Attachment A-Reso \(R\)07-55](#)

Link: [Attachment B-4-18-07 Packet Materials](#)

RESOLUTION NO. (R) 07- 55

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE
TOWN OF ORO VALLEY, ARIZONA, STRONGLY OPPOSING
THE PROPOSED ROSEMONT MINE.**

WHEREAS, Augusta Resource Corporation submitted a draft plan of operations to the U.S. Forest Service on July 31, 2006 to develop the Rosemont Mine on private and Forest Service managed public land within the Santa Rita Mountains south of Tucson; and

WHEREAS, Augusta's July 31, 2006 plan of operations was not accepted by the U.S. Forest Service due to insufficient information; and

WHEREAS, the U.S. Forest Service via the National Environmental Policy Act will be required to take into account consistency with local land use plans, which in this case is the Pima County Comprehensive Land Use Plan including the Conservation Lands System; and

WHEREAS, Pima County is preparing an application for a Section 10 permit pursuant to the Federal Endangered Species Act via the U.S. Fish and Wildlife Service, and the land proposed for mining contains important ecosystems desired for protection; and

WHEREAS, the typical legacy left behind from prior and existing mines places undue costs and adverse impacts on the tax payers of Pima County with few local tax benefits, and is therefore unacceptable; and

WHEREAS, a recent study of 70 Environmental Impact Statements for modern-era hard rock mines found that water quality impacts from hard rock mines are consistently underestimated and therefore the mitigation is consistently inadequate; and

WHEREAS, water quality impacts to Davidson Canyon and Cienega Creek would be detrimental to rare riparian habitat along the creeks, the endangered species within the creeks, and the high quality water supply to the Tucson Basin; and

WHEREAS, Augusta has not yet shown how the Rosemont Mine will conform to the Clean Water Act, Storm water and Section 404 permit requirements for the deposition of dredge and fill materials in waters of the United States; and

WHEREAS, recent studies show that while the economic impact of the mining industry continues to decline in Pima County, the economic impact of recreation has climbed substantially; and

WHEREAS, the building and operation of a large open pit mine in the Santa Rita Mountains will impact recreation opportunities and jobs; and

WHEREAS, a recent geological survey of the site brings into question the stability of the high wall natural rock formations above the proposed mining pit; and

WHEREAS, Augusta has not yet proved that it has valid Forest Service mining claims; and

WHEREAS, the information Augusta has provided to the public to date leaves many questions unanswered and is insufficient to determine if and how Augusta would be able to meet the five performance criteria outlined by the County to address the negative impacts associated with the proposed Rosemont Mine; and

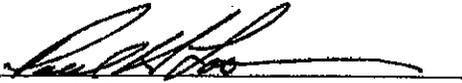
WHEREAS, the Mayor and Town Council of the Town of Oro Valley wish to go on record as being opposed to the proposed Rosemont Mine:

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF ORO VALLEY, AZ THAT:

1. The Mayor and Council of the Town of Oro Valley opposes Augusta Resource Corporation's proposed Rosemont Mine.
2. The Mayor and Council of the Town of Oro Valley hereby supports the withdrawal of all Pima County natural reserve parks from mineral entry, as well as Federal lands included in National Parks, Monuments, and Forests within Pima County.
3. The Mayor and Council of the Town of Oro Valley hereby supports the acquisition of these lands for conservation purposes.
4. The Mayor and Council of the Town of Oro Valley request the Arizona Congressional Delegation initiate the permanent withdrawal from mining and mineral exploration all federal lands within Pima County.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona this 18TH day of APRIL, 2007.

TOWN OF ORO VALLEY, ARIZONA


Paul H. Loomis, Mayor

ATTEST:

K. E. Cuvelier
Kathryn E. Cuvelier, Town Clerk

Date: 4-19-07

APPROVED AS TO FORM:

Josephine O'For
Melinda Garrahan, Town Attorney

Date: 4/19/07

TOWN OF ORO VALLEY

COUNCIL COMMUNICATION

MEETING DATE: APRIL 18, 2007

TO: HONORABLE MAYOR & COUNCIL

FROM: SARAH MORE, PLANNING AND ZONING DIRECTOR

SUBJECT: RESOLUTION NO. (R) 07-55 CONSIDERATION AND POSSIBLE ACTION TO CALL FOR THE PREPARATION OF A FULL ENVIROMENTAL IMPACT STATEMENT BY THE U.S. FOREST SERVICE FOR THE PROPOSED ROSEMONT MINE.

BACKGROUND: Augusta Resources Corporation submitted a draft plan of operation to the United States Forest on July 31, 2006 to develop the Rosemont mine on private and Forest Service land within the Santa Rita Mountains south of Tucson. In considering the proposal for the Rosemont mine the United States Forest Service is the principal regulatory agency with oversight and approval authority and that the federal approval process is covered under the National Environmental Policy Act and the regulations promulgated there under.

Past mining operations in Pima County and elsewhere have resulted in adverse environmental impacts including loss of habitat, loss of land for recreation, water quality impacts, and disturbed lands resulting in fugitive dust emissions, and the typical legacy left behind from prior and existing local mines have placed indue costs and adverse impacts on taxpayers within Pima County and the Town of Oro Valley with few local benefits.

~~For the Mayor and Town Council benefit attached is a February 20, 2007 Pima County memorandum on "Protecting Pima County's Natural Resource Assets and Lands from Mining Activities".~~

SUGGESTED MOTIONS:

I move to approve Draft Resolution (R) 07-55 To call for the preparation of a full environmental impact statement by the United States Forest Service for the proposed Rosemont mine.

OR

I move to deny Draft Resolution (R) 07-55 To call for the preparation of a full environmental impact statement by the United States Forest Service for the proposed Rosemont mine.

ATTACHMENTS:

- 1. Draft Resolution (R) 07-55 To call for the preparation of a full environmental impact statement by the United States Forest Service for the proposed Rosemont mine.
- 2. February 20, 2007 Pima County Memorandum

RESOLUTION NO. (R) 07- 55

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, TO CALL UPON THE U.S. FOREST SERVICE TO PREPARE A FULL ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED ROSEMONT MINE.

WHEREAS, Augusta Resources has announced its intention to conduct mining operations on mineral leases that it has acquired in an area on U.S. Forest Service lands located in the Santa Rita Mountains; and

WHEREAS, mining operations significantly and irreversibly affect existing and future land uses on mined lands and adjacent lands; and

WHEREAS, the size and scope of the proposed Rosemont Mine will have significant, but unknown, impact on water supply and water availability in the immediate area; and

WHEREAS, the area to be affected by the mining will result in the loss of lands that are presently used for recreational activities; and

WHEREAS, mining operations in Pima County and elsewhere have resulted in adverse environmental impacts including loss of habitat, loss of land for recreation, water quality impacts, and disturbed lands resulting in fugitive dust emissions; and

WHEREAS, the U.S. Forest Service is the principal regulatory agency with oversight and approval authority and the federal approval process is covered under the National Environmental Policy Act and the regulations promulgated thereunder; and

WHEREAS, The proposed Rosemont mine is an issue of regional concern that could affect future generations; and

WHEREAS, The Town of Oro Valley is committed to the preservation of environmentally sensitive lands and water quality; and

WHEREAS, it is in the best interest for the health, safety and welfare of the residents in the Town of Oro Valley that the Town calls upon the U.S. Forest Service to prepare a full environmental impact statement for the proposed Rosemont Mine.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA:



Board of Supervisors Memorandum

February 20, 2007

Protecting Pima County's Natural Resource Assets and Lands from Mining Activities

Background

The County has spent a considerable amount of public resources protecting our natural open space reserves from the threat of mining activities and, in particular, the filing of speculative mining claims for mineral exploration on County-owned public lands. Even our Tucson Mountain Park is subject to such threats. In 1981, the Bureau of Land Management (BLM) received a notice for oil and gas exploration within Tucson Mountain Park. The County clearly opposed such exploration, and in a County letter by Gene Laos, then Director of Parks and Recreation, stated "In 1974 the people of this community voted overwhelmingly to outright purchase an additional 2,000 acres for Tucson Mountain Park just so this type of thing would not happen. We have literally spent millions of dollars restoring and revegetating the old mineral scars from the 1920-1950 and we are not about to sit idle and watch this whole sequence of events occur again." Tucson Mountain Park was established in 1929, and the United States Department of the Interior withdrew Tucson Mountain Park from mining and homesteading that same year. In 1959, a portion of the park was reopened to mineral entry by the Department of the Interior. The reopening, and prospect of mining operations in Tucson Mountain Park, caused an immediate explosion of public furor and outcry, which resulted in the withdrawal to mineral entry, and established the Tucson Mountain District of Saguaro National Park.

More recently, the history of our opposition to mining leases on State Trust land within Davidson Canyon has been well documented. Our opposition and concern, however, was unable to convince the State Land Commissioner not to issue an already expired mineral lease on State Trust property in a significantly sensitive and valuable ecosystem, Davidson Canyon (Figure 1). We continue to appeal the State Land Commissioner's decision. We are now also opposing an application for mineral extraction of mineral rights owned by the federal government under State leased property a few hundred yards away from the recently issued mineral lease by the State.

In 2005 we began retaining outside legal counsel with expertise in mineral rights to object to and fight mining claims filed on property acquired by the County for open space at Rancho Seco. In the case of Rancho Seco, it was determined that individuals locating claims on the County's property were more of a nuisance than a real threat due to limited mineral values in the area. Staff continues to have to monitor the situation. Mining activities on federal in-holdings adjacent to our acquired lands at Rancho Seco have caused considerable destruction of the natural landscape and potential environmental contamination (Figure 2). You will remember that during the acquisition hearings for Rancho Seco, individuals conducting mining activities on BLM parcels within Rancho Seco alleged that the property was a toxic waste dump. County testing of lands we acquired resulted in the County fencing off old mine tailings because of contaminants in the soil. We determined that levels of these contaminants were significant enough that public contact with the soil could have resulted in adverse health effects. BLM was notified of the

discarded into tailings ponds where the water evaporates, leaving a large pile of mineralized materials. Possible impacts on aquatic habitats from mining include the reduction of water resources from increased groundwater pumping and the siltation of streams and reduced water quality due to runoff from the tailings piles.

Cocio Wash – Avra Valley

The loss of an entire native fish population along Cocio Wash in Avra Valley is a good example of the potentially damaging effects that mining can have on aquatic ecosystems. In 1967, an Arizona Game and Fish Department (AGFD) biologist discovered the federally endangered Gila topminnow in the Cocio Wash, about 1.5 miles downstream of the Silverbell Mine (Figure 7). Several years later, in 1973, Arizona State University biologist W.L. Minckley informed the BLM that the endangered Gila topminnow occurred on a mix of federal and private lands. Minckley also found longfin dace and leopard frogs at the Cocio Wash site. The owner of the mine commissioned Dr. Minckley to study the effects of mine seepage on the downstream riparian community. Dr. Minckley noted that copper and lead were highly concentrated at the site, and that the seepage from the Silverbell Mine tailings may present long-term damage to the animals found at Cocio Wash.

In 1980, the longfin dace and leopard frogs had disappeared from the site, but the Gila topminnow remained. At the same time, green sunfish from a tailings pond at the mine had been washed downstream into Cocio Wash and topminnow numbers seemed low. Subsequent floods washed out the sunfish in 1981, and while the topminnow survived the floods, they could not survive the gray clay and siltation from the mine tailings that were washed into the Cocio Wash pools. BLM biologist Bill Kepner reported, "Our 1982 studies indicate that the Cocio Wash topminnow population is now extinct in that habitat due to recurrent mine spill and inundations by mine tailings." From 1973 to 1982, the site was heavily managed by BLM and AGFD. Despite having been protected by federal law, and having survived for thousands of years as a relic population, the combined management actions were not enough to protect the Cocio Wash drainage from the mine seepage and tailings deluge from the Silverbell Mine.

Cienega Creek – Clay Mines

As you know, Pima County has a long-standing interest in acquiring State Trust lands in the area to consolidate the Cienega Creek Natural Preserve, established in 1986 by the Board of Supervisors. Since that time, the County has acquired certain State Trust lands in the vicinity, and more are identified for acquisition via the County's 2004 Bond Program.

The clay-laden runoff from active and abandoned mineral operations on State leased lands nearby pose a continuing threat to the ecological integrity of the Cienega Preserve by damaging native plant cover and soils. Another problem is the threat of non-native species entering the Preserve. This was the subject of a survey of one of the artificial ponds and impoundments created by mining by AGFD in 2002. AGFD found bullfrogs and bluegill sunfish in the claypit pond closest to Cienega Creek. Both of these species are considered highly detrimental to native aquatic species of Arizona.

Water Use

In 2005, water use for metal mining accounted for 10 percent of the total water use in the Tucson Active Management Area (AMA) or enough water to serve about 45,000 households for one year³. The agriculture sector used 30 percent, while the municipal sector used 55 percent and other industrial sectors used five percent of the water in the Tucson AMA⁴. A significant portion of the water extracted for metal mining comes from Phelps-Dodge's wells at Canoa Ranch. The groundwater pumping in the area lowers the water table, and affects the long-term viability of the riparian habitat.

Unlike the municipal sector, mines are not required to use or recharge CAP water or reclaimed water in the Tucson AMA to offset their groundwater pumping. State laws do not impose restrictions upon their groundwater use to protect nearby wells from excessive rates of depletion.

Bankruptcy

Mining is inherently risky, not only due to the nature of the global metals market, but also because contamination risks have been consistently underestimated by the industry. These risks sometimes mean even large mining companies can go bankrupt. In 2005, 106-year old ASARCO filed for bankruptcy, blaming environmental liabilities, including asbestos-related litigation⁵. The move allowed parent company Grupo Mexico to isolate the most profitable parts of the company from about \$1 billion in liabilities, including 19 Superfund sites. The Government Accountability Office said United States Environmental Protection Agency officials expect more such bankruptcies⁶.

ASARCO promised the San Xavier District of the Tohono O'odham Nation that reclamation of the Mission Mine would be done. There is a \$10 million bond for reclamation on the reservation. The San Xavier District has tried to increase the bonds to get adequate financial assurance that reclamation will be done, but they have not succeeded. ASARCO's bankruptcy means that the promises to the tribe are just one liability among many that the bankruptcy courts and banks are negotiating across the country. Filing for protection under bankruptcy could mean that ASARCO will walk away from their obligations to the tribe and others.

³ An acre-foot is 325,851 gallons, enough to serve two average households for one year. For 22,400 acre-feet, this is enough water to serve about 45,000 households for one year.

⁴ http://www.azwater.gov/WaterManagement_2005/Content/AMAs/TucsonAMA/TAMA_documents/2005_TAMA_Water_Use_Summary.pdf

⁵ Stauffer, Thomas, Joseph Barrios and Andrea Kelly, 2005. "Asarco seeks bankruptcy protection", Arizona Daily Star, August 11, 2005.

⁶ Blumenthal, Les, 2006. Asarco leaves legal heartburn. The News Tribune. March 20th, 2006. Accessed at <http://www.wncja.org/documents/news/2006-3-20%20News%20Tribune%20-%20Asarco%20leaves%20legal%20heartburn.doc> on January 30, 2007.

precautionary action. This also can lead to impacts to localized watersheds and water courses. If there is milling or processing activity associated with abandoned mines, the potential for airborne, surface and subsurface contamination increases. Costs for testing and fencing can easily run over \$15,000 to \$20,000 for an area of mining activity of less than two or three acres. Formal remediation can run into the hundreds of thousands of dollars, or more.

One situation that is seldom discussed as a product of mining activity is that historic mining locations are natural attractions to current weekend miners or rock hounds. Depending on the type of mineral being sought, some sites attract continued and repeated exploration and even limited mining activity because of the presence of past activity. Consequently, some sites never get a chance to restore naturally.

When trying to close mine shafts we also encounter significant costs. If the mine has any historic presence of use we need to do historic surveys. All shafts need to be evaluated for biological values, especially for bats, and special status species under the Sonoran Desert Conservation Plan. A simple shaft can require \$5,000 to \$7,000 just for the baseline survey needs. Depending on the results, the shaft may be fenced, gated, filled in or other approaches to closure appropriate for the location and hazard.

Formal gating of a shaft could run \$10,000 to \$15,000 depending on size, complexity of the gating system and necessity to accommodate bat/wildlife use. This is also if the location allows motorized vehicles access to the shaft. If gating items and personnel need to be flown in the price can double.

Public Health Risks

Active copper mines release other toxic substances in the course of crushing and concentrating the ore-bearing rock. The Environmental Protection Agency's (EPA) Toxic Release Inventory indicates that Phelps-Dodge's Sierrita Mine near Green Valley released 1053 pounds of mercury, and 1,243,048 pounds of lead, in 2004 (Figure 11). The Mission Mine, operated by ASARCO, a subsidiary of Grupo Mexico, emitted 1,211,184 pounds of lead in 2004. It is located near Sahuarita. Over 100 miles of streams in Arizona are considered impaired by excessive copper, which can be toxic to aquatic organisms. Arizona's mines are the largest known sources of impairments for rivers and streams⁹.

Processing methods for copper can enhance the concentration of naturally occurring radioactive materials coming from mines. EPA has compiled data regarding the concentration of radioactive substances in the Arizona copper belt. The results show that certain common mining practices can concentrate soluble pollutants such as uranium and thorium in groundwater¹⁰. Elevated

⁹ National Assessment Database, Environmental Protection Agency.

¹⁰ U.S. Environmental Protection Agency, 1999. Technologically Enhanced Naturally Occurring Radioactive Materials in the Southwestern Copper Belt of Arizona. Office of Radiation and Indoor Air, EPA 402-R-99-002.

State laws prohibit counties from exerting authority over the mine reclamation costs or activities. In 2006, legislation (HB 2317) was passed to prohibit counties from requiring or regulating reclamation of mines. Counties were previously prohibited from passing zoning ordinances regulating or prohibiting mining.

Pima County is assisting with reclamation efforts. Since 1998, Pima County has worked with ASARCO to build soil and revegetate the Mission Mine waste piles through the use of high-quality biosolids. The University of Arizona's Water Quality Center has been monitoring and evaluating the environmental and health impacts related to the mine tailings reclamation with biosolids. Rapid revegetation of mine tailings is possible with a combination of biosolids and native grass seedings, even without irrigation. Sites revegetated in 1998 and 2000 still have a higher percentage of cover under non-irrigated conditions than is typical for undisturbed Sonoran desert scrub (Figures 18-19)¹¹.

While the County's biosolids might help, they are but a "drop in the bucket" of unfunded mining reclamation and mitigation needs. ASARCO's estimated liability for the Mission Mine reclamation and cleanup is around \$415 million, and the land surface from which native cover has been greatly disturbed or removed entirely covers around 11,300 acres.

ASARCO started the Mission Mine near Sahuarita in the 1950s. By 1959, ASARCO had received a lease issued by the Bureau of Indian Affairs (BIA) to extend their operations on to the San Xavier District of the Tohono O'odham Nation. Many environmental laws were passed by Congress in the 1970s, but the federal government has not successfully imposed these laws upon this mining operation. To date, there is no approved mining plan or reclamation plan for the portion of the mine on tribal land, nor is there an aquifer protection permit¹². The tribe is concerned about the sulfate groundwater contaminant plume and movement of tailings downstream by air and surface water.

Strategies to Protect the Natural Ecological Resources of County-Owned Property and Protect the Public Health from Adverse Impacts Due to Mineral Exploration and Mining

There are several strategies the County is undertaking to protect natural open space reserves owned by the County and others in Pima County, as well as to address public health concerns and protect local taxpayers.

1. The County has provided the State Land Department with recommendations on how to administratively reform their mining application review process so that impacts to the value of adjacent State Trust lands are better considered, as well as expanding the environmental review process to match the federal process.

¹¹ Pima County Wastewater Management Department, 2006. Pima County Green Valley BNROD Biosolids Land Application, Mine Tailings Reclamation at ASARCO's Mission Complex, April 2006.

¹² There is an IGA between BLM and the State which in theory allows the state to require an APP on tribal lands.

file

**ALTERNATIVE SUGGESTED
RESOLUTION**

FOR

ITEM #4

4/18/07

REVISED PACKET MATERIALS

TO: HONORABLE MAYOR & COUNCIL

FROM: SARAH MORE, PLANNING AND ZONING DIRECTOR

SUBJECT: RESOLUTION NO. (R) 07- 55 CONSIDERATION AND POSSIBLE ACTION TO STRONGLY OPPOSE AUGUSTA RESOURCES CORPORATION PROPOSED ROSEMONT MINE.

Attached is an Alternative Suggested Draft Resolution for Item number 4. Additional background information has been provided based on Council Member requests. The attached information refers to the paragraphs reading:

WHEREAS, a recent study of 70 Environmental Impact Statements for modern-era hard rock mines found that water quality impacts from hard rock mines are consistently underestimated and therefore the mitigation is consistently inadequate; and

WHEREAS, a recent geological survey of the site brings into question the stability of the high wall natural rock formations above the proposed mining pit; and

SUGGESTED MOTIONS:

I move to approve Draft Resolution (R) 07- 55 To strongly oppose Augusta Resources Corporation proposed Rosemont mine.

OR

I move to deny Draft Resolution (R) 07- 55 To strongly oppose Augusta Resources Corporation proposed Rosemont mine.

ATTACHMENTS:

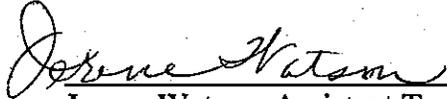
1. Alternative Suggested Draft Resolution (R) 07- 55 To strongly oppose Augusta Resources Corporation proposed Rosemont mine.
2. Article, "Predicting Water Quality Problems at Hard Rock Mines: A Failure of Science, Oversight, and Good Practice."
3. Article from the Green Valley News and Sun

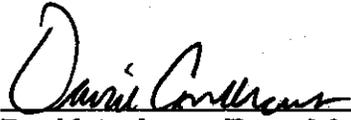
TOWN OF ORO VALLEY

COUNCIL COMMUNICATION

Page 2


Sarah More, Planning and Zoning Director


Jerene Watson, Assistant Town Manager


David Andrews, Town Manager

RESOLUTION NO. (R) 07- _____

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE
TOWN OF ORO VALLEY, ARIZONA, STRONGLY OPPOSING
THE PROPOSED ROSEMONT MINE.**

WHEREAS, Augusta Resource Corporation submitted a draft plan of operations to the U.S. Forest Service on July 31, 2006 to develop the Rosemont Mine on private and Forest Service managed public land within the Santa Rita Mountains south of Tucson; and

WHEREAS, Augusta's July 31, 2006 plan of operations was not accepted by the U.S. Forest Service due to insufficient information; and

WHEREAS, the U.S. Forest Service via the National Environmental Policy Act will be required to take into account consistency with local land use plans, which in this case is the Pima County Comprehensive Land Use Plan including the Conservation Lands System; and

WHEREAS, Pima County is preparing an application for a Section 10 permit pursuant to the Federal Endangered Species Act via the U.S. Fish and Wildlife Service, and the land proposed for mining contains important ecosystems desired for protection; and

WHEREAS, the typical legacy left behind from prior and existing mines places undue costs and adverse impacts on the tax payers of Pima County with few local tax benefits, and is therefore unacceptable; and

WHEREAS, a recent study of 70 Environmental Impact Statements for modern-era hard rock mines found that water quality impacts from hard rock mines are consistently underestimated and therefore the mitigation is consistently inadequate; and

WHEREAS, water quality impacts to Davidson Canyon and Cienega Creek would be detrimental to rare riparian habitat along the creeks, the endangered species within the creeks, and the high quality water supply to the Tucson Basin; and

WHEREAS, Augusta has not yet shown how the Rosemont Mine will conform to the Clean Water Act, Storm water and Section 404 permit requirements for the deposition of dredge and fill materials in waters of the United States; and

WHEREAS, recent studies show that while the economic impact of the mining industry continues to decline in Pima County, the economic impact of recreation has climbed substantially; and

WHEREAS, the building and operation of a large open pit mine in the Santa Rita Mountains will impact recreation opportunities and jobs; and

WHEREAS, a recent geological survey of the site brings into question the stability of the high wall natural rock formations above the proposed mining pit; and

WHEREAS, Augusta has not yet proved that it has valid Forest Service mining claims; and

WHEREAS, the information Augusta has provided to the public to date leaves many questions unanswered and is insufficient to determine if and how Augusta would be able to meet the five performance criteria outlined by the County to address the negative impacts associated with the proposed Rosemont Mine; and

WHEREAS, the Mayor and Town Council of the Town of Oro Valley wish to go on record as being opposed to the proposed Rosemont Mine:

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF ORO VALLEY, AZ THAT:

1. The Mayor and Council of the Town of Oro Valley opposes Augusta Resource Corporation's proposed Rosemont Mine.
 2. The Mayor and Council of the Town of Oro Valley hereby supports the withdrawal of all Pima County natural reserve parks from mineral entry, as well as Federal lands included in National Parks, Monuments, and Forests within Pima County.
 3. The Mayor and Council of the Town of Oro Valley hereby supports the acquisition of these lands for conservation purposes.
-
4. The Mayor and Council of the Town of Oro Valley request the Arizona Congressional Delegation initiate the permanent withdrawal from mining and mineral exploration all federal lands within Pima County.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona this _____ day of _____, 2007.

TOWN OF ORO VALLEY, ARIZONA

Paul H. Loomis, Mayor

ATTEST:

APPROVED AS TO FORM:

Kathryn E. Cuvelier, Town Clerk

Melinda Garrahan, Town Attorney

Date: _____

Date: _____

Predicting Water Quality Problems at Hardrock Mines

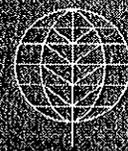
A FAILURE OF
SCIENCE, OVERSIGHT,
AND GOOD PRACTICE

An EARTHWORKS white paper summarizing and analyzing the groundbreaking studies by Ann Maest, PhD and Jim Kuipers, P.E.:

*Comparison of Predicted and Actual Water Quality at Hardrock Mines:
The reliability of predictions in Environmental Impact Statements*

and

*Predicting Water Quality at Hardrock Mines:
Methods and Models, Uncertainties, and State-of-the-Art*



By Alan Septoff EARTHWORKS December 2005

Introduction

A failure of science, oversight and good practice

This paper is a summary, written for the layperson, of the findings of a two-year research study on the accuracy of water quality predictions at hardrock mines. The study, conducted by Jim Kuipers and Ann Maest¹, brings to light a decades-long failure by government regulators, industry, and consultants to recognize and correct deficient procedures and methods for predicting contamination of water at hardrock mines.

Kuipers and Maest have discovered that, in practice, there is a failure to compare predictions made before the mines are permitted with the actual results. The predictive modeling results are not adjusted to account for real-life failures—this, despite the fact that at the vast majority of mines, problems were worse than predicted. Establishment of credibility in modeling requires that the predictions be tested, and then the models adjusted based on the results. This process appears broken when it comes to predicting the impact of mines on water quality for mine permits.

To permit mines, federal law² requires regulators to apply scientific approaches to predict the environmental impacts of the mine proposal—including surface water and groundwater quality impacts. The accuracy of these water quality predictions is of significant public concern. Mining's impacts on water quality may affect municipal, agricultural, and rural water supplies; important commercial, subsistence and sports fisheries; wildlife populations; tourism; and recreation. One of the reports from the study, *Comparison of Predicted and Actual Water Quality at Hardrock Mines (Comparison Report)*, asks a basic question that government regulators, industry officials and consultants should have asked long ago:

Do predicted water quality impacts match reality?

The answer, in short, is **no**. The *Comparison Report* reveals:

- 100 percent of mines predicted compliance with water quality standards before operations began (assuming pre-operations water quality was in compliance).
- 76 percent of mines studied in detail exceeded water quality standards due to mining activity.
- Mitigation³ measures predicted to prevent water quality exceedances⁴ failed at 64 percent of the mines studied in detail.

Along with more analysis of this question, the *Comparison Report* and the companion report on methods and models used to predict water quality (*Methods and Models Report*), also seek to answer the necessary follow-up questions:

- In cases where predicted water quality impacts fail to match reality, why do they fail?

- Do certain types of mines fail more often than others?
- What can be done to address current failures and prevent future failures?

The Kuipers-Maest reports were prepared for a professional audience. The purpose of this paper is to translate and summarize the main findings of their research (for the layperson and the interested public), and to offer common sense recommendations based on those findings with an eye toward protecting natural resources and public health.

The Context

Why this research was necessary

The Environmental and Public Costs of Faulty Predictions

The failure to accurately predict and manage water quality impacts can result in significant negative impacts on clean water and steep taxpayer liabilities for the costs of cleanup. Consider one often-cited example—the Summitville gold mine in Colorado. Water pollution at this mine has cost American taxpayers more than \$200 million in cleanup costs. The majority of that money has been spent mitigating acid drainage and cyanide releases that were not predicted during the permitting process. When pollution spilled from a containment pond, 18 miles of the Alamosa River were effectively killed—impacting not only the aquatic life in the river, but also the adjacent farms and ranches that relied upon the Alamosa for irrigation and livestock watering.

While it may be argued that Summitville is one of the worst-case examples, problems abound. According to the U.S. EPA's Abandoned Mine Land Team, the cost of mine cleanup at sites on the National Priorities List (i.e., Superfund sites, like Summitville) in the United States is \$20 billion—almost 3 times the EPA's FY 2007 budget request. Long term water treatment and management is often the single most significant cost associated with mine cleanup.

In fact, there is an increasing number of mine sites throughout the U.S. that will require water treatment in *perpetuity*. In the arid west, these types of long-term impacts place a tremendous burden on downstream communities who must deal with the consequences of failed predictions. For example, government regulators have determined that the Zortman Landusky mine, located near the Fort Belknap Reservation in Montana, will continue to generate acid mine drainage for thousands of years. As a result, the Fort Belknap Tribes are faced with a continual threat to important tribal water resources, and the state of Montana will be spending tens of millions in public funds for long-term water treatment.⁵

In order to ensure clean water and protect taxpayers from liability for cleanup costs it is important to understand the frequency and magnitude of failures in predicting water quality impacts. Consider that at most major mines, operators are required to post financial assurances prior to operating. This is the good news. These assurances are supposed to guarantee that, should the mine operator go bankrupt, the mine site will be reclaimed at no cost to the taxpayer. However, the bad news is that these financial assurances are based upon expected reclamation costs and expected reclamation costs are based in large part upon water quality predictions.

Previous research by Jim Kuipers demonstrates that taxpayers are potentially liable for up to \$20.4 billion⁶ in financial assurance shortfalls at existing mine sites (in addition to the \$20 billion for Superfund sites) – due in large part to inaccurate water quality predictions.

A Growing Problem

Without correction, the environmental and financial impacts of faulty predictions could grow. Recent increases in metals prices have triggered an increase in the number of new mines being proposed in the United States. According to the Bureau of Land Management, new mining claims filed in 2006 are on track to more than quadruple since metals prices began their precipitous rise in 2002.

In the United States alone there are approximately 180 large hardrock mines – in nearly all regions of the country – that are in various stages of permitting, development, operation or reclamation and closure. In order to better protect important water resources and reduce future economic liability, improvements must be made in the prediction and prevention of impacts to water quality at these sites. On the positive side, the increase in metals prices has resulted in fewer bankruptcies in the sector—and it is bankruptcies that trigger the use of reclamation bonds for mine site reclamation and water treatment. This may provide regulators and industry officials with a window of opportunity to solve the underlying problems with water quality prediction.

Unprecedented Research: the absence of previous studies and the data gap

When they began their research, the authors expected to incorporate data from some mines where government officials had already completed a comparison of predicted and actual water quality impacts. However, they were unable to find comparisons of water quality predictions and actual water quality impacts of mines.

The authors found that no single repository exists for the Environmental Impact Statements (EISs) currently mandated under federal law. EISs contain the water quality predictions analyzed in the study. In some cases, local

federal offices that processed the studies did not have copies of them. Furthermore, in many cases, the authors were forced to submit Freedom of Information Act requests and pay fees to obtain copies of these studies. Similarly, water quality from mines was inordinately difficult to obtain and in most cases required personal visits to agencies and long hours sorting through paper files.

Taken together, the absence of previously published research and the difficulty in gathering information is evidence of a data gap that surprised the authors and may help explain the previous lack of a comprehensive study of this nature.

It is important to note that the predictions data were available – no matter how difficult to obtain – only because the National Environmental Policy Act (NEPA) requires it. Without NEPA, this study would have been impossible to conduct.

A Tool for Many Audiences

While the research focuses on the underlying scientific and engineering processes that form the basis of water quality predictions, its recommendations are intended for use by many audiences to increase the effectiveness of future mine water quality predictions – directly and indirectly:

- This study should be useful to the scientific and engineering communities for suggesting ways to better characterize risks to water quality and to better apply mitigation methods to minimize or prevent potential impacts.
- The regulatory community can look to these reports, especially *Methods and Models*, for recommendations on how to fundamentally improve the permitting process to ensure a more accurate analysis of potential mining impacts. The inherent uncertainty in water quality predictions and mitigation failures should be conservatively viewed in order to ensure mine permitting decisions that are more protective of human health and the environment. The integrity of the mine permitting process is dependent on the use of accurate methods and models.
- This report can be utilized by the mining industry to improve current practices and more accurately predict consequences and ameliorate potential effects.
- It can be utilized by the insurance and investment industry as a tool to better understand the potential risks and costs associated with mining, and as a basis to re-assess risks at current mines.
- And finally, it can be utilized by the interested public to more effectively advocate for water quality protections in the permitting process and to advocate in the public arena for legislative and regulatory changes that better protect water resources.

Do Predicted Water Quality Impacts Match Reality?

As indicated above, the answer is usually no — particularly when high risk mines, such as those with close proximity to water resources, are considered.

Sampled Mines

To arrive at this answer the authors initially reviewed 104 Environmental Impact Statements (EISs) and Environmental Assessments (EAs) for 71 major hardrock mines in the United States.⁷ The mines covered all important mineral sectors (gold, silver, copper, platinum group metals, molybdenum, lead, and zinc) and ten mining states (Alaska, Arizona, California, Idaho, Montana, New Mexico, Nevada, South Dakota, Utah, and Wisconsin).

A representative subset of 25 case study mines was then selected to evaluate the accuracy of the water quality predictions. Environmental impact reports for these mines were evaluated for predictions related to surface water, groundwater, and mine drainage quality during and after mining. These predictions were then compared with actual water quality conditions during and after mining.

Potential & Predicted Water Quality

The authors discovered a two-tiered system for water quality predictions, one-tier of which was based not on sound science, but on unsupported “good faith” projections.

The two tiers of “predictions” made about water quality in environmental assessments are referred to by the authors as “potential” and “predicted” water quality:

- **Potential** water quality is the expected water quality conditions in the absence of mitigation efforts by the operator.
- **Predicted** water quality takes the effect of mitigating measures into account. It is what mine operators forecast actual water quality will be during and after operations.

All the environmental reviews analyzed in the *Comparison Report* predict acceptable water quality after mitigation at mines where water quality standards were met before mining began. If this prediction were not made, the regulatory agency would not be able to approve the mine.

However, inadequate information was provided to demonstrate how the mitigation measures would actually prevent water quality impacts. Therefore, regulators were generally accepting the final water quality predictions on “faith.”

Major Findings: Chronic Underestimates of Water Quality Problems

Prediction vs. Reality: Overall Water Quality Impacts to Ground and Surface Water

Of the 25 mines sampled:

- 76% of mines polluted groundwater or surface water severely enough to exceed water quality standards.
- 60% of mines polluted surface water severely enough to exceed water quality standards.
- At least 13 mines (52%) polluted groundwater severely enough to exceed water quality standards.

Predictions vs. Reality: the Failure of Mitigation

In the cases where water quality standards were exceeded, in some cases the mine proponent anticipated the potential for pollution and prepared mitigation strategies (e.g. a mine waste dump lined with plastic to prevent acid drainage leaching into groundwater). Predictions of the efficacy of mitigation were no more reliable than overall predictions of water quality:

- 73% of mines exceeded surface water quality standards despite predicting that mitigation would result in compliance. The other 4 mines didn't predict the need for mitigation.
- 77% of mines that exceeded groundwater quality standards predicted that mitigation would result in compliance. The other 3 mines didn't predict the need for mitigation.

Predictions vs. Reality: Mines near Water with Elevated Acid Drainage or Contaminant Leaching Potential are High Risk

Some mine projects are so high risk that water quality exceedances are a near certainty: those mines that are both near groundwater or surface water resources, and possess an elevated potential for acid drainage or contaminant leaching.

- 85% of the mines near surface water with elevated potential for acid drainage or contaminant leaching exceeded water quality standards
- 93% of the mines near groundwater with elevated potential for acid drainage or contaminant leaching exceeded water quality standards.
- Of the sites that did develop acid drainage, 89% predicted that they would not.

Water Quality Pollutants

Of the 19 mines that exceeded water quality standards, the pollutants that exceeded standards were as follows

- Toxic heavy metals such as lead, mercury, cadmium, copper, nickel or zinc exceeded standards at 63% of mines.

- Arsenic and sulfate exceeded standards at 58% of mines.
- Cyanide exceeded standards at 53% of mines.

Why Do Predictions Fail?

In order to evaluate water quality impacts during the permitting process, government regulators rely on water quality predictions created by hydrologists and geochemists and mining engineers using computer models and other types of field or laboratory studies. Those predictions are only as good as the science upon which the models/tools are based, and the site characterization information supplied to those models. So when water quality predictions fail to predict water quality for mining operations, they fail for two general reasons:

1. the science of mine water quality prediction is imperfect
2. the science of mine water quality prediction is imperfectly applied at mine sites

The Imperfect Science of Mine Water Quality Prediction

The complexity of pollutants' interaction and movement in groundwater and surface water systems at mines is difficult to recreate in a model. This is addressed in detail in the companion report by Maest & Kuipers, titled *Predicting Water Quality at Hardrock Mines: Methods and Models, Uncertainties, and State-of-the-Art*.

According to *Methods and Models*, factors that complicate the prediction of water quality at mine sites range in scale from small to large. On a small scale, for example, it is not well known how minerals react in complex systems. On a large scale, geology, climate, methods of mining and mineral processing, and mine waste management approaches vary among and within mine operations. These large scale variations limit the degree to which information from one site can be applied to another.

Also, extrapolation from the laboratory to the mine must address complicating factors such as environmental conditions, water and gas transport, differences in particle size, and how these variables affect drainage quality over periods of decades or centuries. However, there is virtually no available field information describing the effect of these variables over extended periods of time. The lack of this field information introduces significant additional uncertainty into predictions.

Just as weather cannot be accurately predicted beyond a certain point because weather models and their inputs are not perfect, the transport of pollutants through complex geological and hydrological systems over the longer term, which can range from five years to tens of thousands of years is similarly difficult to predict.

One of the study's most significant findings, however, is where the practice of predicting weather and the practice of predicting water quality at mining operations part ways. Weather models are consistently reevaluated based on a comparison of predictions with actual weather conditions that occur subsequently.

Not so with the models used for predicting water quality at mining operations. The very fact that the study is unprecedented shows that *professionals who predict mine water quality do not revisit their predictions, and neither do the regulators responsible for ensuring the accuracy of those prediction*. The models used for the predictions cannot be improved if their failures and successes are not evaluated. Where predictions of water quality at mining sites are concerned, the scientific process is broken.

Imperfect Science, Imperfectly Applied

A mine water quality prediction model can only reach its potential at any individual mine site if that site is correctly characterized (in terms of its hydrology and geochemistry) to the extent possible. According to Maest and Kuipers, that potential is not being reached.

There are two types of characterization failures described in the *Comparison Report*: hydrologic (related to water flow at a mine site) and geochemical (the chemistry, geology and mineralogy of the materials/minerals that comprise the mine site).

The *Comparison Report* documents that six of the 25 case study mines were inadequately characterized hydrologically, and that eleven of the case study sites were inadequately characterized geochemically.

Another example of "imperfect science, imperfectly applied" is the bias of mine water quality predictions made by consultants hired by the prospective mine operator. This problem is implied by the number of site characterization failures, and by the failure to check the results of past mine water quality predictions.

Regulatory agencies, both federal and state, allow the mining company to select and directly pay consultants to predict mine water quality impacts, and to review and comment on (or even reject) those predictions, prior to release to the agency. It is an understatement to say that consultants heavily influence mine water quality predictions.

Unfortunately, given the client/customer relationship between prospective mine operators and their consultants, consultants are rewarded for having favorable predictions. On the other hand a prediction of poor water quality will usually delay a permit, which increases the permitting costs. While exceptions exist, consultants that predict poor water quality often are not rehired. This perverse incentive is contrary to the spirit of unbiased science, and contrary to the public interest.

Preventing Future Failures (and Addressing Current Failures)

Recommendations

Both the *Comparisons* and the *Methods and Models Reports* reveal that the prediction of future mine water quality is an uncertain business. And given the difficulty in modeling natural systems, even if all the recommendations included here and in the Kuipers-Maest research are implemented, mine water quality prediction will always be an uncertain business. However, there is considerable room for improvement.

Just as weather prediction has improved over time, so can mine water quality prediction — if regulators and professionals in the sector learn from past predictions and improve characterization efforts.

With that in mind, the following recommendations are intended to help improve mine water quality predictions today and in the future.

Addressing the Consequences of the Existing Prediction Process

Assess existing mines. If the results of the *Comparison Report* are extrapolated to all operating major mines, water quality standards would be exceeded at roughly 75% of all mines in the United States. Regulators should, in a public process, canvass all permitted mines to:

- determine which mines are exceeding water quality standards,
- evaluate how surrounding communities and the environment are being affected, and what cleanup steps are necessary,
- revisit the original predictions, and
- reassess the adequacy of the financial assurances provided by mine operators to guarantee mine cleanup and long-term water treatment.

Incorporate uncertainty into permitting process. Regulators should take a suitably precautionary approach to the mine permitting process, and require that mine design, mitigation and financial assurance calculations prepare for reasonable worst-case rather than best-case scenarios.

Better screen high-risk mines. Regulators must demonstrate concrete improvement in the accuracy of mine water quality predictions and mitigation efforts. For example, additional regulatory scrutiny should be given to the highest risk proposals such as those mines near water resources and with elevated acid drainage or contaminant leaching potential. In cases where the risks are too high, regulators should not permit mines. It should be noted

that this recommendation is supported by the *Comparison Report* which demonstrates that 93 % of such mines near groundwater, and 85% near surface water, exceeded water quality standards.

Some major mining companies are realizing that the life-cycle costs need to be clearly evaluated, including the costs of *perpetual maintenance and water treatment after mine closure*. While some leaders in the industry are using life-cycle cost estimates, this is still not a uniform industry standard, and regulators ultimately must make the determination for many mine proposals.

Inform the public about the uncertainty of water quality prediction. As part of the mine permitting process, regulators should inform the public of the history of the accuracy of mine water quality predictions so they can better determine the risk involved in a mine proposal.

Improving Future Mine Water Quality Predictions

Ease access to predictions and results. Information regarding pre-mining, mining and post-mining water quality should be publicly available online, along with the associated mine water quality predictions made during the permitting process. This will facilitate a more informed mine permit process for regulators and the public.

Review original predictions as water quality develops during mining. Mine operations should be regularly assessed to determine if they are departing from mine water quality predictions. This will allow regulators and mine operators to take early action when mine water quality begins to depart from the predicted.

Consult past predictions at other mines. When permitting a mine, regulators should be required to seek similar mines, or similar aspects of different mines, and determine what predictions were made and what water quality actually occurred. These mine analogs should be publicly disclosed.

Require improved characterization of mine sites. This recommendation is covered in much greater detail in the *Methods and Models Report*. In summary, regulators should require better information about the mine site — before, during and after operations.

Require more research on the effectiveness of mine water quality mitigation. The *Comparison Report* found that where predictions of good mine water quality were predicated upon the mine operator using mitigation strategies, mine water quality usually exceeded water quality standards. More research is needed to determine how and why these mitigation efforts fail, and how to improve them.

Change the procedure for selecting consultants to avoid the present conflict of interests. Agencies should independently select and pay the consultants to conduct the

studies. This will limit the ability of a mining proponent to influence the outcome of the predictions. The mine proponent can comment on the study, similar to public interest organizations, but they should not be able to exert sufficient influence to bias the outcome.

Increase government expertise. Many state and federal agencies are not sufficiently funded to employ staff with the technical expertise to provide appropriate analysis and oversight of the mine permitting process. Increased funding should be incorporated into agency budgets to ensure that technical expertise is available for permit review.



Endnotes

1. Jim Kuipers, PE, is a mining engineer with Kuipers & Associates in Butte, Montana, and Ann Maest, PhD, is an environmental geochemist with Buka Environmental in Boulder, Colorado.

2. The National Environmental Policy Act requires a science-based review of mine proposals when federally-owned land is affected, or when a federal permit is required (e.g. the Clean Water Act requires a permit when a mine discharges into waters of the United States). Many states have similar laws, based on NEPA, that apply to mine proposals even when federal land is not involved.

3. Mitigation is the effort by a mine operator to prevent or reduce pollution. For example, some mine waste (e.g., tailings impoundments) is underlain by thick plastic to prevent contaminants from moving into nearby water resources.

4. In this paper, an "exceedance" is the presence of a pollutant in concentrations higher than a water quality standard. This is different from a water quality "violation," which is a breach in the terms of a water quality permit. A water quality permit, although based on standards, may allow exceedances under some conditions. A mine operator is legally liable for a water quality violation.

5. Mitchell, Larry D., a staff paper prepared for the Environmental Quality Council, "Zortman and Landusky Mines: HJ 43 Water Quality Impacts, October 2004.

6. Kuipers, J, 2003, Putting a Price on Pollution: Financial Assurance for Mine Reclamation and Closure. This report was funded by Mineral Policy Center.

7. Many mines have multiple EISs or EIAs for different eras of mining.

Wednesday, January 31, 2007

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Print Version

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WEDNESDAY JANUARY 31, 2007

Last modified:

Tuesday, January 30, 2007 10:48 PM MST

Mario Aguilar | Green Valley News SAV volunteer Bill McNarie handles the mike as Pima County Sheriff Lt. L.T. Pratt makes a suggestion. Pratt, the local station commander, praises the work of the men and women of SAV — Sheriff's Auxiliary Volunteers.

By Dick Kamp, Wick Environmental Liaison

Editor's note: This is the first of a three-part series on the Rosemont mining controversy. Parts 2 and 3 will run in Friday's and Sunday's newspapers..

The Pima County Supervisors' unanimous decision to pass resolutions against the Rosemont mine represents a new and ambitious stage of commitment.

The supervisors have decided to seek congressional withdrawal from mining on public lands and to find congressional funds to purchase lands threatened by mining in the county

What motivated the supervisors to move into this new phase of action? How is it going to impact the ongoing efforts of Augusta Resource Corp. to get an open pit mine in the Santa Ritas over public objections?

Why are the often-repeated arguments of Augusta Vice President Jamie Sturgess and President Gil Clausen that they will provide "350 well-paying jobs and 5 percent of U.S. copper production on 2 percent of the Nogales Ranger District" falling on deaf ears?

What is likely to happen in the coming months, and why?

After months of Republican Supervisor Ray Carroll, whose District 4 includes Green Valley, leading the anti-mining charge, another Republican Supervisor, Ann Day, District 1, said at the Jan. 16 hearing: "Augusta Resource is...proposing...innovative reclamation and mitigation technologies. And it sounds like the company is trying hard address the issues.

"But, having said that, the industry knows that mining at this location in the Santa Ritas is unsustainable," she said. "Sustainability...is about creating a social willingness to accept mining. And this community in Southern Arizona does not accept that....the impacts of mineral extraction are felt very directly from a local perspective from blowing

tailings and air pollution. All the impacts of mining have left a very bad taste in the mouths of all of us.

"Our whole world is changing," she said. "Our whole state is changing, and we're no longer copper and cattle. We're just a different world, and that's how we've come to this point today."

Sturgess told the supervisors that the company is responding to "well-intentioned and loud innuendo rather than fact." More darkly, he later commented, that "there are some mean things going on with the county."

Sturgess went on to quote Carroll from the Green Valley News on Jan. 19: "Then we had this study that came out on hard rock mining that indicated that 70 percent of every promise ever made by a mining executive has been proven to be false."

It seems likely that Carroll was referring to a fairly exhaustive technical study released in December by the environmental group, Earthworks. It documented that 73 percent of mines on Federal Lands violating Clean Water Act standards in spite of their having been approved under the National Environmental Policy Act.

Carroll made a semantic leap, and one can sympathize with Sturgess at the negative character slur. If one were to say that 70 percent of promises made by politicians haven't been kept, it would be hard to find an empirical study to back that one up. And he is correct that a lot of folks within Pima County government, mean or not, do not want a mine.

The Santa Rita Mountains are a refuge, but mines and tailings are not.

The bottom line in this long-term battle over a mine is Carroll, U.S. Reps. Raul Grijalva, Gabrielle Giffords, and tens of thousands of local residents in Southeast Arizona simply find the Santa Ritas a refuge from heat and urban-suburban development. They will battle a mine no matter what.

Anti-mine advocates can and will spout the number of bird and animal species but in the end, the Santa Ritas are green desert sky island mountain ranges; cooler and prettier than the surrounding terrain.

Tailings and pits—even Rosemont state-of-the-art tailings and pits and ponds—are aesthetically disgusting, except to a miner.

The comments of one veteran mining engineer at the supervisors hearing that, "everyone knows that the best deer hunting is behind tailings dams and dumps" aside, those that will fight against this mine will do so with passion and aggression.

Augusta and mining proponents will fight with a will to mine copper profitably. The company has shown a will to be socially aware: on water recharge issues as well as creating a fund to be used for preservation in Pima County to compensate for mine-site environmental impacts.

If Augusta succeeds, there will be bitterness that will not go away. If the environmentalists succeed, Augusta may or may not still make a profit and other mining attempts will be made in more welcoming areas. Rosemont will become a public lands environmental precedent.

Tucson and Sonoita resident, Republican retired U.S. Rep. Jim Kolbe, said, "If I were Augusta, I'd have to say 'is this really worth it for us? To create a lot of enmity in an area we want to mine?"

"To spend a lot of money on long legal battles and to give up any good will we might have in this part of the country? There a lot of people in this area who will spend their money to fight this— and they have it."

Which county objections have enough merit that they may determine the fate of Rosemont?

One county concern surfaced prior to the hearing that seems to have little basis in fact: the instability of the site for mining based on a state study, "Geologic Map of the Rosemont area, northern Santa Rita Mountains, Pima County, Ariz."

One of the authors of the Arizona Geological Survey, Charles Furgason, said, "I can't honestly say why this site would be more or less stable than most of the other areas with similar ore bodies in southeast Arizona."

However, most questions raised by the county are serious ones that will underlie the political and legal battles ahead. These include: Questioning the validity of AR mine and mill-site claims on federal land, potential for contamination of surface and groundwater, blockage by tailings of clean runoff for Davidson Canyon and Cienega Creek, potential for dust in the area and large trucks. aggravating air quality and safety.

Pima County worries that although Augusta is voluntarily agreeing to recharge CAP water into the Tucson and Avra Valley basin, they may still overpump wells or cienegas in the Santa Ritas, permanently destroy habitat for wildlife and vulnerable species, and not conform to county land use and conservation guidelines.

The county has raised the appropriateness of a new mine as part of Coronado Forest Management Plan as well as within the County Sonoran Desert Conservation Plan. The county also wants Augusta to purchase nearly 8,000 acres for conservation as part of the company's proposed "environmental enhancement endowment" if they ultimately operate a mine. This point may be moot since they now oppose it.

There may also be a subtle legal question which is whether the county can influence mining on federal lands based on their own rulemaking.

There is a 2004 2nd Judicial Court decision that backed up the right of Washoe County to deny a clay mining process special use permit that they felt would have a negative environmental impact on the county although the mining activities would take place on BLM land.

County concerns will be justifications used for congressional withdrawal of land from new mining, and these questions will be integral to the county input to the NEPA process that the Coronado will probably eventually implement.

Several roads are ahead: Congressional land withdrawal, possible use of federal Land and Water Conservation Funds to purchase lands, Coronado's NEPA evaluation, and what Pima County might do to purchase land or challenge mining in court.

As well as litigation by environmentalists or Augusta over any decisions to deny or approve mining.

Next: <What are valid mining claims?

The detailsDick Kamp researches, reports and analyzes environmental issues for the Wick newspapers. Relevant to questions of Federal land withdrawal from mining surrounding the proposed Rosemont minesite: as director of Border Ecology Project, he

participated with residents of the Chiricahua mountains (where he has property). Jim Kolbe and John McCain in the creation of the Cave Creek Protection Act of 1993 — Congressional withdrawal from mining.

Green Valley News & Sun

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520-625-5511 (phone) 520-625-8046 (fax)

Close Window

The Mayor and Council went outside at 7:08 PM to review the new equipment.

The meeting resumed in Council Chambers at 7:20 PM.

UPCOMING MEETING ANNOUNCEMENTS

Town Manager David Andrews reviewed upcoming meetings and events.

COUNCIL REPORTS - No reports

DEPARTMENT REPORTS - No reports.

TOWN MANAGER'S REPORT - No report.

ORDER OF BUSINESS: MAYOR WILL REVIEW THE ORDER OF THE MEETING

Mayor Loomis moved Item 4 forward on the agenda.

CALL TO AUDIENCE - No speakers.

4. RESOLUTION NO. (R)07- 55 TO CALL UPON THE U.S. FOREST SERVICE TO PREPARE A FULL ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED ROSEMONT MINE

Town Manager David Andrews presented Resolution (R)07-55 supporting Pima Association of Governments and Pima County's right to protect Pima County's resource assets and lands from mining activities - the Rosemont Mine in particular. Mr. Andrews noted that similar resolutions had been adopted by the Pima Association of Governments, Pima County and many local jurisdictions.

Mayor Loomis opened the floor for public comment.

Sean Sullivan, of 738 N. 5th Avenue Ste. 214, Tucson, Arizona 85705, addressed the Council on behalf of the Sierra Club Rincon Group. Mr. Sullivan stated that the Sierra Club was in support of this resolution opposing the Rosemont Mine. He noted that the Santa Rita Mountain range was important to the community because of the ecology, recreation and scenic views.

Mr. Sullivan stated that the Sierra Club maintains that mining is not conducive to sustaining the economy in southern Arizona due to the "Boom and Bust" nature of the mining industry. He stated that he believes preserving the natural resources and natural beauty of the land is a better option to draw people to the area.

MOTION: A motion was made by Vice Mayor Dankwerth and seconded by Council Member Gillaspie to approve Draft Resolution (R)07-55, to strongly oppose Augusta Resources Corporation proposed Rosemont Mine.

MOTION carried, 5-0.

1. CONSENT AGENDA

MOTION: A motion was made by Council Member Gillaspie and seconded by Council Member Kunisch to approve the Consent Agenda.

MOTION carried, 5-0.

- A. Minutes - 01-24-07; 02-28-07; 03-14-07; 03-21-07; 04-04-07
- B. Building Code Activity Report - March 2007
- C. Coyote Run Monthly Report - March 2007
- D. Economic Development Division Monthly Report - March 2007
- E. Resolution No. (R)07- 53 Renewal of an Intergovernmental Agreement with Pima County for payment for the Incarceration of Municipal Prisoners
- F. Resolution No. (R)07- 54 Authorizing the acceptance of bid and award of contract to A & S Paving, Inc. in the amount of \$127,226.00 for the East Magee Road Pavement Rehabilitation, Project No. OV 30 06/07 16
- G. Approval of Employment Agreement for Town Magistrate George Dunscomb
- ~~H. Award of Bid for Financial Auditing Services to Heinfeld, Meech & Company, P.C. for fiscal years ending June 30, 2007, 2008 and 2009 with the option to renew for the three (3) subsequent fiscal years~~

2. PUBLIC HEARING- APPROVAL OF AN APPLICATION FOR A SERIES 12 (RESTAURANT) LIQUOR LICENSE FOR "SANTILLO'S" LOCATED AT 8195 N. ORACLE ROAD, SUITE 105

Town Clerk Kathi Cuvelier reviewed the liquor license application submitted by Mr. Michael Santillo for Santillo's Bar and Grill. She stated that based on the findings of the background investigation, Police Chief Sharp did not support the issuance of a liquor license to Mr. Santillo.

TC Regular Session

Date: 11/17/2010

Requested by: David Williams, Planning Division Manager
Submitted By: David Ronquillo, Development Infrastructure Services
Department: Development Infrastructure Services

Information

SUBJECT:

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

SUMMARY:

Oro Valley Zoning Code Revised, Section 27.3.C.1 specifies that an amount equal to 1% of the building permit valuation for commercial development projects must be provided for public art. The code further states that if the building permit valuation is less than two hundred and fifty thousand dollars (<\$250,000), the owner/developer may elect to pay an in-lieu fee to the Town of Oro Valley specifically for public artwork projects.

The zoning code also specifies that if the project valuation is ten million dollars or more, the owner may elect to contribute that portion of the one percent over one hundred thousand dollars to the Town of Oro Valley specifically for public artwork projects.

In instances where the project meets these criteria, the applicant may submit an in-lieu fee for the dollar amount of the required public art. Currently, the Town's Public Art Fund, comprised of in-lieu fees, has a balance of \$16,800.

Recently, the following questions and concerns have been raised:

- Should there be a threshold for minimum and maximum in-lieu fees, or should an applicant be permitted to contribute an in-lieu fee regardless of a project's building permit valuation?
- If not, what are the proper thresholds for minimum and maximum in-lieu fees?
- Should the Town consider additional uses for in-lieu funds contributed to the Public Art Fund? For example, maintenance of publicly owned artwork?
- Should another criteria be given consideration with or separate from the building permit valuation, such as the location of a business which is in a low visibility location with light public access or exposure?
- Should replacement be required for artwork that has failed, even though required maintenance has been done?

DISCUSSION:

HISTORY

Past Town Councils have held two Study Sessions in 2010, February 24 and May 12, to discuss public art funding and maintenance. While those discussions encompassed multiple questions surrounding our 1% for public art program, it did include perspectives from those councils regarding the in-lieu fee element and therefore those Council Communications and minutes from those meetings are attached for your review. No action was taken but direction was given to remove cultural resources from the discussion and to bring back recommendations on what works and what doesn't, which is what is before you this evening.

NEED FOR CHANGE

The existing code is relatively restrictive and does not appear to provide enough flexibility for applicants interested in the in-lieu fee option. Based on current artwork costs, building projects that result in a building permit valuation of around \$250,000 do not appear to provide enough funding to create quality

pieces of art. Following are examples:

1. Recently, a project was submitted with a permit valuation of \$295,000. Per Town Code, \$2,950 was required for public art. The zoning code provides for the public artwork budget to be spent on the design, fabrication, installation, and Town review process. Taking all of these costs into consideration, a quality art piece could not be achieved within the 1% budget. The applicant preferred to submit the in-lieu fee, rather than providing an inadequate piece of art on the site; however, this option is not allowed under our current code.
2. Currently the Town does not have funds dedicated for maintenance of artwork created for public construction projects (on the other hand, private developers who provide public art on their respective properties are responsible for maintaining the public art). In order to satisfy maintenance needs for publicly owned art, funds must be requested through the yearly budget process, most likely from the General Fund. Amending the Town Code to permit the use of in-lieu fees for public art maintenance would relieve this potential impact to the General Fund.
3. Another example of additional flexibility needed occurred this past year when public art was destroyed by a wind storm and there were no specified emergency funds for the repair at the southern entry monument sign on Oracle Road that was a youth art project. Although we received insurance money that covered a portion of the repair, the rest of the money came from our Highway Funds.
4. Additionally, there is a recent example of private art that has failed that was situated on a secluded property. Due to its location, there is very limited public access and visibility of the art. At question is whether secluded locations or restricted properties should be designated for in-lieu fees.

FISCAL IMPACT:

N/A

CONCLUSION/RECOMMENDATION:

Staff recommends the following:

1. The minimum threshold for the in-lieu option be raised to 1% of the building permit valuation for commercial development projects with building permit valuations less than one million dollars (required art budget of up to ten thousand dollars) to facilitate the development of quality public art. However, staff does not recommend a change to the maximum threshold for the in-lieu option.
2. Amend the zoning code to allow the use of in-lieu fees for maintenance of publicly owned artwork.
3. Provide for remote locations to be designated for in-lieu fees.
4. Exempt replacement requirement of failed artwork if the artwork has been properly maintained. Staff will bring back code changes that take into consideration multiple owners of property and how to be equitable in those circumstances.

SUGGESTED MOTION:

I move 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.

Attachments

Link: [Public Art Code](#)

Link: [2-24-10 Communication](#)

Link: [Minutes 2-24-10](#)

Link: [5-12-10 Communication](#)

Link: [Minutes 5-12-10](#)

In lieu of a mitigation plan for the entire property, phased developments may submit and implement mitigation plans for each phase that contains cultural resources. In the event that an archaeological site spans more than one phase, a single plan shall be prepared for the phases that contain the site.

E. Site Development

1. **Disturbance.** No physical disturbance (including artifact collection or excavation) of archaeological or historic sites shall be permitted unless specifically indicated in the mitigation plan. Cultural resources identified for in-place preservation will be protected during development activities.
2. **Discoveries.** Unrecorded archaeological sites unearthed during construction will be recorded and documented by a professional archaeologist. If any cultural resources are encountered during the grading/excavating process, all works shall cease in the vicinity of the resources and a qualified archaeologist shall be consulted to assess the significance of the resources and recommend and undertake appropriate mitigation measures. Information on the location and nature of cultural resources will be restricted except as necessary for avoidance and protection.
3. **Off-site Development and Ancillary Construction.** Utility trenches, water and sewage treatment facilities, roads, etc. will also be investigated, evaluated, and treated by the same criteria as within the proposed development site.

F. Treatment of Human Remains

An agreement for the treatment of human remains shall be developed with the Arizona State Museum (ASM) and appropriate cultural groups pursuant to ARS Section 41-844 and ARS Section 41-865. This agreement shall be established prior to archaeological investigation. Completion of the approved mitigation program does not exempt the development from compliance with these state laws.

G. Excavations on Public Property

No individual shall be allowed to use a probe, metal detector, or any other device to search or excavate for artifacts on public property, nor can any individual remove artifacts from public property without the written permission of the Town. Furthermore, no disturbance or construction activities shall be authorized within the properties belonging to the Town, including public streets and rights-of-way, without a Town permit and without such archaeology efforts as addressed in this chapter.

Section 27.3 Public Artwork Provisions

A. Purpose

The purpose of these public artwork requirements is to implement the General Plan Arts and Culture Element and support the cultural and educational enrichment of the citizens and visitors to Oro Valley through the creation of artwork that is accessible to all members of the community. The Town seeks enhancements to community beauty, artistic entertainment and enrichment for all its residents and visitors, and education in and through the arts.

B. Applicability

1. Public artwork is a required element of new private and public construction projects in Oro Valley as specified in this Section 27.3.
2. Artwork projects created for private development as a result of the requirements of this Section shall be privately owned and included in all nonresidential development projects, including religious institutions and nonprofit organizations, with the exception of communication facilities, utility installations and similar projects as determined by the Planning and Zoning Director.
3. All projects where public artwork has not been provided in accordance with Town Council requirements and legal nonconforming uses, that propose twenty-five percent (25%) or more cumulative addition or structural modifications, such as changes in square footage, gross floor area, and building facade, shall meet the requirements of this Section 27.3.
4. Public artwork is required for all new public construction projects involving construction costs over fifty thousand dollars (\$50,000), with the following exceptions:
 - i. Public art expenditure is not legally permissible due to the constraints imposed by the funding mechanism;
 - ii. Maintenance projects such as surface treatments;
 - iii. Safety improvements such as sidewalks and overlays with shouldering for bike lanes;
 - iv. Significant budgetary constraints necessitate cost reduction, subject to Town Council approval.

C. Artwork Budget

1. A budget for public artwork shall be established based on one percent (1%) of the building permit valuation for the project, including all phases of a multi-phase project. The itemized budget and a copy of the contract or agreement with the artist shall be submitted for Town review. The budget shall be spent on the design, fabrication, installation, and the Town review process of public artwork for the project.
2. For applicable public construction projects, one percent (1%) of the project construction cost shall be used for public artwork.
3. If specifically approved by the Art Review Commission, artwork budgets may include integrated pedestals, bases, walls, utility extensions and architect's fees exclusively required for the artwork.
4. Artwork budgets shall not be used for normally required improvements and development costs, including but not limited to land acquisition, grading, paving, sidewalks and landscaping.
5. For multi-phase projects, an updated public artwork budget, based on the most current building valuation tables, will be submitted for each phase at the time of application for public artwork approval.
6. If the building permit valuation is less than two hundred fifty thousand dollars (\$250,000), the owner/developer may elect to contribute the one percent (1%) (two thousand five hundred dol-

lars (\$2,500)) to the Town of Oro Valley. It shall be earmarked specifically for public artwork projects.

7. If the building permit valuation is ten million dollars (\$10,000,000) or more, the owner may elect to contribute that portion of the one percent (1%) over one hundred thousand dollars (\$100,000) to the Town of Oro Valley earmarked specifically for public artwork projects.
8. A portion of the one percent (1%) may also be used to construct on-site performing art facilities used for and by the public for the promotion and production of the arts.

D. Design and Location Requirements

1. Public artwork shall be designed by an artist, as defined in Section 31. If a design team is employed to create public artwork, at least one (1) team member shall be an artist as defined in Chapter 31.
2. Public artwork shall not include any of the following unless specifically allowed by the Art Review Commission and the item is designed by an artist: architectural elements or structural parts of a building or other structure; fixtures or features such as grates, shade screens, street-light, benches, signs, and bike racks. Designs of such items shall clearly result in artistic expression beyond the normally anticipated functional appearance.
3. Public artwork shall be in an area easily accessible and clearly visible to the general public. The location shall allow for unrestricted viewing from a variety of vantage points.
4. Public artwork may be located on a publicly viewable building facade, provided such location improves overall public accessibility to the artwork.
5. Artwork may be located within a building subject to Art Review Commission approval. The applicant shall demonstrate to the satisfaction of the Art Review Commission that the interior location for artwork provides equal or superior public access relative to outdoor locations. Indoor locations shall be readily accessible to the public such as lobbies and entryways and shall be accessible to the public for a minimum of forty (40) hours each week.
6. The location of public artwork shall be indicated on the landscape plan, development plan, plat or other appropriate document as determined by the Planning and Zoning Director.
7. Public artwork shall be permanent and fixed, and may be integrated with the work of other design professionals.
8. Public artwork shall not be located in sight visibility triangles.
9. Location of art in a proposed or existing Town right-of-way shall be approved by the Town Engineer.
10. Off-site locations within the Town for public artwork may be approved by the Town Council, upon review and recommendation by the Art Review Commission.

E. Installation and Maintenance

1. Public artwork shall be installed, inspected and certified complete prior to the issuance of a final certificate of occupancy. If a certificate of occupancy has previously been issued, any business license or other Town approvals shall not be granted until public artwork installation is complete.

CHAPTER 27: GENERAL DEVELOPMENT STANDARDS
Section 27.3 Public Artwork Provisions

2. An artwork installation schedule, addressing timing, budget allocation, artwork location(s), and specific details for each phase of a phased development project, shall be submitted for review by the Planning and Zoning Director. Each development phase shall include public artwork allocated proportionally to building valuation as determined by the Planning and Zoning Director.
3. Public artworks must remain on public display under optimum conditions in which they were originally installed.
4. The installation of the artwork will be done in a manner that will protect the artwork and the public. The general safety and permanence of artwork installation shall be inspected as determined by the Town Building Official, Town Engineer and the Planning and Zoning Director. Incomplete or unsafe installations shall not be approved.
5. Artwork projects may have a small plaque not to exceed eighty (80) square inches in size identifying the work, artist and contributors.
6. Continued maintenance of the artwork shall be the responsibility of the property owner. The artwork shall be maintained to preserve its intended appearance as specified in the approved application. Faded paint, missing or damaged parts, or deteriorated finishes represent unacceptable maintenance conditions.
7. The original artist shall be offered the opportunity to provide maintenance and repair services for the artworks they create. If the original artist will not be maintaining the artwork, documentation of the property owner's request to the artist for maintenance and repair services shall be submitted with the maintenance plan required in Section 27.3.E.8.
8. A maintenance plan specifying the party(ies) intended to complete repairs shall be submitted with the application for public artwork approval. If the party identified to perform maintenance and repairs is not the original artist, a statement of the individual's qualifications to repair and maintain public artwork shall be submitted with the maintenance plan. Qualified individuals shall have experience working with the media and materials used in the artwork.
9. Public artwork responsibilities shall transfer from property owner to property owner.
10. The property owner shall be responsible for the services and utilities necessary to operate and/or maintain public artworks over time.
11. The property owner shall provide evidence of insurance in a minimum amount equal to the purchase and installation costs of the public artwork.
12. Replacement of missing or damaged public artworks is required. Property owners are required to respond to inquiries from the Town regarding damaged or missing public artwork within fifteen (15) days of written notice.
13. Failure to maintain the artwork, as determined by the Planning and Zoning Director, shall constitute a violation of this code, and/or cause liens against the real property.
14. Public artwork cannot be permanently removed, relocated or altered in any way without the review and approval of the Art Review Commission, as long as the establishment remains open for business or maintains an Oro Valley business license.
15. In the event public artwork must be temporarily moved or altered due to construction or other activity, the property owner shall submit in writing a request to the Planning and Zoning Director.

for detailing the purpose, time frame, and intended temporary location for the artwork. Only the individual identified in the maintenance plan shall be permitted to move or alter public artwork. The request must be approved by the Planning and Zoning Director prior to movement of alteration of the artwork. The artwork shall be returned to its original location.

F. Processing

1. The Art Review Commission shall review and may approve all applications for public artwork in a two-step process: conceptual review and final review.
2. Whenever a landscape plan is required with a development plan or subdivision plat, conceptual review of public artwork must be approved by the Art Review Commission prior to the approval of the landscape plan for development projects.
3. Public artwork for public construction projects shall be reviewed by the Art Review Commission. Timing for public construction projects' artwork conceptual and final review by the Art Review Commission shall be determined by the Town Engineer and the Planning and Zoning Director.
4. Conceptual review shall assess artist qualifications, conceptual artwork design and artwork location(s). Conceptual review and approval is required prior to completion of a final review by the Commission.
5. Subsequent to conceptual review, the Art Review Commission shall complete a final review. The applicant shall provide information on the artwork's final design and a maintenance plan per Section 27.3.E.8 in sufficient detail to permit the Commission to completely evaluate the application using the standards and criteria included in this Section 27.3. Changes to the approved artwork design or the approved maintenance plan shall be approved by the Art Review Commission.
6. Project completion shall be certified by the acceptable installation of the approved artwork and submittal by the property owner of a certification package including the following: a statement that the artwork, artist and site meet the criteria established by the ordinance codified in this Section, the date on which the installation was completed, and an itemized account of the expenses incurred in fulfilling the requirements of the ordinance codified in this Section. Certification shall be completed before the Town issues a final certificate of occupancy.
7. For existing development, previously approved projects, subsequent phases of phased projects, or projects that do not require a landscape plan, final review of public artwork shall be approved prior to the issuance of the building permit.
8. Decisions of the Art Review Commission on conceptual or final review shall be final, unless, within twenty (20) days from the date of the Commission's decision, the applicant files an appeal in writing to the Town Council. The written appeal shall be filed with the Town Clerk and shall state in writing where, in the opinion of the appellant, the Commission was in error. The Clerk shall schedule the appeal for a Town Council agenda and the Town Council, at its meeting, shall uphold, modify or overrule the decision of the Commission.
9. The Town Council shall have the right to initiate its own review of any decision of the Art Review Commission and shall uphold, modify or overturn said decision. Notice of Town Council-initiated review of an Art Review Commission decision shall be given to the applicant by the Town Clerk within twenty (20) days after the action of the Art Review Commission.

10. If an appeal is not filed nor Town Council review initiated within twenty (20) days of the Commission's decision, the decision shall be deemed final.

G. Review Criteria

In reviewing applications for public artwork, the Art Review Commission shall consider, but is not limited to, the criteria described below. The Commission shall determine acceptability of individual applications based on their interpretation and judgement of fulfillment of these criteria.

1. Proposed artworks shall not hinder public safety, including hazards to pedestrians and the creation of attractive nuisances.
2. Public artwork locations shall be well-integrated with the layout and hardscape components of the site and shall maintain visibility and proximity to the viewing public, and compatibility with and enhancement to the aesthetic value of the building(s) or site. Artwork shall be located in relatively high activity areas.
3. Potential obstructions, such as landscape materials at maturity or future construction, should be considered.
4. Locations for artwork should include nearby accessible seating, when appropriate, from which the artwork can be easily viewed.
5. Durability and safety of materials and the overall project design, as determined by a registered professional engineer licensed by the State of Arizona, as applicable, should be considered. Siting and installation of artwork shall consider hazards from specific design features, materials, and potential breakage.
6. The artwork shall be original and unique, and not duplicate existing art projects.
7. The concept and design should be consistent with the overall theme of the project and the context of the proposed installation site.
8. The appropriateness of the materials, textures, and colors to the expression of the design concept and the site shall be considered.
9. Durability of the artwork and its ability to prevent or minimize vandalism, undesired weathering or other damage through the use of materials, finishes and site locations shall be considered.

((O)08-23, Added, 12/3/08)

Section 27.4 Native Plant Preservation, Salvage and Mitigation Plan Requirements

A. Purpose

Oro Valley's natural environment is the unique Sonoran Desert, an upland desert community found only in southern Arizona and parts of northern Mexico. Several rare and endangered plant and animal species inhabit the area. In addition, there are species of national significance, the most notably characteristic of which is the Saguaro cactus, a well-known symbol of the southwest. This Section is designed to provide standards for the protection of native plants, which provide habitat for native

COUNCIL COMMUNICATION

MEETING DATE: February 24, 2010

TO: HONORABLE MAYOR AND COUNCIL

FROM: Paul R. Popelka, RLA/AICP, Acting Planning & Zoning Director

SUBJECT: Discussion Regarding Public Art Funding for Cultural Resources and Maintenance

SUMMARY:

Following consideration and denial of public art improvements at Kriegh Park at the December 2, 2009 Council meeting, Council directed staff to prepare amendments to the Oro Valley Zoning Code Revised (OVZCR) allow greater flexibility for use of in-lieu public art funds. Current code does not allow in-lieu funds to be applied to cultural resources or maintenance of existing public art projects.

DISCUSSION:

Proposed amendments to OVZCR section 27.3(C)(6) and(7) read as follows (added language shown in italics):

6. If the building permit valuation is less than two hundred fifty thousand dollars (\$250,000), the owner/developer may elect to contribute the one percent (1%) (two thousand five hundred dollars (\$2,500)) to the Town of Oro Valley. It shall be earmarked specifically for public artwork projects, *which may include maintenance of existing public artwork, or cultural resources, which may include historic preservation, at the option of the owner/developer.*

7. If the building permit valuation is ten million dollars (\$10,000,000) or more, the owner may elect to contribute that portion of the one percent (1%) over one hundred thousand dollars (\$100,000) to the Town of Oro Valley earmarked specifically for public artwork projects, *which may include maintenance of existing public artwork, or cultural resources, which may include historic preservation, at the option of the owner/developer.*

Council may also wish to consider changing the dollar thresholds described above to give the developer/owner greater flexibility in contributing a portion of the 1% requirement to the in-lieu fund.

FISCAL IMPACT:

There is no fiscal impact unless the thresholds for funding are changed to allow greater contributions to the in-lieu fund.

CONCLUSION/RECOMMENDATION:

Granting the owner/developer the option of assigning their contributed funds for public art maintenance will fulfill needs for maintenance and repair of Town projects including art at the Riverfront Park and the library, as well as for continuing work with cultural resources, including Honey Bee Village and Steam Pump Ranch. To date there has been no use of the in-lieu fund (approximately \$16,000).

Staff recommends that the proposed amendments be formally adopted by Council to allow greater flexibility in use of the funds.

COUNCIL COMMUNICATION

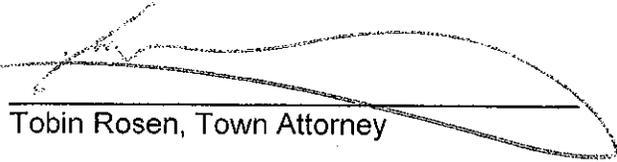
MEETING DATE: February 24, 2010



Paul Popelka, RLA/AICP
Acting Planning & Zoning Director



Stacey Lemos, Interim Assistant Town Manager



Tobin Rosen, Town Attorney



Jerene Watson, Interim Town Manager

MINUTES
ORO VALLEY TOWN COUNCIL
STUDY/SPECIAL SESSION
February 24, 2010
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CANADA DRIVE

STUDY SESSION - AT OR AFTER 6:00 p.m.
CALL TO ORDER: 6:00 p.m.

PRESENT: Paul Loomis, Mayor
Bill Garner, Vice Mayor
K. C. Carter, Councilmember
Barry Gillaspie, Councilmember
Salette Latas, Councilmember
Pat Spoerl, Councilmember

1. Presentation to Councilmember Al Kunisch for his service on the Oro Valley Town Council from June 2006 to February 2010

On behalf of the Mayor and Council, Mayor Loomis presented Councilmember Al Kunisch with a proclamation from the Mayor, a key to the Town and southwest artwork for his service on the Oro Valley Town Council from June 2006 to February 2010.

2. Discussion regarding proposed Defeasance of Series 2000, 2001 and 2003 Bonds and proposed revenue alternatives for Fiscal Year 2010/11 and beyond

Assistant Town Manager/Finance Director Stacey Lemos reviewed the proposed Bond Defeasance recommendations and outlined the advantages and disadvantages of moving forward with the defeasance of bonds. She explained the interest cost savings that could be realized if the defeasance is approved by Council. Financial Advisor Mark Reader was present to answer any questions.

Mrs. Lemos then reviewed proposed revenue enhancement options that were summarized during the Council's Budget Retreat in January 2010.

Mayor Loomis asked that the Bond Defeasance request be moved forward to a future Agenda for Council action and recommended that the budget move forward without any new revenue sources included due to no comments from the Council asking to do so.

3. Discussion regarding Public Art Funding for Cultural Resources and

Maintenance

Planning & Zoning Director Paul Popelka presented proposed amendments to the Oro Valley Zoning Code Revised that would allow greater flexibility for use of in-lieu public art funds. The current code does not allow in-lieu funds to be applied to cultural resources or maintenance of existing public art projects.

Council discussion followed regarding the proposed amendments:

- Pool money to use for maintenance of Town owned art projects.
- Define what in-lieu funds would be used for.
- Concern with using funds for cultural resources.
- Money must be managed for benefit of community.
- Concern trying to use one time funds for maintenance of art projects.
- Using in-lieu fees for maintenance may be stretching the reason to ask for 1%.
- If there is a piece of artwork at risk, the Town could go to the artist that put the artwork in place and if possible, have it moved to a location where it could be saved.
- Have funds available to allow artwork to remain for Town residents in perpetuity.

Mayor Loomis asked staff to bring the discussion back to Council when there was more time to talk about the history of the 1% for art programs and to have time to identify where the process works or doesn't work. He suggested that the Council try to come up with some direction and identify what the needs are. He suggested that possibly a similar venue for cultural resources could be used.

Discussion followed regarding the current emergency repair process now in place so that if the library tree art needs immediate maintenance, it can be done now.

Mr. Popelka stated that he would look into the issues discussed tonight and would bring back the responses at a future meeting.

4. Discussion regarding the Planning and Zoning Department Work Plan for Fiscal Years 2010/11 and 2011/12

Paul Popelka handed out a revised Planning & Zoning Work Plan and reviewed the spreadsheet showing the Work Plan Projects by Priority, Department Programs, and estimated amount of staff time involved to accomplish the work. He asked for some direction on priorities and how they should be handled.

Discussion followed regarding the priorities of the work plan:

- Supports staff priorities.
- Too much emphasis on amending The General Plan.

- Emphasis should be on amending the Zoning Code since it has the "teeth" in it, not The General Plan.
- Citizen's Planning Institute (CPI) is included as part of the administrative work, devote extra effort on the new CPI Program.
- The General Plan update would be existing information reflecting changes over the past 5 years.
- The energy element would be updated after the sustainability plan.
- Like to see plans for a major revision to The General Plan with a public process since the last time this was done, was in 1995.
 - The community has made major changes since The General Plan revision from 1995.
 - Balance on energy and conservation elements.
- General Plan update intent to have fairly light update and support deeper update when time comes so can gauge what has changed and, make comparisons with past plans to see where changes should be considered.
- There is movement in the State Legislature to grant an extension of the 10 year General Plan review requirement due to budget deficits and lack of staff.
- A major planning upgrade needs to start three years out.
- The Sign Code has to be addressed. There are a number of other areas that need work, so it is a perfect time address them and identify inconsistencies between The General Plan and Zoning Code.
- Address the law in the Zoning Code to provide relief where needed.
- Concern with doing too many things with fewer people.
- Must give better direction of what we expect staff to do. They are spread too thin and are short of help.

Mr. Popelka stated that staff is very dedicated and productive. The best direction Council could give to staff would be to give them a sense of priority and what is most important, so that staff can concentrate their efforts in that direction. He stated that when the Sign Code was finished, that would free up some time for staff.

Mayor Loomis opened the floor for public comment.

Oro Valley resident Bill Adler expressed his objections to the proposed priorities of the Planning and Zoning Work Plan.

Mr. Popelka stated that once the priorities of the work plan are confirmed then staff would develop a scope of work and work schedule including a timeline to follow.

Mayor Loomis requested another study session with more than one half hour to discuss the issues.

5. Future Agenda Items

Councilmember Carter requested that the Stormwater Utility Commission give a presentation to the newly elected Council sometime in July. Councilmember Gillaspie seconded the request.

ADJOURN STUDY SESSION

The special session was adjourned at 7:55 p.m.

SPECIAL SESSION

CALL TO ORDER: 7:55 p.m.

EXECUTIVE SESSION AT OR AFTER 6:00 p.m.

MOTION: A motion was made by Councilmember Latas and seconded by Vice Mayor Garner go into Executive Session at 8:00 p.m. in accordance with ARS 38-431.03(A)(1) to discuss personnel matters related to possible appointment of a new Town councilmember to fill one vacancy with term effective until June 2, 2010. MOTION carried 6 - 0.

1. ACCEPTANCE OF RESIGNATION FROM COUNCILMEMBER AL KUNISCH

MOTION: A motion was made by Councilmember Carter to accept the resignation submitted by Councilmember Al Kunisch. MOTION SECONDED by Councilmember Latas. MOTION carried 6 - 0.

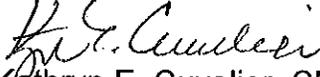
2. DISCUSSION AND POSSIBLE ACTION REGARDING FILLING OF COUNCIL VACANCY WITH TERM EFFECTIVE UNTIL JUNE 2, 2010

MOTION: A motion was made by Councilmember Spoerl and seconded by Councilmember Latas to direct Town staff to advertise the Council position for interested residents over the age of 18 who are qualified electors and who have lived in the town for one year, with a deadline of March 5, 2010 at 12:00 noon. It was further moved to direct the Town Clerk to advertise a special session for March 12, 2010 at 1:00 p.m. for Council to consider applicants in Executive Session and to take possible action to make the appointment. MOTION SECONDED by Councilmember Latas. MOTION carried 6 - 0.

ADJOURNMENT

MOTION: A motion was made by Councilmember Carter and seconded by Vice Mayor Garner to adjourn at 9:00 p.m. MOTION carried 6 - 0.

Prepared by:


Kathryn E. Cuvelier, CMC
Oro Valley Town Clerk

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the special session of the Town of Oro Valley Council of Oro Valley, Arizona held on the 24th day of February 2010. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 20 day of April 2010.


Kathryn E. Cuvelier, CMC
Town Clerk

TC Study Session**Date:** 05/12/2010**Requested by:** Paul Popelka, Acting Planning and Zoning Director**Submitted By:** Paul Popelka, Planning and Zoning**Department:** Planning and Zoning

Information**SUBJECT:**

Discussion of 1% Public Art Funding

SUMMARY:

This discussion of public art funds is a continuation from the February 24, 2010 Council Study Session. Staff presented proposed code amendments to allow greater flexibility for use of in-lieu 1% funds (now totaling approximately \$16,000) for maintenance of existing Town public art and/or for cultural resources. Current code requires that in-lieu funds be held and dedicated to future public art projects, but not maintenance of art or cultural resources.

Private developers are required to provide public art on their respective properties based on 1% of the project building valuation. They are also responsible for maintenance of the public art. Town-owned public art, including work at the library and Riverfront Park, has no funding mechanism for maintenance.

An additional issue to be considered with this discussion is whether project management fees are qualified as part of the 1% budget. SAACA has been involved in several public art projects, working with the owner/developer through the Town submittal and approval process. SAACA charges the developer 5% of the 1% public art budget for their work. The issue is whether project management fees, provided by SAACA or any other consultant, should be included in the 1% budget.

DISCUSSION:

Code amendments proposed in February were as follows:

6. If the building permit valuation is less than two hundred fifty thousand dollars (\$250,000), the owner/developer may elect to contribute the one percent (1%) (two thousand five hundred dollars (\$2,500)) to the Town of Oro Valley. It shall be earmarked specifically for public artwork projects, which may include maintenance of existing public artwork, or cultural resources, which may include historic preservation, at the option of the owner/developer.

7. If the building permit valuation is ten million dollars (\$10,000,000) or more, the owner may elect to contribute that portion of the one percent (1%) over one hundred thousand dollars (\$100,000) to the Town of Oro Valley earmarked specifically for public artwork projects, which may include maintenance of existing public artwork, or cultural resources, which may include historic preservation, at the option of the owner/developer.

Council discussion at that meeting included the following issues:

- Money should be pooled for maintenance of town owned art projects
- Define how in-lieu funds would be used and managed for the benefit of the community
- Concern for using public art funds for cultural resources
- Concern for using one time funds for maintenance of art projects; may not be appropriate for 1% fund
- Maintenance pool could include funding for at-risk artwork that could be relocated
- Maintenance pool would ensure that artwork would remain for town residents in perpetuity

Staff has researched other communities in their use of 1% funding and how it is applied to public art projects. Results from seven communities are summarized in Attachment 1.

Based on this research, Oro Valley is unique in its requirements for private developers installing art for public purview. With the exception of Tempe, other communities surveyed require public art, or Town-owned art, only with public capital improvement projects. Maintenance may be funded from the General Fund which may not provide sufficient funding every year, or funding may be allocated from special taxes. No community allocates funding toward cultural resources. Artist and project management fees are included in the 1% public art budget.

FISCAL IMPACT:

There may be potential impact if no in-lieu funds are assigned to maintenance of Town-owned public art. If maintenance and/or cultural resources are allowed, in-lieu funding could be increased by adjusting the current thresholds that allow in-lieu contributions (less than \$250,000 or greater than \$10,000,000).

CONCLUSION/RECOMMENDATION:

Granting the owner/developer the option of assigning their contributed funds for public art maintenance will partially address needs for maintenance and repair of Town projects, including art at the Riverfront Park and the Library. Funds may also be allocated for continuing work with cultural resources, including Honey Bee Village and Steam Pump Ranch. To date there has been no use of the in-lieu fund (approximately \$16,000). Existing code language must be modified to allow use of the in-lieu funds.

Issues are summarized as follows:

- Define use of in-lieu funds - public art projects, maintenance, and/or cultural resources
- Consider adjusting threshold amounts for in-lieu funding versus actual public artwork on private property
- Define a separate funding source for maintenance and or cultural resources
- Define what fees, borne by the owner/developer, qualify as part of the 1% budget

SUGGESTED MOTION:

Staff is seeking direction if a change to the existing code and public art processes is desired.

Attachments

Link: [Attachment 1](#)

**Attachment 1
Discussion of Public Art 1% Funding
Oro Valley Town Council
May 12, 2010**

PUBLIC ART FUNDING IN OTHER COMMUNITIES

Community	1% Fund	Maintenance Funds	Cultural Resources Funding	Artist & Project Management Fees
Albuquerque	No private development requirements. All public art is publicly funded.	20% of the 1% budget may be allocated for conservation and administration.	N/A	Included
Flagstaff	No private development requirements. All public art is publicly funded.	Funding is allocated from Bed/Restaurant tax.	N/A	Included
Phoenix	No private development requirements. All public art is publicly funded.	Maintenance is funded separately from General Fund.	N/A	Included
Scottsdale	No private development requirements. All public art is publicly funded.	Maintenance is funded separately from General Fund.	N/A	Included
Tempe	Public art required for both private and public projects.	Cultural Services Division maintains City-owned public art through Parks & Rec budget.	N/A	Included
Tucson	No private development requirements. All public art is publicly funded.		N/A	Included

recommended that the Town advertise for competitive bids to implement performance measures.

2. Discussion of 1% Public Art Funding

Acting Planning and Zoning Director Paul Popelka presented the item. He highlighted the Public Art issues:

- ◆ Pool of funds for Town art maintenance
 - Allow for relocating at-risk art work
 - Ensure art work in perpetuity
- ◆ How to use and manage in-lieu funds
- ◆ Use for cultural resources
- ◆ Should not use one-time funds for ongoing maintenance

He stated that the requirement of a 1% fee from private developers was unique to Oro Valley.

Mr. Popelka stated that:

- ◆ Out of the six cities surveyed, Tempe required an art fee from private developers
- ◆ Albuquerque, Flagstaff, Phoenix, Scottsdale and Tucson required a 1% public art fee for public capital improvement projects
 - These cities did not require a fee from private development
- ◆ Most have a maintenance fund within the General Fund
 - Phoenix has been significantly reducing that fund each year
 - The art is showing wear for lack of maintenance and funding
- ◆ Flagstaff does not have a public art fund
 - Bed Tax funds are used
- ◆ None of the polled cities have a maintenance fee related to the 1% or an in-lieu fund
- ◆ Albuquerque allows 20% of the initial 1% to be set aside for maintenance
 - The remaining 80% is spent on the project
- ◆ Most cities do not seek funds from the private sector

He summarized the issues:

- ◆ Use of in-lieu funds
 - Public art, maintenance and/or cultural resources
- ◆ Threshold amounts for in-lieu funds
 - Consideration could be given to:
 - Changing the thresholds
 - Lowering the maximum and raising the minimum amounts
 - Finding a new source of funding
- ◆ Separate funding source
- ◆ Qualified fees in the 1%
- ◆ No other community diverted public art funds to cultural resources

He stated that the Southern Arizona Arts and Cultural Alliance (SAACA) charged fees to design, approve and build artwork. He assessed that, based on research, SAACA's fees were eligible for the 1% requirement.

It was noted that:

- ◆ Any developer could contribute and that it was within Council's purview to use the funds for maintenance
- ◆ The report identified Oro Valley as the only community in Arizona that required a private art contribution for site development

It was suggested that a maintenance fund should be created to which private industry could contribute.

Town Attorney Tobin Rosen stated that it was an elective choice which distinguished it from a development impact fee. He noted that to keep it legitimate, the language needed to remain elective.

Councilmember Carter stated that it should remain as is and Council could make changes if needed.

Discussion noted the following:

- ◆ The use of SAACA as a consultant was up to the applicant
- ◆ SAACA was not required to be involved in the process
- ◆ The brochure from Planning & Zoning noted that SAACA was available to help developers with their process

Councilmember Gillaspie stated that artwork should not be denied if a private property owner was required to pay for it and questioned why the Town would force the owner through the public art review process. He proposed, for a future agenda item, that staff streamline the process for public health, safety and welfare.

It was noted that:

- ◆ SAACA provided calls to artists on behalf of developers
- ◆ The Art Review Committee received their recommendations from Planning and Zoning

Councilmember Spoerl suggested discontinuing consideration of cultural resources at this time. She recommended deferring the consideration of the \$16,000 to a later discussion. She stated that there was not an immediate problem.

It was noted that there was not necessarily an immediate need for repairs; however, the Tree of Knowledge at the Oro Valley Library and the wall at Riverfront Park would need some maintenance.

Mayor Loomis stated that cultural resources should remain separate from public art, though it could be brought back as a separate item.

3. Discussion and possible action regarding amending Town Council

TC Regular Session

Date: 11/17/2010

Requested by: Amanda Jacobs, Economic Development Manager

Submitted By: Amanda Jacobs, Town Manager's Office

Department: Town Manager's Office

Information

SUBJECT:

DISCUSSION REGARDING SIGN CODE TASK FORCE RECOMMENDATIONS RELATED TO TEMPORARY SIGNS

SUMMARY:

At the October 27, 2010 Study Session, staff presented the Sign Code Task Force Recommendations related to Permanent Signs. The purpose of tonight's discussion is to review the Sign Code Task Force Recommendations for Temporary Signs.

DISCUSSION:

The Sign Code Task Force Recommendations for Temporary Signs include:

- 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

Details of the Sign Code Task Force Recommendations can be found in [Attachment 1: Sign Code Task Force Recommendations - Temporary Signs.](#)

Staff is seeking Council feedback regarding the Sign Code Task Force Recommendations for Temporary Signs.

FISCAL IMPACT:

N/A

CONCLUSION/RECOMMENDATION:

Before Council takes any action on the Sign Code Task Force Recommendations, staff recommends that Council receive an update on the impact to businesses who have participated in the Temporary Sign Relief program and how it relates to Sections 28.6 and 28.7 of Oro Valley Zoning Code Revised (OVZCR). During the July 21, 2010 Council meeting where the Council directed staff to initiated a Temporary Sign Relief program, the Economic Development Manager proposed that an update be brought to Council prior to the Temporary Sign Relief expiring on February 1, 2011. Below is the recommended action plan:

- January 19, 2010 - Discussion and Possible Action Regarding the Temporary Sign Relief

- February 16, 2010 - Public Hearing to Amend Oro Valley Zoning Code Revised, Chapter 28, Signs

SUGGESTED MOTION:

Discussion only- no action required.

Attachments

Link: [Sign Code Task Force Recommendations - Temporary Signs](#)

Link: [Temporary Signs Summary Table](#)

Link: [Sign Code marked-up version](#)

Link: [Oro Valley Commercial Sign Survey](#)



Sign Code Task Force Recommendations

Temporary Signs Banner



Current Code:

Description: Any sign of lightweight fabric or similar material that is temporarily mounted to a pole or building. A banner may be utilized for the purpose of “grand opening,” “coming soon,” or change of ownership to promote a new business. The words “grand opening” and/or “coming soon,” along with other copy, shall be displayed on the banner, based on the event taking place.

Task Force Recommendation:

Description: Any sign of lightweight fabric or similar material that is temporarily mounted to a pole or building. A banner may be utilized for the purpose of ~~“grand opening,” “coming soon,”~~ a new business opening or change of ownership to promote a new business. ~~The words “grand opening” and/or “coming soon,” along with other copy, shall be displayed on the banner, based on the event taking place.~~ For Seasonal or Special Event Banner signs, see Sections 28.6.A.7 & 8.

Temporary Signs

Banner



Current Code:

Area: Maximum 64 square feet

Task Force Recommendation:

Area: Maximum 64 square feet, or no more than one (1) square foot of sign for each linear foot of building frontage, whichever is less. For tenants that are further than 300 feet from the street, the banner may contain no more than 1 ¾ square feet of sign area for each linear foot of building frontage.

Temporary Signs

Banner



Current Code:

Location: Must be installed on the site and/or tenant space in which the event is taking place.

Task Force Recommendation:

Location: Must be installed on the site and/or tenant space in which the event is taking place. All banners shall be securely anchored to the ground and/or parapet wall in such a manner that the banner shall not fold over and shall be taut. The banner may be located inside the tenant space.

Temporary Signs/Permitted Signs in a Commercial/Industrial District

Real Estate, Lease, Rent and For Sale Signs



16 square foot sign
15 feet away

Current code:

- Area of Sign: Maximum of 16 square feet
- Height: Not to exceed five (5) feet in height above grade. May be increased to 10 feet with permission of Senior Zoning Supervisor



32 square foot sign
15 feet away

Task Force

Recommendation:

- Area of Sign: Maximum of 32 square feet
- Height: Not to exceed eight (8) feet in height above grade. ~~May be increased to 10 feet with permission of Senior Zoning Supervisor~~

Temporary Signs

Seasonal or Special Event Banners



Current Code:

- Description: A special event sign shall be used to advertise a holiday sale and/or special event, including civic, public, religious, philanthropic, or educational events. Such signs are permitted in any zone and are not to be used for Model Home Sales.
- Location: Must be installed on the site and/or tenant space in which the event is taking place.

Task Force Recommendation:

- Description: A special event sign shall be used to advertise a ~~holiday sale and/or~~ seasonal or special event, including ~~civic, public, religious, philanthropic, or educational events.~~ Such signs are permitted in any zone zoning district and are not to be used for Model Home Sales.
- Location: Must be installed on the site and/or tenant space in which the event is taking place. All banners shall be securely anchored to the ground and/or parapet wall in such a manner that the banner shall not fold over and shall be taut.

Temporary Signs

Three Day Special Event Banner

Current Code:

Special event sign is included under Special Event Banner Signs.

Task Force Recommendation:

Created a separate section for Temporary Three Day Special Event Banners.

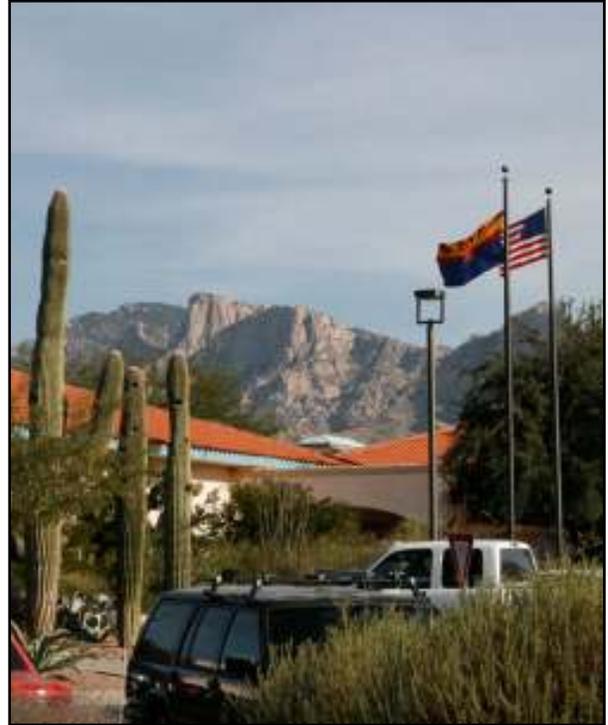
Temporary Signs

Flags Signs in Commercial/Residential District



Current code:

- One pole per development



Task Force Recommendation:

- A maximum of two poles for a commercial development
- A maximum of one pole per individual property/subdivision

Temporary Signs/Permitted Signs in a Residential Zoning District

Model Home Banners



Current Code:

Quantity: One (1) banner per model home complex. The banner may be wall mounted or freestanding and shall be good for 16 days per calendar year.

Task Force Recommendation:

Quantity: One (1) banner per model home complex.

Duration: The banner shall be mounted only on Saturdays and Sundays (104 days). The banner may be permitted an additional 16 consecutive days for the purpose of opening the model home center.

Temporary Signs/Permitted Signs in a Residential Zoning District

Model Home Complex, Custom Home Lot Sales Office Signs – On-Site Signs



Current Code:

Removal: All signs must be removed upon the completion of 95 percent of the development and/or subdivision.

Task Force Recommendation:

Removal: All signs must be removed upon the completion of 95 percent of the development and/or subdivision within seven (7) days after the closing of the sales office or model home office.

Temporary Signs/Permitted Signs in a Residential Zoning District

Off-Site Signs (interior and exterior)



Current Code:

Location: An exterior, off-site sign shall be located at the intersection of an Arterial Roadway and subdivision street, as long as no other Town approved kiosk sign exists. The sign must be located on private property with the permission of the owner of the premise.

Task Force Recommendation:

Removal: All signs must be removed upon the completion of 95 percent of the development and/or subdivision within seven (7) days after the closing of the sales office or model home office.

Temporary Signs/Permitted Signs in a Residential Zoning District

Off-Site Signs (interior and exterior)



Current Code:

Removal: All signs must be removed upon the completion of 95 percent of the development and/or subdivision.

Task Force Recommendation:

Removal: All signs must be removed ~~upon the completion of 95 percent of the development and/or subdivision~~ within seven (7) days after the closing of the sales office or model home office.

Temporary Signs/Permitted Signs in a Residential Zoning District

On-Site Subdivision Signs



Current Code:

Removal: Any sign that lists an individual developer, contractor and/or sub-contractor must be removed upon completion of 95 percent of the subdivision or development.

Task Force Recommendation:

Removal: Any sign that lists an individual developer, contractor and/or sub-contractor must be removed upon completion of 95 percent of the subdivision or development within 7 days after the sale and closing of 100 percent of the lots within the subdivision, development or 180 days after the closure of the sales office, whichever comes sooner.

Temporary Signs/Permitted Signs in a Residential Zoning District

Real Estate, Lease, Rent and For Sale Signs



Four (4) square feet



Six (6) square feet

Current code:

- Area of Sign: Four (4) square feet
- Height of Sign: Five (5) feet but may be allowed up to 10 feet with approval of P&Z Administrator

Task Force Recommendation:

- Area of Sign: ~~Four (4)~~ Six square feet including all riders/hanging modifiers
- Height of Sign: ~~Five (5) feet but may be allowed up to 10 feet with approval of P&Z Administrator~~ A maximum of six (6) feet. The Planning Division Manager may approve heights up to 10 feet, if warranted.

**Attachment 1:
Temporary/Permitted Signs in Commercial/Industrial District**

<u>Sign Type</u>		<u>Current Code</u>	<u>Task Force Recommendations</u>
<u>Banner</u>	<i>Description:</i>	1. "Grand opening" & "Coming Soon"	1. A new business opening
	<i>Area:</i>	1. 64 sq ft	1. 64 sq ft or 1 sq ft/1 linear ft of building frontage, whichever is less
	<i>Location:</i>	1. On site and/or tenant space	1. Anchored to ground and/or parapet wall. Must be taut.
<u>Real Estate, Lease, Rent and For Sale</u>	<i>Area:</i>	1. 16 sq ft	1. 32 sq ft
	<i>Height:</i>	1. 5 ft, or 10 ft with Zoning Approval	1. 8 ft maximum

<u>Seasonal or Special Event Banners</u>	<i>Description:</i>	<ol style="list-style-type: none"> 1. For holiday sale, or special events (civic, public, religious, philanthropic, educational) 2. Not for Model Home Sales 	<ol style="list-style-type: none"> 1. For any seasonal or special events 2. No restriction
	<i>Location:</i>	<ol style="list-style-type: none"> 1. Installed on site/tenant space 	<ol style="list-style-type: none"> 1. Anchored to ground and/or parapet wall. Must be taut.
<u>Three-Day Special Event Banners</u>	<i>Duration:</i>	<ol style="list-style-type: none"> 1. One day (separated from Special Events above) 	<ol style="list-style-type: none"> 1. Up to 3 days
<u>Flags in Commercial/Residential District</u>	<i>Poles:</i>	<ol style="list-style-type: none"> 1. 1 per development 	<ol style="list-style-type: none"> 1. 2 for commercial development 2. 1 per individual property or subdivision

**Attachment 2:
Temporary/Permitted Signs in Residential Zoning District**

<u>Sign Type</u>		<u>Current Code</u>	<u>Task Force Recommendations</u>	<u>Staff Recommendations</u>
<u>Model Home Banners</u>	<i>Duration:</i>	1. 16 days/calendar year	1. Saturdays & Sundays (104 days). Plus 16 consecutive days for grand opening	N/A
<u>Model Home Complex, Custom Home Lot Sales Office –On-Site</u>	<i>Removal:</i>	1. Upon 95% completion	1. Within 7 days of closing sales/model home office	N/A
<u>Off-Site (interior & exterior to subdivision)</u>	<i>Removal:</i>	1. Upon 95% completion	1. Within 7 days of closing sales/model home office	N/A
				1. Add 'Temporary Signs on Public Property'
<u>On-Site Subdivision</u>	<i>Removal:</i>	1. Upon 95% completion	1. Within 7 days after final sale or 180 days after sales office closes, whichever is sooner	N/A
<u>Real Estate, Lease, Rent and For Sale</u>	<i>Area:</i>	1. 4 sq ft	1. 6 sq ft	N/A
	<i>Height:</i>	1. 5 ft	1. 6 ft	N/A

Chapter 28

SIGNS

Section 28.1 General - Signs

A. Purpose

1. The purpose of this Chapter is to establish reasonable regulations for the design, construction, installation and maintenance of all exterior signs in the Town of Oro Valley in order to:
 - a. Preserve and protect the public health, safety, welfare, and convenience. Protect the general public from injury or damage, which may be caused by faulty and uncontrolled construction or improper location of signs within the Town.
 - b. Provide for an effective form of communication while preserving the scenic beauty of the desert environment. Ensure that the signage is clear, compatible with the character of the adjacent architecture and neighborhoods and provides the essential identity of, and direction to, facilities in the community.
 - c. Enhance the potential economic value and encourage quality development within the community, as well as, promote and aid tourist industry, which is an important part of the economy of the Town.
 - d. Promote the effectiveness of signs by preventing their over-concentration, improper placement, excessive clutter, size, and number.
 - e. Safeguard and preserve the unique character of the Town creating an attractive and appealing community environment in which to live, work and visit. Assure that the public benefits derived from expenditures of the public funds for the improvement and beautification of streets and other public structures and spaces shall be protected by exercising reasonable controls over the character and design of sign structures.
2. It is not the purpose of this Chapter to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Chapter.

B. Requirement for Conformity

If any sign and/or sign structure is located, constructed, reconstructed, altered, repaired, converted or maintained in violation of this Chapter, the Town or any owner or tenant of real property aggrieved by the alleged violation, in addition to other remedies available at law, may institute appropriate injunction proceedings to correct the violation with the Oro Valley Magistrate Court.

C. Non-Conforming and Discontinued Signs

1. Signs Rendered Non-Conforming

- a. If, at the time of the adoption of this Chapter, or amendment thereto, or of any extension of jurisdiction resulting from annexation, or of any amendment to the Oro Valley Zoning Code or any permanent sign which is being used but does not conform to the provisions of this Chapter, shall be deemed legal non-conforming.
- b. Any sign which becomes legal non-~~conforming~~, conforming shall be permitted to remain, provided the sign;
 - i. Is not increased in area or height
 - ii. Remains structurally unchanged, except for reasonable repairs or alteration; and
 - iii. If relocated, due to no fault of the owner, is placed in the same relative position on the remaining property that it occupied prior to the relocation
 - iv. Is relocated in a manner so as to comply with applicable safety requirements, and
 - v. Is not discontinued per Section 28.1.C.2.
- c. Alteration or Removal of Non-Conforming Signs
 - i. A non-conforming sign shall not be re-erected, relocated (except as permitted above), or replaced unless it is brought into compliance with the requirements of this Chapter.
 - ii. Any non-conforming sign shall be removed or rebuilt in full conformity to the terms of this Chapter if it is damaged or allowed to deteriorate to such extent that the cost of repair or restoration is 50 percent or more of the costs and/or replacement of materials.

2. Signs Rendered Obsolete or Discontinued

- a. Except Lease, Rent, and For Sale Signs, any sign, which is located on a property, which becomes vacant and unoccupied for a period exceeding three (3) months shall be deemed to have been discontinued.
- b. Sign structures, which remain vacant, unoccupied, obsolete, devoid of any message or display, a message pertaining to a time, event or purpose that no longer applies for more than three (3) months, shall be deemed discontinued.
- c. It shall be the responsibility of the owner of the premise to remove any sign deemed discontinued subject to penalty as set forth in Section 30.2 of the Oro Valley Zoning Code.

3. Change in Business

- a. When a business establishment closes, relocates, changes names, or abandons any sign or structure, the owner of the property shall remove the sign, or cause it to be removed, within 30 days of the change of business. If the sign is to be immediately re-faced with a new business name, a new sign permit shall be required and applicable fees shall be paid. A permit shall be non-transferable from one to another.
- b. A non-conforming sign shall be brought into compliance with the requirements of this Chapter when a business establishment closes, relocates, changes names, or abandons any sign. A permit and applicable fees for the sign modifications are required.

D. Liabilities for Insurance and Damages

1. The provisions of this code shall not be construed to relieve or to limit in any way, the responsibility or liability of any persons, firm or corporation which erects or owns any sign from personal injury or property damages caused by, attributed to, such sign. The provisions of this code shall not be construed to impose upon the Town of Oro Valley, its officers or its employees any responsibility or liability by reason of the approval of any sign under the provisions of this code.

E. Prevailing Code

In the event a provision established in this Chapter is found to be in conflict with another provision in the Oro Valley Zoning Code Revised, or any other Town Code, the more restrictive shall prevail.

If the Town-adopted sign regulations/guidelines for any development, including Planned Area Developments, do not address specifically any such sign criteria, the provisions of this Chapter shall apply.

In the event that a Commercial, Industrial, Residential, and/or Subdivision should fall under a Zoning of a Planned Area Development (PAD), the rules and regulations of that PAD shall apply.

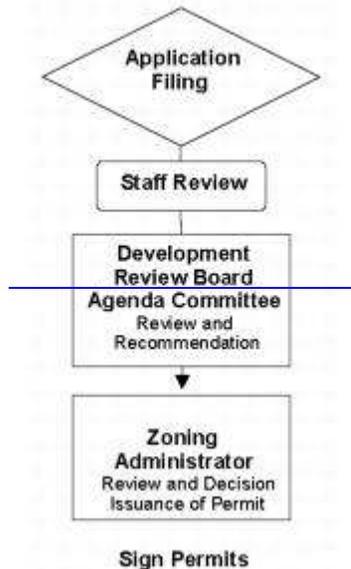
F. Signs Prohibited by Omission

In addition to those signs, or sign types, specifically prohibited by Section 28.9 of this Chapter, any sign, or type of sign, not specifically permitted under provisions of this code shall be prohibited.

Section 28.2 Procedures and Enforcement

The ~~Planning and Planning and Zoning Administrator~~ Planning Division Manager is responsible for enforcing this chapter pursuant to Section 21.2.B.7 and 21.4.B.10. The ~~Planning and Planning and Zoning Administrator~~ Planning Division Manager is, hereby authorized and empowered to ensure that all provisions of this chapter are met in fact and intent. The ~~Planning and Planning and Zoning Administrator~~ Planning Division Manager may appoint a designee to assure code compliance. The procedures to be followed in exercising this authority are outlined in Section 28.2.C through 28.2.E.

A. Sign Permits, Fees, and Application



Procedures

A sign permit shall be required in order to erect, install, relocate, modify, or change any sign within the Town of Oro Valley.

1. Approval of all temporary sign permits shall be at the discretion of the ~~Planning and Planning and Zoning Administrator~~ Planning Division Manager or his/her designee.
2. The ~~Planning and Planning and Zoning Administrator~~ Planning Division Manager or his/her designee shall authorize issuance of permits for permanent signs, after applications have been reviewed by staff for code compliance. Any proposed sign criteria or Comprehensive Sign Programs for a new Development are subject to review by the Development Review Board. Once sign criteria have been approved for a new Development, any issuance of sign permits shall be at the discretion of the Town as long as the application meets the approved sign criteria set forth for that Development.
3. All electrical work associated with the sign installation must conform to the currently adopted versions of the 2002 National Electrical Code and must be reflected on the application.
4. Permit Fees: Upon approval of an application for the sign permit, the applicant shall be advised of the applicable fee. Permits will not be issued until all applicable fees have been collected. Fees shall be assessed according to a schedule adopted by the Town Council.

Exception: The owner of a non-conforming sign shall not be required to pay a fee for a permit to bring an existing sign into conformance with this code.

5. Application Procedures

- a. Additional information as specified by the Planning ~~and Zoning Administrator~~ Division Manager.

6. Permit Expiration

- a. Every permit issued under this Chapter shall expire by limitation and become null and void if the work authorized by such permit is not completed within 180 days from the date of such permit. Prior to expiration of the permit, the applicant may request an extension of the expiration date at the discretion of the ~~Planning and Planning and Zoning Administrator~~ Planning Division Manager and/or his/her appointee. Once the permit has expired, before such work can recommence, a new permit shall first be obtained and the fee therefore shall be 50 percent of the amount required for a new permit for such work, provided no changes have been, or will be, made in the original plans and specifications.
- b. Any sign, for which renewal fees have not been paid, and said remittance is delinquent for 14 days or more is deemed to be an

illegal sign, and said sign must be removed in accordance with the requirements of this Chapter.

B. Sign Criteria and ~~master~~ Master Sign Program

Sign Criteria and Master Sign Programs are official documents that regulate all signage within a development. An approved Sign Criteria or Master Sign program is required prior to issuance of a sign permit for: (1) non-residential multiple-occupancy buildings; (2) commercial, office, resorts, and/or industrial centers.

Any development, including single-occupancy developments, within and/or adjacent to an existing development that shares access and/or parking with that development must: (1) follow the approved Sign Criteria or Master Sign Program for the existing development; or (2) submit an approved Sign Criteria or Master Sign Program. If the owner elects to follow the Criteria or Program of the existing center, no additional approvals are required prior to issuance of a sign permit.

A sign package for commercial and/or industrial businesses, that has not been approved as part of a Sign Criteria and/or Master Sign Program shall be reviewed by the Development Review Board prior to the issuance of a permit.

1. Sign Criteria

Sign Criteria shall be written in compliance with the provisions of this Chapter and Addendum A design guidelines. For areas within a PAD (Planned Area Development), Sign Criteria shall be written in compliance with the provisions of the PAD. Sign Criteria require the approval of the Development Review Board.

2. Master Sign Program

A Master Sign Program is an alternative to the sign regulations herein, which provides latitude in order to achieve variety and good design.

- a. Master Sign Programs shall be based on the provisions of this Chapter and shall conform to the purpose and intent of the Chapter and to the guidelines in Addendum A.
- b. Master Sign Programs shall include only those sign types already permitted herein and may allow adjustments to the standards of those types provided they are justifiable.
- c. A Master Sign ~~Program~~ ~~shall~~ Program shall not be used for single occupancy developments. The use of a Master Sign Program is to allow adjustments to the standards of multiple sign types.

- ed. Master Sign Programs require review by the Development Review Board and approval by the Town Council.
 - de. Compliance with these provisions does not necessarily guarantee approval by the Town Council.
3. Review of Sign Criteria and/or Master Sign Program shall be guided by the following:
 - a. Overall presentation of the entire development, including landscaping, architecture, topography, uses and design.
 - b. Compliance with the criteria specified in Addendum A-C.4 and the purpose statements of this Chapter.
 - c. Any other applicable information that may be useful in the overall presentation of the proposed criteria for the development.
 4. Application for the Sign Criteria and/or Master Program shall be submitted, with the required fee(s) as prescribed by the ~~Planning and Zoning~~ Planning Division Manager ~~Administrator~~.

C. PAD Exemption

In the event that a Planned Area Development District (PAD) has established its own sign Requirements, the owner/residents of lands within identified planning areas of the PAD, as determined by the ~~Planning and Zoning Administrator~~ Planning Division Manager, may elect to operate under all or a portion of Chapter 28, Signs, in accordance with the following procedures set forth below:

1. A letter requesting exemption from the specific PAD Sign Regulations must be submitted by the property owner within the planning area of the PAD. The letter shall be accompanied by a list of all Homeowners/Master Associations within the subject planning area. Upon review by the Administrator, the request shall be scheduled for public hearing before the Development Review board for their recommendation.
2. Not less than 30 days prior to the Development Review Board hearing, Town staff shall verify the list of Associations for accuracy and completeness and shall, by first class mail, notify them of the Development Review Board hearing date.
3. The Development Review Board shall consider the applicants request for exemption from the PAD Sign Regulations and shall forward their recommendation to Town Council, which shall render a final decision. A favorable motion shall have the effect of applying all or portion of the rules and regulations set forth in this Chapter 28, Signs, to the applicant's

particular project area. The Town Council shall approve, conditionally approve, or deny the request.

D. Revocation of Permit

The ~~Planning and Planning and Zoning Administrator~~ Planning Division Manager may, in writing, suspend or revoke a permit issued under provisions of this Section whenever the permit is issued on the basis of a material omission or misstatement of fact, or is in violation of this ordinance or the Oro Valley Town Code.

E. Abandoned, Illegal, Prohibited, or Inadequately Maintained Signs

If an abandoned, illegal, prohibited, or inadequately maintained sign is located within the Town, the ~~Planning and Planning and Zoning Administrator~~ Planning Division Manager shall be empowered to authorize the ~~Senior Zoning Inspector~~ ~~Planning Manager~~ Planning Division Manager to issue a citation. The ~~Planning and Planning and Zoning Administrator~~ Planning Division Manager may also require removal or repair of the sign and shall advise the owner of said sign, or as an alternative, the owner of the property where said sign has been posted, to correct whatever violation or inadequacy he/she deems to exist. All actual costs and expenses of any such removal or repair shall be borne by the property owner of such sign.

F. Emergency Removals and/or Repair

1. The ~~Planning and Planning and Zoning Administrator~~ Planning Division Manager is authorized to cause the immediate removal or repair of any sign or signs found to be unsafe or defective to the extent that it creates an immediate and emergency hazard to persons or property. The ~~Planning and Planning and Zoning Administrator~~ Planning Division Manager shall make reasonable effort to notify the property owner and/or lessee that the unsafe or defective sign must be removed or repaired immediately. The ~~Planning and Planning and Zoning Administrator~~ Planning Division Manager may cause any sign or advertising structure which is an immediate peril to persons or property to be removed summarily after attempt to reach the owner of the sign and the owner of the property, and without notice if the peril does not allow time for telephone notice.
2. All actual costs and expenses of any sign removal or repair shall be borne by the owner of such sign and by the owner of the premises on which the sign is located. Each of them shall be jointly and severally liable thereof, and an action for recovery thereof may be brought by the Town upon proper documentation of such cost and/or expenses by the ~~Planning and Planning and Zoning Administrator~~ Planning Division Manager. The ~~Planning and Planning and Zoning Administrator~~ Planning Division Manager shall provide

written notification to the property owner, prior to the Town placing a lien on the property with the County Assessor's Office.

G. Variances

The Board of Adjustment shall review any request for a variance to the standards contained in the Oro Valley Zoning Code Revised in accordance with Section [21.6](#).

Section 28.3 Requirements

A. Construction

1. Building Code

All signs shall be designed and constructed in conformity with the current Building Codes of the Town of Oro Valley.

2. Electrical Code

All signs requiring an electrical permit per Section 28.2.A shall be in conformance with the current 2002 National Electrical Code adopted by the Town of Oro Valley.

3. Permanent Sign Materials

All permanent signs shall be constructed using structural members of materials subject to approval of the Building Official and/or Town Engineer. Non-structural trim may be wood, metal, aluminum, approved plastics, lexan, and or a combination thereof.

4. Temporary Sign Materials

Materials proposed to be used in constructing Temporary signs shall be at the discretion of the fabricator but shall be stated in the application for the sign permit unless otherwise provided in this code. Adequacy of materials proposed from the standpoints of stability and safety and of composition and color shall be subject to approval by the ~~Planning and Zoning Administrator~~ [Planning and Zoning Administrator](#) Planning Division Manager, Building Official and/or his/her designee.

B. Illumination

1. Illumination of signs may be accomplished only by the following methods:

- a. Halo Illumination, ~~white~~ or ~~neon~~ internal illumination only, unless otherwise approved by the ~~Planning and Zoning Administrator~~ [Planning and Zoning Administrator](#)

Administrator Planning Division Manager or the Development Review Board.

- b. Area lighting provided such lighting is in accordance with the Town of Oro Valley Lighting Code.
- c. Internal illumination to the extent that only the sign characters and logos emit light.
- d. An illuminated wall sign may be turned on at 5 a.m. and shall be turned off no later than ~~one (1) hour after the closing of a business~~ 11 p.m. or when the business closes, whichever is later.
- e. LED lighting may be a component of a sign as specifically called out under this Chapter.

2. Prohibited Lighting

The following types of light sources are prohibited as means to illuminate or attract attention to any sign:

- a. Exposed neon and/or neon type tubing except for “open” and/or “closed” signs.
- b. Internal lighting other than that expressly permitted in Section 28.3.B.1.
- c. Blinking, flashing, rotating and animated light sources.
- d. Search lights.
- e. An illuminated sign placed on the interior of a business, which is visible from the outside, cannot be illuminated when the business is closed.

C. Colors

1. Various sign colors shall be permitted, except fluorescent or iridescent colors.
2. All developments, including those within a Planned Area Development (PAD) that have established sign criteria or Master Sign Program approved by the Development Review Board, shall be required to utilize only those colors that were approved by the Development Review Board.
3. Consistency of typeface, illumination, and color is preferred if established sign criteria have been approved, and then all requirements of that criteria must be utilized.

D. Location and Measurement Standards

1. The following shall apply for the location standards of a sign:
 - a. No sign shall be installed so as to obstruct any door, window, or fire escape of any building.
 - b. No sign shall be erected in such a way as: a) to interfere with or to confuse traffic, b) to present any traffic hazard, c) to obstruct the vision of motorists.
 - c. No sign shall be erected in a manner which projects over any public sidewalks, street, alley, or public place unless otherwise approved by the Town Engineer and/or ~~Planning and Planning and Zoning Administrator~~ Planning Division Manager or is allowed by any portion of this Chapter.
 - d. No person shall place or maintain a sign in public right-of-way, except as permitted by Sections 28.1.C, Non-Conforming and Discontinued Signs, 28.6.B.6., Real Estate Lease, Rent and For Sale Signs and 28.7, Temporary Signs on Public Property. The ~~Planning and Planning and Zoning Administrator~~ Planning Division Manager may cause the removal of any unauthorized signs from public right-of-way.
 - e. No sign shall be installed so as to interfere with the essential identity of another sign.
2. The sign area shall be measured in compliance with the following guidelines:
 - a. The area of a sign that consists of individual letters, words and symbols, which are placed upon a building wall of freestanding wall and are not encompassed by a frame or boundary, shall be measured by the overall height of the tallest letter by the overall length of the entire sign. The ~~Planning and Planning and Zoning Administrator~~ Planning Division Manager may approve the calculation of signs by measuring the sum of the smallest rectangular shape needed to enclose each letter or symbol if special circumstances arise that would warrant the need to calculate differently.
 - b. A sign that consists of multiple faces such as a freestanding sign shall be measured to encompass the overall height by overall length of one (1) face.
 - c. The sign height shall be measured as the vertical distance from the average finished grade beneath the sign to the topmost feature of the sign. If the sign is located where the average finished grade

is lower than the adjoining grade of the road, the sign height may be taken from the top of the road, curb, or crown of the road nearest the property to the topmost portion of the sign.

- d. Clearance is measured as the shortest distance between the underside of the sign and the average finished grade beneath the sign.
- e. Setbacks for freestanding signs shall be measured from the edge of the sign structure closet to the property line.

E. Inspections and Maintenance

1. Inspections

The Building Codes Administrator, ~~Planning and Planning and Zoning Administrator~~ Planning Division Manager, and/or Town Engineer, or any such person officially designated by them, is hereby empowered to perform inspections, as deemed appropriate, to assure compliance with this code.

2. Maintenance

Each sign shall be maintained in a new or like new condition at all times so as not to constitute a danger or hazard to public safety or become an eyesore to the community.

F. Landscaping

1. The base for all permanent freestanding signs shall be integrated into a landscape buffer area.
2. The landscaped area shall conform to the Town's landscape requirements and shall be maintained at all times.
3. The landscape design shall not permit plants that would obstruct the visibility of the sign face from the street.

Section 28.4 Definitions and Sign Types

1. Abandoned Signs

A sign which advertises, identifies or gives notice of a business which is no longer in operation or an activity which has already occurred.

2. Advertisings

A sign primarily listing products sold or services offered, or products manufactured on the premises.

3. Alterations

Shall mean any change, addition, or modification in construction of an existing sign.

4. Animations

The movement or optical illusion of movement of any part of a sign structure, design, or pictorial segment, including the movement of any illumination, flashing or varying of light intensity. The automatic changing of all or part of the facing of the sign. The movement of a sign set in motion by the atmosphere.

5. Awning Signs

Refer to Section 28.5.B.1.

6. Balloon Signs

An airtight bag filled with helium, gas, hot air or the like, causing it to rise, that is anchored to a building or structure with ropes, wires and/or string to attract attention to the public.

7. Banners

Refer to Section 28.6.A.1.

8. Billboards

An off-site sign that is pasted, painted or fastened on in a manner to allow for periodic replacement of messages that is not located on the property where the billboard is located.

9. Building Frontage

The measurement between two (2) straight lines projecting from the outermost edges of a building or tenant space wall, that are perpendicular to a straight line running along the ground level of the front of the measured wall.

10. Cabinet Signs

A three (3) dimensional structure which includes a frame, borders and sign panel face and may include internal illumination upon which the sign logos are placed or etched, and is architecturally integrated with the building.

11. Change of Copy

A replacement face(s) or material to an existing sign without changing any structural members, sizes, and/or heights.

12. Changeable Copy Signs

Refer to Section 28.5.B.2.



13. Character

Any letter, number, logo, and/or symbol as defined in this Section.

14. Construction Signs

Refer to Section 28.6.A.2.

15. Development Complex

A site, having common vehicular access points, which is subject to a development plan.

16. Development Signs

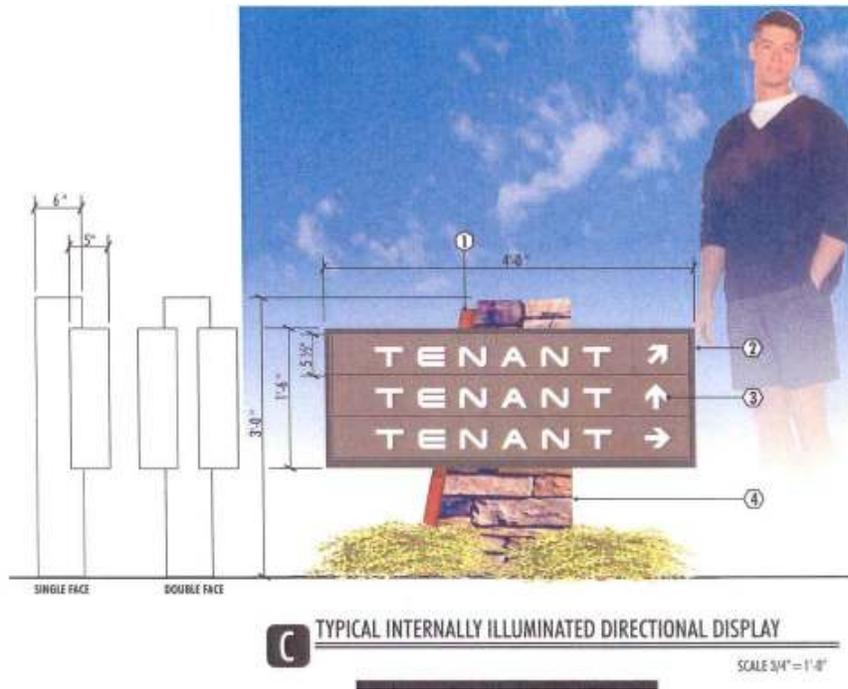
Refer to Section 28.6.A.3.

17. Direct Lighting

A source of external illumination located a distance away from the sign which lights the sign, but which itself, is not visible from any normal position or view.

18. Directional Signs

Refer to Section 28.5.B.3.



19. Directory Signs

Refer to Section 28.5.B.4.



20. Double-Faced Signs

A sign having two (2) display surfaces, one (or more) support(s) of which is (are) shared by both surfaces. Hence, double-face signs include back-to-back signs as well as V-shaped signs.

21. Electronic Message Signs

A sign that permits the movement or frequent changing of messages by means of electronically controlled sign copy.

22. Entryway Signs

Refer to Section 28.5.B.5 and Section 28.5.c.1.



23. Fascia

A parapet-type wall used as part of the facade of a flat-roofed building and projecting from the building face immediately adjacent thereto. Such a wall shall enclose at least three (3) sides of the projecting flat roof.

24. Flags

Refer to Section 28.6.A.4.

25. Freestanding

Shall mean any structure, which is not attached to any other structure or portion of a structure.

26. Freestanding Signs

Refer to Section 28.5.B.6.



27. Garage Sale Signs

An on-site or off-site, temporary sign, made from paper, poster board, cardboard, or like material.

28. Government Signs

A sign installed or required by a public agency such as traffic, public, transit, public information, or the like.

29. Grade

Shall mean the elevation of the ground surface, paving, or sidewalk.

30. Grand Opening Signs

An on-site sign advertising the opening of an establishment, expansion, or change of ownership of a commercial enterprise, new business, store, or office.

31. Ground or Monument Signs

Refer to Section 28.5.B.96.

32. Halo Illumination

Illumination produced by recessing a light source inside a hollow character with an open back or within the surface to which the sign letters are mounted. An outline glow around the characters is created by this light reflecting off the background to which the characters are attached.

33. Historical Marker

A sign marker locating and identifying a historical interest or site.

34. Home Occupation Signs

A sign that identifies a business or commercial activity that is conducted from the property zoned for residential use.

35. Human Signs

Any portable commercial advertisement that is held or worn by a person or persons to draw attention to or direct the public to a business or event.

36. Identification Signs

An on-site, permanent sign, which identifies the premise where the sign is located.

37. Illuminated Signs

A sign, whose surface is lit internally or externally.

38. Indirect Lighting

A source of external illumination located a distance away from the sign, but which is itself not visible from any normal position.

39. Internal Illumination

A source of illumination entirely within the sign wherein the source of the illumination is not visible.

40. Kiosk Signs

A freestanding sign providing directional information to Town facilities, subdivisions and apartments. ~~The Town shall contract with an independent contractor who will coordinate a subdivision tract and~~

~~apartment sign program within the Town limits. The contractor shall be responsible for the manufacture of all kiosks and tract signs. All signs shall be built in accordance with the contract, specifications of the International Building Code and specifications of the Town's Building Safety Division.~~

Refer to Section 28.5.B.7.

41. Logo

A graphic symbol representing a business. Logos shall be registered trademarks.

42. Maintenance

The replacing or repairing of a part of a sign made usable, unsafe, or unattractive by ordinary wear, tear or damage beyond the control of the owner, or the repainting of an existing sign without changing the wording, location, composition or color of said sign.

43. Marquee Signs

Any sign affixed to or constructed in a roof like structure or awning projecting over an entrance to a building such as a theater.

44. Memorial Signs

A permanent sign, table, or plaque memorializing a person, event, structure, or site.

45. Menu-Boards

Refer to Section 28.5.B.8.

46. Model Home Flags

Refer to Section 28.6.B.3.

47. Modifier

A word describing uses and activities other than the business name.

48. Moving or Animated Signs

Any sign or part of a sign which changes physical position, flashes, blinks lights, rotates or conveys the illusion of movement by mechanical means, illumination and/or air movement.

49. Neon Signs

An illuminated, commercial display made up of glass tubes, shaped to form letters and designs.

50. Non-Conforming Signs

Any sign which does not conform to the provisions of this code but which, when first constructed, was legally allowed by the Town of Oro Valley or political subdivision then having control over signs.

51. Obsolete

That which is no longer used.

52. Off-Site Signs

Any sign not located on the premises or site of the use identified or advertised by the sign.

53. On-Site Signs

Any sign, which is located on the premise or site of the use identified or advertised by the sign.

54. On-Site Subdivision Signs

An on-site, temporary sign, located at the entrance to a subdivision.

55. Open House

A dwelling or office space to which the public is invited for walk-in inspections.

56. Pan-Channel Letters

A dimensional character fabricated to form a pan (i.e., a back and sides). The pan is formed in the shape of a character. The sides are strips of the same material fastened to the back. The open end of the pan is usually capped by a character cut from translucent acrylic, and is known as the face. Neon or low voltage lights are then installed inside the pan to illuminate the face.

57. Parapet

The top portion of the wall which extends above the roofline.

58. Pennants

Any lightweight plastic, fabric or other material, containing multi-colors and whether or not containing a message of any kind, suspended from a rope, wires, or string, designed to move in the wind.

59. Permanent Sign

Any display of letters, numerals, symbols, and/or insignia that is intended to be displayed for an indefinite or long-lasting period and the lettering or message of which is intended to remain

essentially unchanged except for the maintenance against normal effects of exposure to weather.

60. Pole Cover

Covers made from various materials which enclose or conceal a pole or other structural supports or members to the sign.

61. Political Election Sign

A sign not permanently installed in the ground or attached to a building relating to the election of a person to a public office, or relating to a public party, or relating to a matter to be voted upon at an election called by a public body.

62. Portable Signs

Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be moved by means of wheels; signs converted into A-frames; menu and sandwich board signs; balloons used as signs; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicles is used in normal day to day operations of the business.

63. Posters

A large printed display or picture often posted in a public place as a notice or advertisement.

64. Premises

All contiguous land used and occupied by an establishment, whether owned or leased from another. Included are all buildings, storage and service areas, and private roads or driveways which are an integral part of the establishment.

65. Prohibited Use

Shall mean a use not specifically permitted.

66. Public Service Signs

A sign which provides directions to a public or quasi-public location such as community centers, schools, town facilities, and religious institutions.

67. Projecting Signs

An on-site sign attached to and extending more than 12 inches from a structure not designed exclusively for the support of the sign and/or a sign which projects from the wall of a building or structure perpendicular to the wall surface.

68. Real Estate Signs

A sign pertaining to the sale, rent or lease of the premise, or portion of the premise on which the sign is located.

69. Reasonable Repairs

To restore an existing structure to a good or sound condition resulting from decay or damage.

70. Residential Signs

A sign on which is displayed the name and address of the occupant.

71. Reverse Channel Letters

A sign with dimensional character(s) fabricated from opaque material to form a pan, i.e., a front and sides. The pan is formed in the shape of a character. The sides are strips of material fastened to the front. The back remains open. Neon or low voltage lights may be installed inside the character which creates a halo illumination.

72. Roofline

The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

73. Roof Signs

A sign that is mounted on, above or over the roof of a building, so that it projects above the highest point of the roofline, parapet or fascia of the building.

74. Seasonal Signs

Refer to Section 28.6.A.6.

75. Service Station/Fuel Signs

Refer to Section 28.5.B.109.



76. Setback

The shortest straight line distance in feet from the nearest property or lot boundary to the main accessory building, structure, sign, or the like, located on the same property or lot.

77. Sign

Every message, announcement, declaration, display, illustration, insignia, character, surface, or space erected, maintained or attached to any structure, surface, or thing and made visible for the purpose of attracting attention or to make anything known to the public.

78. Sign Area Allotment

The permitted amount of identification sign area on ratio to the linear footage of building frontage.

79. Sign Modification

Any change to an existing sign's copy, color, and/or supporting structures.

80. Sign Structure

A freestanding wall, pole, pedestal, or object erected for the purpose of supporting the sign.

81. Single Occupancy Development:

A development that is not part of a larger development and is solely used for a single business.

8182. Site Plan

A plan drawing of an individual site including the layout of buildings, circulation system, parking, walls, landscaping, open space and any other appropriate information as required by the Town of Oro Valley to provide adequate review.

8283. Special Event Signs

Refer to Section 28.6.A.7.

8384. Subcontractor Signs

A temporary sign which identifies the firm, business, persons, or entity responsible for work or activity in progress at the location of the sign.

8485. Symbol

A letter, figure, or other conventional mark designating an object, quantity, operation, function, or the like.

8586. Temporary Signs

Any display in public view to advertise or convey information or direction which is intended to be displayed for a limited or finite period of time only. The type, quality, and materials of construction of which, although visually attractive and structurally sound, are not intended to be long lasting.

8687. Tenant Directories

Refer to Section 28.5.B.1410.



8788. Theater Signs

Refer to Section 28.5.B.1411.



8889. Time and Temperature Signs

Refer to Section 28.5.B.1412.

8990. Traffic Signs

An on-site sign or off-site sign whose sole purpose and placement are solely to define and streamline the flow of vehicular traffic so as to minimize congestion and promote safety.

9091. Under Canopy Signs

Refer to Section 28.5.B.1413.

9192. Unoccupied

A premises or structure which is not occupied or being put to those uses as authorized by the last business privilege license issued by the Town for that address and business or a premises or structure where the public utilities are not in service.

9293. Vehicle Signs

A sign mounted, painted, or erected upon trucks, cars, boats, trailers, or other motorized vehicles or equipment and is parked for the primary purpose of functioning as a sign.

9394. Wall

Any structure or device required or allowed by the code forming a physical barrier which is so constructed that 50 percent or more of the vertical surface is closed and prevents the passage of light, air, and vision through said surface in the horizontal plane. This shall include concrete, concrete block, wood, or other materials that are solid and are so assembled as to form a screen. Where a solid wall is specified, 100 percent of the vertical surface shall be closed except for approved gates or other access ways. Where a masonry wall is specified, said wall shall be concrete block, brick, stone, or other similar material and 100 percent of the vertical surface shall be closed except for the approved gates and access ways.

9495. Wall Signs

Refer to Section 28.5.B.1514.



9596. Window Signs

~~96.~~ Refer to Section 28.5.B.165.

((O)07-33, Amended, 9/19/07)

Section 28.5 Permanent Signs

A. Identification Signs

1. The following sign shall be required for the purpose of identification:
 - a. Residential address
 - b. Building address for multi-building development (Refer to the current Pima County Addressing Code Regulations)
 - c. Names of streets, drives, circles, complexes, condominiums, etc.

B. Permitted Signs in a Commercial/Industrial District

The following permanent sign types shall be allowed within a Commercial, Industrial and/or Private Schools District.

1. Awning Signs
 - a. Description: A sign, which is placed on, or integrated into, fabric or other material canopies, which is mounted on the exterior wall of a building. Sign copy affixed to an awning may only display the name of the business and/or address.
 - b. Quantity: One (1) awning allowed per business.

- c. Area of Sign Copy: 20 square feet maximum which shall count against the businesses sign area allotment.
- d. Height: Not to exceed above the roofline of a building.
- e. Illumination: Internal illumination, fluorescent lamps, provided only the copy emits light. The background material shall be opaque. An awning sign must be turned off one (1) hour after closing of business.

2. Changeable Copy Signs

- a. Description: A sign or portion thereof with characters, letters, or illustrations that can be changed or re-arranged without altering the face or surface of the sign. Changeable copy signs are limited to and/or restricted to theater, service station/fuel signs, schools, and religious institutions. Such signs shall be integrated into freestanding and/or wall mounted type signs and may be illuminated. Changeable copy may not be changed electronically, except for those specifically called out under this ordinance.
- b. Quantity: One (1) allowed as part of a freestanding or wall sign.
- c. Area of Sign: To be included as a component of a freestanding or wall sign.

3. Directional Signs

- a. Description: A permanent freestanding, on-site sign that is placed solely to define location and streamline the flow of vehicular and/or pedestrian traffic so as to minimize congestion and promote safety. A directional sign can only display one of the following: "exit," "enter," "name of the business and/or logo," "address and/or suite #," along with an arrow directing traffic.
- b. Quantity: One (1) single or double faced directional sign per individual, freestanding, business that is not part of a Master Sign Program. Businesses that have drive-thru lanes shall be allowed one (1) additional directional sign.
- c. Area of Sign: Six (6) square feet.
- d. Height: Not to exceed three (3) feet.
- e. Location: To be located at an access point to the property and/or interior to the property of the business.
- f. Setback: A zero (0) foot setback from property line unless otherwise required.

- g. Illumination: Internal illumination allowed provided that the sign is turned off one (1) hour after the business has closed.

4. Directory Signs

- a. Description: An on-site, freestanding sign, interior to a Development, that lists only names and locations of the businesses or activities within a building or multi-tenant complex. A directory sign shall help to direct vehicular and/or pedestrian traffic.
- b. Quantity: Shall be determined and reviewed by the Town. Applicant shall follow the guidelines set forth under a Master Sign Program, Section 28.2.B.
- c. Area of Sign: Not to exceed 40 square feet. Each business displayed on the sign shall not exceed two (2) square feet.
- d. Height: Not to exceed eight (8) feet from grade.
- e. Location: Interior to the property or development, such as the parking area.
- f. Setback: Minimum 40 feet from the property line.
- g. Illumination: Internal illumination allowed provided that the sign is turned off at 11:00 pm.

5. Entryway Signs

- a. Description: A permanent sign identifying the entrance to a subdivision, complex, facility, or commercial development.
- b. Quantity: One (1) per entry wall per street frontage. If the linear dimension of the project exceeds ~~600~~ 400 feet and there is more than one (1) entry point along that frontage, a second entryway sign may be permitted on that frontage. A corner wall that fronts both streets may be utilized as an allowable sign. A property may utilize a combination of entryway signs and freestanding signs so long as the property does not exceed a maximum of three (3) for any one project.
- c. Area of Sign: 32 square feet.
- d. Height: Not to exceed the height of the entryway wall in which the sign is placed.
- e. Location: At the main entrance in a landscaped area setting, either on the ground or in raised planters, which extends a minimum of three (3) feet from all sides of the sign visible from the street.

- f. Setback: A zero (0) foot setback from property line unless otherwise required.
- g. Illumination: Halo illuminated letters, ~~(white or neon or amber LED or neon)~~ or direct lighting that shall not project above the wall. The sign may be turned on at 5 a.m. and shall be turned off by 11 p.m.^[JDL5].

6. Freestanding/Monument Signs

- a. Description: A permanent, freestanding style sign supported by structures, supports, columns, uprights, and/or braces, that are placed on, or anchored in the ground and is independent of the building or business. The sign may be single or doubled-faced. The sign may contain the name of the development and a maximum of ~~six (6)~~ eight (8) ~~anchor tenants~~^[JDL7], along with the address of the property. No individual tenant may be displayed on more than one (1) freestanding sign per street frontage. A theater, service station/fuel, religious institution, or school sign may display their name and/or logo along with changeable copy panels.
- b. Quantity: One (1) per entrance to a development. If the linear frontage of the development exceeds ~~600-400~~ feet and there is more than one (1) entrance to the development, a second freestanding sign shall be allowed on that frontage. A corner sign that fronts both street frontages may be utilized as an allowable sign. A property may utilize a combination of entryway signs and freestanding signs so long as the property does not exceed a maximum of three (3) for any one project.
- c. Area of Sign: 50 square feet for a single tenant or the ~~development name sign~~ and 72 square feet for a multiple tenant sign with tenant panels.
- d. Height: Not to exceed eight (8) feet from grade. An architectural element to the sign, such as an arch or column, may exceed the height of the freestanding sign by 25% provided that all text and logos are under the eight (8) feet in height from grade.
- e. Location: To be placed at the entrance to a development or individual property.
- f. Setback: A zero (0) foot setback from property line unless otherwise required.
- g. Illumination: Individual letters to be halo illuminated ~~(white neon or or amber LED or neon)~~. Individual panels are to be opaque with routed copy in which the copy may be lit internally or a combination thereof. Unused tenant panels shall be opaque and designed to

match the rest of the sign. The sign may be turned on at 5 a.m. and shall be turned off not later than 11:00 pm.

7. Kiosk Identification Signs

All kiosk signs shall be governed by the following sign program:

- a. Description: The Town shall contract with an independent contractor who will coordinate a subdivision tract and apartment sign program within the Town limits. The contractor shall be responsible for the manufacture of all kiosks and tract signs. All signs shall be built in accordance with the contract, specifications of the International Building Code and specifications of the Town's Building Safety Division.
- b. Quantity: Provided in the contract approved by the Town.
- c. Area of Sign: Each sign panel shall not exceed a maximum of eight (8) inches by four (4) feet in length.
- d. Height and Width: Each kiosk shall not exceed a maximum five (5) feet in width and eight (8) feet in height.
- e. Location: Kiosks shall be approved in any zone within the Town, provided they are located on an Arterial or Collector street.
- ~~f. Standards: Planning and Zoning, along with Public Works, shall review all applications for the location of the kiosks.~~
 - ~~i. There shall be no more than four (4) kiosks to any application;~~
 - ~~ii. An encroachment permit shall be issued for any kiosk proposed in public right-of-way.~~
 - ~~iii. Kiosks shall not obstruct the view of the traveling public.~~
 - ~~iv. Kiosk signs shall only display and give direction to, the name of a subdivision.~~
- gf. Illumination: Shall be non-illuminated.
- hg. Removal: Any kiosk containing less than three (3) panels, for a period of 90 days, shall be removed by the contractor.
- h. Additional Requirements: The Development and Infrastructure Services Department ~~Planning and Zoning, along with Public Works (check for other instances)~~ shall review all applications for the location of ~~the~~ kiosks.

- i. There shall be no more than four (4) kiosks to any application;
- ii. An encroachment permit shall be issued for any kiosk proposed in public right-of-way.
- iii. Kiosks shall not obstruct the view of the traveling public.
- iv. Kiosk signs shall only display and give direction to, the name of a subdivision.

8. Menu-Boards

- a. Description: A sign that may be freestanding or wall mounted. A menu-board is for the purpose of placing orders and providing a list of bill of fare of a drive-thru or drive-in restaurant.
- b. Quantity: One (1) per individual business.
- c. Area of Sign: 32 square feet.
- d. Height: Not to exceed six (6) feet.
- e. Location: To be placed within a designated drive-thru lane so as not to be readable from a street or an adjacent property.
- f. Setback: Must be on private property and shall not interfere with flow of traffic or obstruct the vision of a motorist.
- g. Illumination: Shall be internally illuminated provided the menu-board is turned off no later than one (1) hour after business is closed.

~~9. Monument/Ground Sign~~

~~a. Description: A monolith type, freestanding sign attached to a freestanding masonry wall or supported by structures, supports, columns, and/or braces that are concealed by a pole cover or masonry base. The sign may be single or double faced and shall only consist of the name of the individual business, building or building complex, along with the address of the property.~~

~~[JA11] b. Quantity: One (1) per individual property.~~

~~c. Area of Sign: 32 square feet.~~

- ~~d. Height: Not to exceed a maximum of six (6) feet.~~
- ~~e. Location: On private property where the business is located.~~
- ~~f. Setback: A zero (0) foot setback from property line unless otherwise required.~~
- ~~g. Illumination: Halo illumination (white neon or amber LED only), internal illumination, (provided that only the characters emit light) or a combination thereof, provided that the sign is turned off one (1) hour after business is closed.~~

409. Service Station/Fuel Signs

- a. Description: A permanent, two (2) component, freestanding sign, displaying the current fuel prices, fuel types, name of the station and/or any logo's.
- b. Quantity: One (1) per street frontage.
- c. Area of Sign: 32 square feet.
- d. Height: Not to exceed six (6) feet from grade.
- e. Location: On private property on an arterial or collector street only.
- f. Setback: A zero (0) foot setback from property line unless otherwise required.
- g. Illumination: Name of the business along with logo's, shall be internally illuminated. Current fuel prices and fuel types may be internally illuminated or may be electronically illuminated by means of LED, provided the light is low in intensity. Any constant movement, blinking, flashing, or animation caused by an LED is prohibited.

410. Tenant Directorys

- a. Description: An exterior, wall mounted sign, that lists only the names and locations of those residing within a complex or development and its sole purpose is for pedestrian traffic only. The sign shall consist of a uniform background color and letter styles.

- b. Quantity: Shall be determined and reviewed by the Town. Applicant shall follow the guidelines set forth under a Master Sign Program, Section 28.2.B.
- c. Area of Sign: The sign shall consist of a four (4) square foot panel for the name of the complex. Each business or resident within the complex shall be allowed a maximum two (2) square foot panel.
- d. Height: Should be at eye level for pedestrian traffic and shall not exceed the roofline of a building.
- e. Location: Mounted to a wall at entrance points to the complex, pedestrian walkways, and the like.
- f. Illumination: Sign shall be non-illuminated.

4211. Theater Signs

- a. Description: A freestanding or wall sign with changeable copy panels, used to display the current movies and times that are playing within the theater.
- b. Quantity: One (1) wall sign and (1) freestanding sign allowed.
- c. Area of Sign: 50 square feet for a freestanding sign. 64 square feet for a wall sign.
- d. Height: Eight (8) feet for a freestanding sign. A wall sign shall not extend above the roofline of a building.
- e. Location: A freestanding sign shall be located on private property and a wall sign shall be displayed at the main entrance to the building.
- f. Setback: A zero (0) foot setback from property line unless otherwise required.
- g. Illumination: The sign may be internally illuminated or the copy may be electronically illuminated by means of an LED. The sign may only display the current listing of movies and their times. No other advertising message is allowed. Any constant movement, blinking, flashing, or animation is strictly prohibited. The sign shall be turned off one (1) hour after closing of theater.

4312. Time and Temperature Signs

- a. Description: An electronically controlled sign providing the current time and temperature.
- b. Quantity: One (1) per premise.
- c. Area of Sign: A time and temperature sign may be a component of a freestanding sign. Wall signs shall not exceed 20 square feet.
- d. Height: Not to exceed the roofline of a building.
- e. Location: Shall not be located within 600 feet of another time and temperature sign, not including an analog mounted on a wall.
- f. Illumination: May be electronically controlled by means of an LED.

4413. Under Canopy Signs

- a. Description: A wall mounted or hanging sign which identifies the name of the business and/or logo. Under canopy signs shall be consistent in color, shape, design^[JDL12], and materials within a sign criteria approved by the Town of Oro Valley. An under canopy sign is to be located entirely under a covered porch, walkway, extended roof or the like and is solely used for pedestrian traffic only.
- b. Quantity: One (1) per tenant space.
- c. Area of Sign: Four (4) square feet.
- d. Height: A minimum clearance of seven (7) feet shall be maintained beneath the sign and shall not extend above a roofline of the building.
- e. Location: The sign shall be in front of the tenant space that it is identifying and shall be suspended from a roof overhang, above a walkway or porch or may be perpendicular to the street and attached to the fascia of the building.
- f. Illumination: Shall be non-illuminated.

1514. Wall Signs

- a. Description: Any sign which is fastened, attached, connected, or supported in whole or in part by a building or structure other than a sign structure which is supported wholly by the ground with the exposed face of the sign in a plane parallel to the plane of the wall. A wall sign may consist of individual character letters (pan channel or reverse channel). Individual logos may consist of cabinets with a translucent type face. Wall signs may include the name of the business, a trademarked logo, and modifiers, if needed to further clarify the goods or services available on the premise.
- b. Quantity: No more than two (2) elevations may contain a wall sign. A single tenant who occupies an entire freestanding building may have signs on three elevations. Only two elevations may contain illuminated wall signs.
- c. Area of Sign: For building elevations containing wall signs, a sign may be 24 square feet by right, with no single wall sign containing more than one (1) square foot of sign for each linear foot of building frontage, not to exceed a maximum sign area of 150 square feet. Wall signs for building elevations further than 300 feet from the street, may contain no more than 1 $\frac{3}{4}$ square feet of sign area for each linear foot of frontage, not to exceed a maximum sign area of 200 square feet. Where businesses do not possess individual frontages, each may maintain an individual sign; however, the maximum wall sign square footage shall not be exceeded.
- d. Height: No wall sign shall extend above the roofline of a building.
- e. Location: Shall only be placed on the building elevations or at the main entrance of a business, which the sign identifies, and may not project more than eight (8) inches from the wall on which the sign is mounted.
- f. Illumination: May be non-illuminated, halo illuminated (~~white neon or amber~~ LED) or internally illuminated for cabinet type signs. The sign may be turned on at 5 a.m. and shall be turned off ~~one (1) hour~~ at 11 p.m. or ~~after~~ when the business closing ~~of the business~~es, whichever is later.

1615. Window Signs

- a. Description: Any form of advertisement and/or identification associated with the business that is affixed to the interior or exterior of a window, or one that is placed immediately behind a window so as to inform or attract attention to the public outside of the building and/or tenant space. Window signs shall be divided into three (3) types of signs:
 - i. Business Name/Hours of Operations: Signs shall identify the name of the business along with hours in which the business is open and/or closed for operation.
 - ii. Sign Band: A thin band which stretches the overall length of the windows of a building front and/or tenant space and displays either the name of the business or logo in multiple successions.
 - iii. Display Area: Shall be defined as an area for the purpose of displaying miscellaneous items such as posters, menus, promotional items or the like which pertain to the business itself, in a defined location.

Note: Window displays such as mannequins, three (3) dimensional figures, clothing and the like, which do not contain advertisement, shall not be considered a window type sign as described above.

- b. Quantity: A maximum of one (1) sign type each for any one (1) business and/or tenant space. For businesses that are corner tenants or individual properties having two (2) street frontages, the same shall apply on both sides. Businesses and/or tenants who have a building front in excess of 40 feet shall be allowed one (1) additional "Display Area."

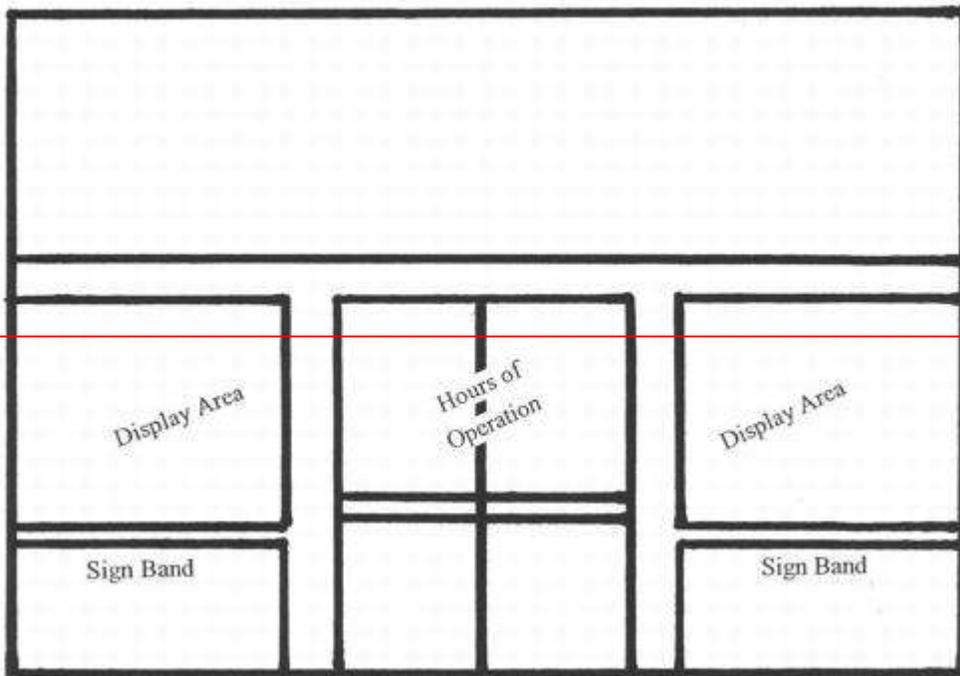
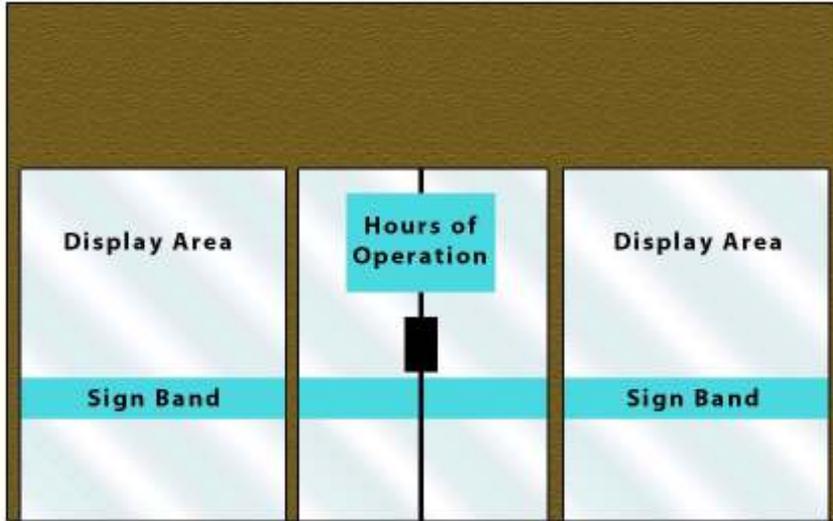
- c. Area of Sign: Each sign type shall be allowed the following:
 - i. "Business Name/Hours of Operation" shall not exceed a maximum of three (3) square feet.
 - ii. A "Sign Band" shall not exceed a maximum of six (6) inches in height by the overall length of the building frontage and/or tenant space.
 - iii. A "Display Area" shall not exceed a maximum of six (6) square feet.

- d. Height: The “Sign Band” shall be placed no higher than half the distance of the overall height of the windows from grade. No height restrictions apply for the other available sign types.
- e. Location: All sign types shall be subject to the following locations:
 - i. The “Business Name/Hours of Operation” shall be located on the entrance door to the establishment. If an entrance door cannot be utilized, then the sign may be located within another area that will not interfere with any other sign types, under this provision.
 - ii. The “Sign Band” shall be located across all windows, the full length of the building frontage and/or tenant space.
 - iii. The “Display Area” shall be located on the first immediate window to the right or left of the entrance door. For tenants having a corner space, the “Display Area” shall be located so as to not interfere with visibility pertaining to safety issues or interfere with any other sign types under this provision.
- f. Illumination: All window signs shall contain no illumination except for an open/closed sign.
- g. Additional Requirements: All window signs shall utilize colors that are compatible with the character of the land and/or architecture. Fluorescent or iridescent colors shall not be allowed.

Permits are required for all window signs. Business Name/Hours of Operation and open/closed signs shall be exempt from obtaining a permit. No additional permits will be required to continually change the “Display Area” so long as, the location of the original permitted area did not change. Any off-site advertisement displayed in a window is strictly prohibited unless otherwise specified in this ordinance.

Figure 28.1

Sample Illustration for placement of Window Signs for business or tenant with greater than 40 feet of building frontage.



((O)07-33, Amended, 9/19/07)

C. Permitted Signs withfor permitted within a in a Residential Zoning District/Subdivisions

The following permanent signs shall be allowed within a Residential District.

1. Entryway Signs

Refer to Section 28.5.B.5.

2. Kiosk Signs

Refer to Section 28.5.B.7.

Section 28.6 Temporary Signs

A. Permitted Signs in a Commercial/Industrial District

The following temporary sign types shall be allowed within a Commercial and/or Industrial District.

1. Banners

- a. Description: Any sign of lightweight fabric or similar material that is temporarily mounted to a pole or building. A banner may be utilized for the purpose of a new ~~“grandbusiness opening,”~~ ~~“ or coming soon,”~~ or change of ownership to promote a new business. For Seasonal or Special Event Banner signs, see Sections 28.6.A.7 & 8, below.~~The words “grand opening” and/or “coming soon,” along with other copy, shall be displayed on the banner, based on the event taking place.~~
- b. Quantity: One (1) banner per street frontage, per business. No more than two (2) banners shall be issued to any one (1) business within one (1) calendar year. ~~For a Special event banner different standards are provided in §§ 7&8 below.~~
- c. Area of Sign: Maximum 64 square feet, or no more than one (1) square foot of sign for each linear foot of building frontage, whichever is less. For tenants that are further than 300 feet from the street, the banner may contain no more than 1¾ square feet of sign area for each linear foot of building frontage. ~~Any tenant may have a 24 square foot banner by right.~~
- d. Height: Not to exceed the roofline of a building.
- e. Location: Must be installed on the site and/or tenant space in which the event is taking place. All banners shall be securely anchored to the ground and/or parapet wall in such a manner that

the banner shall not fold over and shall be taut. The banner may be located inside the tenant space.

- f. Duration: Banners are good for a period of 30 days. One (1) extension for an additional 30 days may be granted by the ~~Planning and Planning and Zoning Administrator~~ Planning Division Manager, due to extenuating circumstances. A written request must be submitted prior to the first 30 days expiring. No more than one (1) extension may be granted in a calendar year.
- g. Additional Requirements: A banner must be removed immediately after 30 days or it must be removed if permanent signage has been installed prior to the expiration on a “coming soon” banner. A banner shall be securely anchored to the wall of the business. No banner is allowed to be hung from any freestanding sign structure, utility pole, or the like.

2. Construction Signs

- a. Description: A construction sign shall contain the name of the architects, engineers, contractors, or similar artisans, as well as, the owners, financial supporters and similar individuals or firms that are associated with the project.
- b. Quantity: One (1) per street frontage. No one (1) development may have more than one (1) construction sign or development sign on a single street frontage.
- c. Area of Sign: Maximum 32 square feet.
- d. Height: Not to exceed eight (8) feet from grade.
- e. Location: On the property that is being developed.
- f. Setback: A zero (0) foot setback from property line unless otherwise required.
- g. Removal: All signs must be removed upon the completion of 95 percent of the development.

3. Development Signs

- a. Description: A development sign shall identify the name of the Development in progress or one in prospect. The sign shall contain the name of the Development along with the words “coming soon.”
- b. Quantity: One (1) per street frontage. No one (1) development may have more than one (1) development sign or construction sign on a single street frontage.

- c. Area of Sign: Maximum 32 square feet.
- d. Height: Not to exceed eight (8) feet.
- e. Location: On the property that it is identifying.
- f. Setback: A zero (0) foot setback from proper line unless otherwise required.
- g. Removal: Sign must be removed when permanent signage has been installed on the site or when the project has been completed, whichever comes first.

4. Flags

- a. Description: Any flag containing distinctive colors, patterns, or symbols, used as a symbol of government or a political entity. All National and State flags shall be allowed within a commercial, industrial or residential district.
- b. Quantity: ~~One~~ (Two (2)) flag poles per development and/or individual property.
- c. Area of Flag: The length of the flag shall be no greater than 1/4^o the height of the flag pole.
- d. Height: No greater than 1.25 times the height of the nearest adjacent building.
- e. Location: On private property.
- f. Setback: to be located accordingly so that the flag does not overhang public right-of-way.
- g. Additional Requirements: A permit for the flag pole shall be obtained through the Building Department and a site plan shall be submitted to the Zoning Department for review of location and setbacks. Any flags used for the purpose of advertising or attention to advertising, is strictly prohibited unless otherwise specified by this ordinance.

5. Real Estate, Lease, Rent and For Sale Signs

- a. Description: Any sign pertaining to the sale, rent, or lease of the premise or portion of a premise. The sign may be freestanding or wall mounted, single, and/or double-faced.
- b. Quantity: One (1) sign per street frontage.
- c. Area of Sign: Maximum 1632 square feet.
- d. Height: ~~Not to exceed five (5) feet above grade. The height may be increased up to ten (10) feet by the Senior Zoning Inspector, if warranted.~~ Not to exceed eight (8) feet from grade
- e. Location: Upon the property that is being sold, rented or leased.
- f. Setback: A zero (0) foot setback from property line unless otherwise required.
- g. Removal: Must be removed within seven (7) days upon the sale, rent, or lease of the property.

6. Seasonal Signs

- a. Description: Seasonal signs may include decorations, holiday lights, garland, or the like and are oriented toward a holiday type event. Holiday banners are allowed provided they are approved under a Special Use permit. Seasonal signs and decorations shall be displayed temporarily for traditionally accepted civic, patriotic, or religious holidays.
- b. Location: On private property and shall not be displayed in such a manner as to constitute a traffic hazard.
- c. Removal: All decorations and/or signs must be removed 10 days after the subject holiday.
- d. Additional Requirements: All signage related to the event must obtain a permit under this ordinance. Any other style decoration shall not require a permit and shall be exempt.

7. Seasonal or Special Event Banners ~~Signs~~

a. Description: A special event sign shall be used to advertise a ~~holiday sale and/or special event, including civic, public, religious, seasonal, philanthropic, or educational events. Banners may be permitted for schools and/or religious institutions~~Such signs shall be permitted in any zoning district.~~Such signs are permitted in any zone and are not to be used for Model Home Sales.~~

b. Quantity: One (1) freestanding sign per street frontage and/or one (1) wall sign. One (1) business is allowed to have a maximum of 4 permits, per calendar year.

~~, with each permit not exceeding 30 days.~~

c. Area of Sign: Maximum 16 square feet for a freestanding style sign. Maximum 24 square feet for a wall sign.

d. Height: Not to exceed 5 feet from grade for a freestanding sign. Wall signs shall not exceed the roofline of a building.

e. Location: On private property and located where the event is taking place and/or the merchandise is being sold. All banners shall be securely anchored to the ground and/or parapet wall in such a manner that the banner shall not fold over and shall be taut.

f. Setback: A zero foot setback from property line unless otherwise required.

g. Duration: Each permit shall not exceed 30 days.

~~g. Removal: Shall not exceed the event advertised by more than 3 weeks, and all signs shall be removed within 48 hours after the event.~~

~~H8. Temporary Sign on Day of the Event~~Three Day Special Event Banners ~~Sign~~

a. Description: An additional banner may be permitted on the day of a seasonal or special event. The banner shall not be used to advertise any event that exceeds three (3) days in duration.

b. Quantity: One per street frontage. Not to exceed four (4) permits per calendar year.

c. Area of Sign: 64 square feet maximum

d. Height: Not to exceed 5 feet from grade for a freestanding sign. Wall signs shall not exceed the roofline of a building.

e. Location: On private property and located where the event is taking place and/or the merchandise is being sold. All banners shall be securely anchored to the ground and/or parapet wall in such a manner that the banner shall not fold over and shall be taut.

f. Setback: A zero foot setback from property line unless otherwise required.

B. Permitted Signs in a Residential/~~Subdivision~~ Zoning District

The following temporary signs shall be allowed within a residential and/or subdivision district.

1. ~~1.~~ Flags

- a. Description: Any flag containing distinctive colors, patterns, or symbols, used as a symbol of government or a political entity. All National and State flags shall be allowed within a commercial, industrial or residential district.
- b. Quantity: One (1) flag pole per development and/or individual property.
- c. Area of Flag: The length of the flag shall be no greater than 1/4 the height of the flag pole.
- d. Height: No greater than 1.25 times the height of the nearest adjacent building.
- e. Location: On private property.
- f. Setback: ~~t~~To be located accordingly so that the flag does not overhang public right-of-way.
- g. Additional Requirements: A permit for the flag pole shall be obtained through the ~~Building Department~~Development and Infrastructure Services Department along with ~~and~~ a site plan ~~shall be submitted to the Zoning Department~~ for review of location and setbacks. Any flags used for the purpose of advertising or attention to advertising, is strictly prohibited unless otherwise specified by this ordinance.

~~Refer to Section 28.6.B.4.~~

2. Model Home Banners

- a. Description: Banners for a Model Home Complex shall be utilized for the sole purpose of a special sales event or to identify a new model home.
- b. Quantity: One (1) banner per model home complex.
- c. Area of Banner: Maximum 32 square feet.
- d. Height: A banner attached to the model home complex shall not extend above the roofline. A freestanding banner shall not exceed five (5) feet from grade.
- e. Location: Shall be on private property where the model home complex is located. The banner may be wall mounted or freestanding.
- f. Setback: A zero (0) foot setback from property line for a freestanding style banner unless otherwise specified.
- g. Duration: The banner shall be mounted only on Saturdays and Sundays (104 days). The banner may be permitted an additional 16 days for the purpose of opening the model home center.
- h. Removal: Placement or erection of the banner shall not precede the event advertised by more than one (1) day and all signs must be removed within one (1) day after the event.

3. Model Home Complex, Custom Home Lot Sales Office Signs

The purpose of the Model Home Complex/Custom Home Lot Sales Office Signs is to provide specific guidelines for the size, number, and location of on-site signs. Such signs shall identify and give direction to individual model home complexes or custom home lot sales offices.

The following types of signs are permitted for Model Home Complexes or Custom Home Lot Sales Offices:

- a. On-Site Signs
 - i. Description: Developer, Contractor and/or Sub-Contractor ID signs, subject to the standards of Section 28.6.A.4. Individual Model Units may have a single model identification sign and/or an informational sign may be provided for the model home complex or custom home lot sales office. A single parking lot directional sign may be included to direct people to available parking at, or near the model home/custom home sales office.

- ii. Quantity: One (1) identification sign for Model Home Units, One (1) informational sign for Model Home Complex/Custom Home lot Sales Office and one (1) parking lot directional sign. (Signs may be freestanding, wall mounted or integrated into an awning type structure.)
- iii. Area of Signs: Individual Model units shall be four (4) square feet. Model Home Complex/Custom Home Lot Sales Office signs shall be 16 square feet and a parking lot directional sign shall not exceed a maximum of six (6) square feet.
- iv. Height: Individual Model Units not to exceed three (3) feet, Model Home Complex/Custom Home Lot Sales Office not to exceed five (5) feet and the parking directional sign not to exceed a maximum of three (3) feet from grade.
- v. Location: Within the Model Home Complex/Custom Home Lot Sales Office and shall be located so as to not interfere with the flow of traffic or within a sight visibility triangle. The parking directional sign shall be located at the driveway entrance to the designated parking area.
- vi. Removal: All signs must be removed ~~upon the completion of 95 percent of the development and/or subdivision~~ within seven (7) days after the closing of the sales office or model home office.

- b. ~~Minor~~ Off-Site Signs (interior and exterior to the subdivision)

The following off-site signs are allowed interior to a subdivision:

i. Offsite within the Subdivision

- a. Description: Signs which direct traffic to the Model Home Complex or Custom Home Lot Sales Office.
- b. Quantity: The number of signs allowed is based on the number of intersections or change of direction on subdivision streets, as approved and deemed necessary by the ~~Senior Zoning Inspector~~ ~~Planning Manager~~ Planning Division Manager.
- c. Area of Sign: Maximum size allowed is 1.5 feet x 2.0 feet (3.0 square feet).
- d. Height: Maximum allowable height shall not exceed 3.0 feet from grade.

e. Location: An interior, off-site sign shall be located along streets within the subdivision being developed. Such signs shall be located only at each intersection or each change of direction on subdivision streets and shall be located on private property with the permission of the owner of that property.

f. Setback: A zero (0) foot setback from the property line unless otherwise required.

g. Removal: All signs shall be removed within seven (7) days of ~~upon~~ the closure of the sales office or model home office. ~~completion of 95 percent of the subdivision or development.~~

The following off-site signs are allowed exterior to the subdivision.

ii. Temporary Signs on Public Property

a. Description: Temporary signs located off-site providing direction to Model Home Complex or Custom Home Lot Sales Office.

b. Quantity: No more than one sign per change of road direction

c. Area of Sign: Shall not exceed a maximum of four (4) square feet.

d. Height: The sign shall not exceed 30 inches in height

e. Location

i. An off-site real estate sign shall not be located:

a. Within a median,

b. In any area that may cause or create a traffic hazard, on a sidewalk, multi-use path or pedestrian access ramp, or,

c. Where it obscures any sight distances and must maintain the required "Clear Zone" as approved by the Town Engineer.

ii. When located in the public right-of-way, signs shall be placed as follows or as directed by the Town Engineer:

a. For all major arterial and collector streets with a posted speed limit greater than 25mph:

i. Where no sidewalk or multi-use path exists along the street, signs shall be placed a minimum of ten (10) feet from the paved surface of the roadway.

ii. Closer placement to the pavement will require pre-approval by the Town Engineer and is based on sign

construction type. "A" frame type signs are not eligible for this provision. The actual sign utilized must be reviewed by the Town Engineer for consideration of this location provision. The sign must exhibit stability from movement due to wind and weather.

b. For locations that have sidewalk or multi-use path along the street, the sign shall be placed no closer to the street than the edge of said walk/path farthest from the street unless there is adequate distance between the street and walk/path to maintain a ten (10) foot setback from the edge of roadway pavement.

c. Sign placement between the sidewalk/multi-use path and the curb line that cannot maintain a ten (10) foot street setback will require pre-approval by the Town Engineer and is based on sign construction type. "A" frame style signs are not eligible for this provision. The actual sign utilized must be reviewed by the Town Engineer for consideration of this location provision. The sign must exhibit stability from movement due to wind and weather.

d. For all other local streets with a posted speed limit of 25mph or less:

i. Where no sidewalk or multi-use path exists along the street, signs shall be placed a minimum of five (5) feet from the paved surface of the roadway.

ii. Closer placement to the pavement will require pre-approval by the Town Engineer and is based on site conditions.

iii. For locations that have sidewalk or multi-use path along the street, the sign shall be placed no closer to the street than the edge of said walk/path farthest from the street.

iv. Placement between the sidewalk/multi-use path and the curb line will require pre-approval by the Town Engineer and is based on site conditions.

e. No signs may be placed on Oracle Road or the eastern portion of Tangerine Road up to 1000 feet west of the intersection of Rancho Vistoso Boulevard and 1st Avenue without approval from the Arizona Department of Transportation.

f. Duration: Signs shall only be displayed during the hours of 7:00 a.m. to 7:00 p.m.

g. Additional Requirements: All commercial signage shall be prohibited unless otherwise specified within this Chapter. In addition, all right-of-way permits are subject to blue stake requirements for any sign that penetrates the ground. Temporary signs shall not obscure, be attached to or mimic public traffic control devices, signage or appurtenances. Any damage to public and/or private property caused by signs placed within the right-of-way shall be the sole responsibility of the owner of the sign.

~~viii. Description: Signs which direct traffic to the Model Home Complex Custom Home Lot Sales Office.~~

~~ix. Quantity: One (1) exterior directional sign is allowed. The Senior Zoning Inspector/Planning Manager/Planning Division Manager may approve a second exterior directional sign if necessary.~~

~~x. Area of Sign: Maximum size allowed is 2.0 feet x 3.0 feet (6.0 square feet).~~

~~xi. Height: Maximum allowable height shall not exceed four (4) feet from grade.~~

~~xii. Location:~~

~~— An exterior, off-site sign shall be located:~~

~~— located at the W~~

~~— lot~~

~~— Where it s~~

~~— When located in the public right-of-way, s~~

~~—~~

~~—~~

~~— type are not~~

~~ii. that is farthest from the street~~

~~i. are not~~

~~—~~

~~1. —~~

~~2. —~~

~~3. that is farthest from the street~~

~~xii. Boulevard and intersection of an Arterial Roadway and subdivision street, as long as no other Town approved kiosk sign exists. The sign must be located on private property with the permission of the owner of the premise.~~

~~xiii. Setback: A zero (0) foot setback from property line unless otherwise required.~~

~~xiv. Removal: All signs shall be removed within seven (7) days after the closing of the sales office or model home office. upon the completion of 95 percent of the subdivision or development.~~

4. Model Home Flags

a. Description: Individual flags, attached to individual, freestanding poles that may be multi-colored and/or contain the corporate logo for a Model Home Complex Sales Office.

b. Quantity: A maximum of four (4) poles/flags are allowed.

c. Area of Flag: Not to exceed 15 square feet.

d. Height: The flag poles shall not exceed 20 feet from grade.

e. Location: At the main drive of the parking lot to identify the vehicular entrance to the Model Home sales Office.

f. Setback: Minimum five (5) feet from the property line.

~~g. Additional Requirements: Flag poles shall obtain a permit from the building department and no flag is allowed to be illuminated.~~

hg. Removal: All flags and flag poles must be removed within seven (7) days after the closing of the sales office or model home office.

h. Additional Requirements: Flag poles shall obtain a permit from the building department and no flag is allowed to be illuminated.

5. On-Site Subdivision Signs

a. Description: The sign shall identify a development in progress, including the name of the development and/or subdivision, the name and phone number of the developer or agent, price range of units to be available and information essential to contacting the developer or agent. All agencies or firms desiring to be identified shall be displayed on the same sign, such as the developer,

engineer, architects, or firms providing financing, principal contracting firms, residential type, and number of units available.

- b. Quantity: One (1) freestanding sign per subdivision. The ~~Senior Zoning Inspector~~ ~~Planning Manager~~ Planning Division Manager may approve a second on-site subdivision sign if deemed necessary.
- c. Area of Sign: Maximum 40 square feet.
- d. Height: Not to exceed a maximum of ten (10) feet from grade. The height may be increased to a maximum of 12 feet should a wall or fence obstruct visibility of the sign. Such an increase will warrant a review by the ~~Senior Zoning Inspector~~ ~~Planning Manager~~ Planning Division Manager for compliance.
- e. Location: Must be located at the intersection of an arterial roadway and subdivision street and on private property with the permission from the owner of the premise.
- f. Setback: A zero (0) foot setback from property line unless otherwise required.
- g. Removal: Any sign that lists an individual developer, contractor and/or sub-contractor, must be removed ~~upon completion of 95 percent of the subdivision or development~~ within seven (7) days after the sale and closing of 100 percent of the lots within the subdivision, development or 180 days after the closure of the sales office, whichever comes sooner.

6. Real Estate, Lease, Rent, and For Sale Signs ~~(including off-premise open house directional signs for re-sale homes)~~

- a. On-Site Signs:
 - i. Description: Signs to advertise existing individual single-family residences for sale, lease, or rent. The sign may be a single or double-faced, freestanding sign.
 - ii. Quantity: One (1) for each street frontage which abuts the property.
 - iii. Area of Sign: ~~Four (4)~~ Six (6) square feet including all riders/hanging modifiers as commonly used within the industry.



- iv. Height: A maximum of ~~five (5)~~six (6) feet from grade. The ~~Planning and Planning and Zoning Administrator~~Planning Division Manager ~~may~~ approve heights up to ten (10) feet, if warranted.
- v. Location: Only on the site of the dwelling offered for sale, lease, or rent.
- vi. Setback: A zero (0) foot setback unless otherwise required.
- vii. Removal: Within seven (7) days upon the sale, lease, or rent of the property.

~~b. Off Site Signs:~~

- ~~i. Description: Used only to advertise an open house event, for a re-sale home being offered for re-sale, lease, or rent. The purpose and intent of the off-site signs, is to direct the public to the re-sale of individual homes, and shall not be applied to model homes. The signs may be freestanding, single, or double-faced.~~
- ~~ii. Quantity: Based on the number of each major change of direction.~~
- ~~iii. Area of Sign: A maximum of four (4) square feet.~~
- ~~iv. Height: Not to exceed 30 inches.~~
- ~~v. Location: Off-site, open house signs may be located at each major change of direction and shall follow regulations set forth in Section 28.7.A.2, Annual or 120 Consecutive Day Right Of Way Permit. Different owners or realtors may place one (1) sign each at the same corner.~~

~~vi. Setback: Signs must be placed a minimum of one (1) foot from any private property line.~~

~~vii. Removal: All signs are to be removed immediately after the open house event.~~

Section 28.7 Temporary Signs on Public Property

A. Permitted Temporary Signs on Public Property

1. ~~Temporary Sign Zones~~ Non-Commercial Temporary Signs

- a. Description: ~~A temporary sign not permanently installed in the ground or attached to a building.~~ A temporary sign not intended for commercial purposes, such as a campaign sign, and not permanently installed in the ground or attached to a building.
- b. Quantity: No more than one (1) single or double-faced sign per temporary sign zone is allowed.
- c. Area of Sign: The area of the sign shall not exceed a maximum of nine (9) square feet within a Temporary Sign Zone or if placed with the appropriate right-of-way permit shall not exceed a maximum of four (4) square feet.
- d. Height: Not to exceed a maximum of three (3) feet, six (6) inches from grade within Temporary Sign Zones or 30 inches if placed with an authorized right-of-way permit.
- e. Location: An officially designated area as identified on the Temporary Sign Zone Map for the installation of non-commercial, temporary signs.
 - i. Within the Public Right-Of-Way: Zones of three hundred (300) to five hundred (500) square feet in size, and, in the event that the zones are established at an intersection, no more than two (2) zones may be located at or near the intersection.
 - ii. Within the Town Hall Complex: such zone shall be no greater than 200 square feet. Moreover, Temporary Sign Zones shall not be located within 150 feet of any entrance to the Town Hall Complex.
 - iii. At or Near Town Parks: Temporary Sign Zones shall not be located within 150 feet of any entrance to Town Parks.
- f. Additional Requirement: All Commercial signage within a temporary sign zone shall be prohibited.

2. ~~Annual or 120 Consecutive Day~~ Off-site Real Estate Signs Only Right-Of-Way Permit

a. Description: Temporary signs located off-site providing direction to a dwelling for sale or rent., ~~which may be located in the Town's right-of-way, require with an approved right-of-way permit from the Town Engineer.~~

b. Quantity: ~~Unlimited number of uses. No individual sign permit for such signs will be required.~~ No more than one sign per change of road direction

c. Area of Sign: Shall not exceed a maximum of four (4) square feet.

d. Height: The sign shall not exceed 30 inches in height

e. Location

i. An off-site real estate sign shall not be located:

a. Within a median,

b. in any area that may cause or create a traffic hazard, on a sidewalk, multi-use path or pedestrian access ramp, or,

c. Where it obscures any sight distances and must maintain the required "Clear Zone" as approved by the Town Engineer.

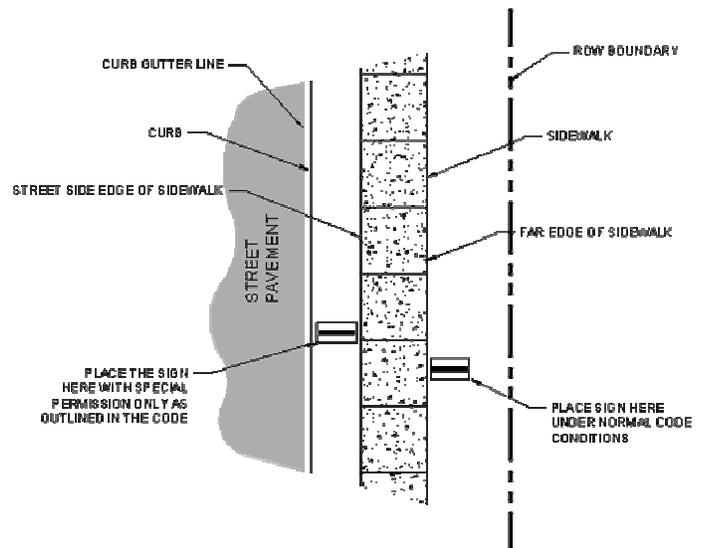
ii. When located in the public right-of-way, signs shall be placed as follows or as directed by the Town Engineer:

a. For all major arterial and collector streets with a posted speed limit greater than 25mph:

i. Where no sidewalk or multi-use path exists along the street, signs shall be placed a minimum of ten (10) feet from the paved surface of the roadway.

ii. Closer placement to the pavement will require pre-approval by the Town Engineer and is based on sign construction type. "A" frame type signs are will not be eligible for this provision. The actual sign utilized must be reviewed by the Town Engineer for consideration of this location provision. The sign must exhibit stability from movement due to wind and weather.

- b. For locations that have sidewalk or multi-use path along the street, the sign shall be placed no closer to the street than the far edge of said walk/path farthest from the street unless there is adequate distance between the street and walk/path to maintain a ten (10) foot setback from the edge of roadway pavement.
- c. Sign placement between the sidewalk/multi-use path and the curb line that cannot maintain a ten (10) foot street setback will require pre-approval by the Town Engineer and is based on sign construction type. No "A" frame style signs are will not be eligible for this provision. The actual sign utilized must be reviewed by the Town Engineer for consideration of this location provision. The sign must exhibit stability from movement due to wind and weather.



- d. For all other local streets with a posted speed limit of 25mph or less:
 - i. Where no sidewalk or multi-use path exists along the street, signs shall be placed a minimum of five (5) feet from the paved surface of the roadway.
 - ii. Closer placement to the pavement will require pre-approval by the Town Engineer and is based on site conditions.
 - iii. For locations that have sidewalk or multi-use path along the street, the sign shall be placed no

closer to the street than the edge of said walk/path
farthest from the street.

iv. Placement between the sidewalk/multi-use
path and the curb line will require pre-approval by the
Town Engineer and is based on site conditions.

e. No signs may be placed on Oracle Road or the eastern
portion of Tangerine Road up to 1000 feet west of the
intersection of Rancho Vistoso Boulevard and 1st Avenue
without approval from the Arizona Department of
Transportation.

~~Signs shall be placed a minimum of ten (10) feet from the paved
surface of the roadway. No sign shall be placed within a median, in
any area that may cause or create a traffic hazard, on a sidewalk or
pedestrian access ramp, obscure any site distances and must
maintain the required "Clear Zone" as approved by the Town
Engineer.~~

f. ~~Duration: Signs shall be only be displayed during the hours of
7:00 a.m. to 7:00 p.m..~~

~~g.~~g. Additional Requirements: All commercial signage shall be prohibited
unless otherwise specified within this Chapter. In addition, all right-of-way
permits are subject to blue stake requirements for any sign that penetrates
the ground. ~~Any sign that would require installation by the Public Works
Department Public Works Engineer Division Town Engineer is also subject
to installation fees.~~ Temporary signs shall not obscure, be attached to or
mimic public traffic control devices es, signage or appurtenances. Any
damage to public and/or private property caused by signs placed within
the right-of-way shall be the sole responsibility of the owner of the sign.

3- Special Event Signs on Public Property

a. Description: A temporary sign which may be located within the
Town's right-of-way with an approved right-of-way permit from the
~~Public Works Department Public Works Engineer Division~~Town
Engineer. The signs may publicize civic, public, religious, arts,
philanthropic or educational events that are sponsored or
sanctioned by the Town of Oro Valley. Each application is subject
to approval and interpretation by the Town Manager and/or
designee in regards to the type of event being held.

- b. Quantity: Four (4) event signs maximum for any one event.
- c. Area of Sign: A maximum of 16 square feet per sign.
- d. Height: Shall not exceed five (5) feet from grade to top of sign.
- e. Location: No sign may be placed within a median or in any area that may cause or create a traffic hazard.
- f. Duration: The sign may be installed two (2) weeks prior to the event and must be removed within 48 hours after the event.
- g. Additional Requirements: Temporary signs shall not obscure, be attached to or mimic public traffic control devices, signage or appurtenances. All signs, which penetrate the ground, are subject to Blue Stake requirements and installation fees by the Public Works Department~~Public Works Engineer Division~~Town Engineer.

4. Sign Walker/Human Signs

- a. Description/Definition: A commercial sign that is held, worn or balanced by an individual.
- b. Quantity: No more than two (2) human signs permitted per business/organization.
- c. Area of Sign: Maximum of twenty (20) square feet and a minimum of four (4) square feet. The sign is measured by multiplying the overall width and overall length of the sign.
- d. Location: No human or freestanding sign shall be held within a median or in the intersection sight triangle in a manner that obstructs the required clear space view for drivers and cyclists.
Human signs:
 - i. Are prohibited within construction zones;
 - ii. Shall be held relatively still at all times;
 - iii. No more than two (2) human signs per street corner;
 - iv. May not be located within twenty (20) feet of another human sign;
 - v. Must be located not farther than the nearest arterial roadway intersection from the business advertised by the sign.
- e. Setback: Signs shall be held a minimum of ten (10) feet from the paved surface of a roadway.

f. Duration: Signs may be displayed during the hours of 8:00 a.m. to 5:00 p.m.

~~f. **Setback:** Signs shall be held a minimum of ten (10) feet from the paved surface of a roadway.~~

g. **Permit** Additional Requirements: A permit is required. The permit shall be a three (3) day right-of-way (R.O.W.) permit with a price as specified in the current development fee schedule. Only one (1) permit shall be allowed within a ninety (90) day period.

~~h. **Additional Requirements:** Permit is required.~~

i. Sign walkers for non-commercial purposes are exempt from this subsection A.4.

((O)09-07, Amended, 5/20/09; (O)08-25, Amended, 12/17/08)

Section 28.8 Public and Quasi-Public Signs

A. Permitted Temporary Signs

1. Description: Bulletin boards or announcement signs, along with special event type signs shall be allowed for religious institutions, schools, community centers and any other public or institutional buildings within a commercial and/or residential district. Signs may be freestanding and/or wall mounted, made of paper, cardboard, plastic, or fabric. All copy, color, and design shall not adversely affect the order, amenity, or residential enjoyment of the neighborhood.
2. Quantity: Each institution is allowed one (1) wall sign and (1) bulletin board per street frontage. Each institution may also apply for one (1) wall and one (1) freestanding, special event sign per street frontage.
3. Area of Sign: A religious institution wall sign shall not exceed 30 square feet. A religious institution bulletin board shall not exceed 24 square feet. Other public institution signs shall be allowed a wall sign at 30 square feet and a bulletin board at 24 square feet. All institutions applying for a special event sign shall not exceed 30 square feet.
4. Height: All wall signs shall not exceed the roofline of a building. All ground/freestanding signs shall not exceed eight (8) feet from grade. All special event signs shall not exceed a maximum height of six (6) feet from grade.
5. Location: All signs shall be placed on private property. Special event signs shall be located on the premise of the institution or organization having the event.

6. Setback: All signs may have a zero (0) foot setback from property line unless otherwise specified.
7. Removal: Any signs announcing any temporary event shall be removed within one (1) day after the event is completed.
- 7.8. Additional Requirements: Any sign may be single or double-faced. No sign shall be allowed to illuminate. All signs shall be soundly constructed and neat in appearance. Upon application for a special event sign, the applicant shall submit a statement and diagram noting the nature of the special event and shall indicate the location, size, copy, and colors of the proposed sign. A permit for a special event sign shall be valid for no more than two (2) weeks. No more than three (3) permits shall be issued to any institution or organization in a calendar year.

~~8. Removal: Any signs announcing any temporary event shall be removed within one (1) day after the event is completed.~~

((O)07-33, Amended, 9/19/07)

Section 28.9 Prohibited Signs

A. Prohibited Permanent and Temporary Signs

The following permanent and temporary signs shall not be allowed on any property or public right-of-way and shall be deemed prohibited unless otherwise specified within this Chapter.

1. Balloon signs, balloons;
2. Billboards;
3. Electronic message centers;
4. Exposed neon sign;
5. Flashing lights;
6. Garage sale signs;
7. Marquee signs;
8. Moving/animated signs;
9. Obscene signs;
10. Off-site advertising on public property;
11. Off-site signs;

12. Portable signs (A-frame, sandwich board, etc.);
13. Posters that do not advertise or refer to the business;
14. Projecting signs;
15. Roof signs;
16. Search lights;
17. Signs attached to any physical public property;
18. Signs in the median;
19. Vehicle signs;
20. Pennant Signs;

~~210. Any sign greater than nine (9) square feet or taller than three (3) feet overall height.~~

((O)08-25, Amended, 12/17/08)

Section 28.10 Exempted Signs

A. Code Limitations

1. Nothing contained herein shall prevent the erection, construction and maintenance of the following:
 - a. Official traffic, street identification, or roadway improvement signs.
 - b. Fire or police signs, signals, or devices to alert the public of safety hazards.
 - c. Markings of the State of Arizona and/or Town of Oro Valley or other competent public authority.
 - d. Official notices as required by law.

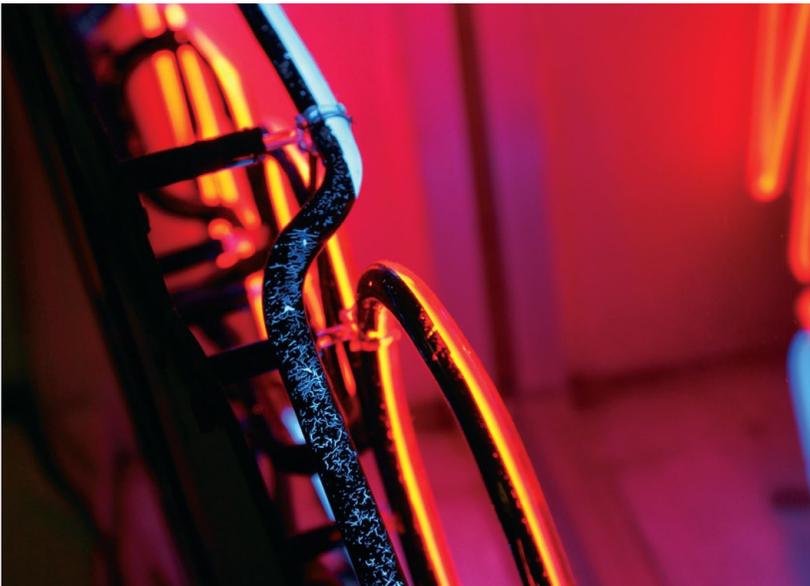
B. Exempted Permanent and Temporary Signs

1. The following signs shall be exempt from the application and permit regulations of this ordinance, although an electrical or building permit may be required:
 - a. Address Identification Signs: Signs which display numerals, street names, drives, circles, or the like, which give direction to residents, buildings, complexes, apartments, commercial sites, tenants spaces or the like.

- b. Governmental Signs: Identification for public agencies such as traffic, public transit, public information, and the like.
- c. Historical Marker: A sign locating and identifying a historical interest or site.
- d. Informational/Service Sign: Signs which may include official notices of court or public office and legal notices posted for Town meetings, as well as, signs located on pumps at a service station.
- e. Interior Signs: Signs which are displayed within a concealed area, such as a tenant space or building and cannot be seen exterior to the public.
- f. Memorial Sign: A sign, table, or plaque memorializing a person, event, or site.
- g. Non-Commercial Signs on private property: Signs that are not related to business or commerce and that are no more than 9 square feet in area and no more than 3 feet in height.
- h. Repainting/Resurfacing of Signs: Maintenance of signage, such as repainting or resurfacing shall not require any permits as long as the sign is in no way altered, changed, or modified from its previous state.
- i. Residential Signs: Name and address of occupants.
- j. Temporary Signs on Public Property: Per Section 28.7.A.1 and Section 28.9.A.21.
- k. Traffic Sign: A sign used solely to define and streamline the flow of vehicular or pedestrian traffic so as to minimize congestion and promote safety.
- l. Warning Signs: Warning and instructional signs such as “No Trespassing” shall be exempt from permits. Said signs shall not be installed on utility poles or the like.



Oro Valley Commercial Sign Survey



February 2010

Background

Efforts to examine the Town's current sign ordinances began more than a year ago, but were further inspired in the summer with several outreach meetings with the business community who came to the Town to request considerations due to the poor economic conditions. After reviewing the matter, Town Council decided that, rather than consider changes to certain sections of the sign ordinance, it would be prudent to review the entire commercial sign code—which was developed more than 10 years ago—to see if there were opportunities to bring the code up to date with Oro Valley's business climate today.

In November 2009, the Council approved a scope of work that will involve the formation of a Task Force of residents, business representatives, staff and our local Chamber to review the current sign code and make recommendations for possible changes and updates.

To begin that review, staff wanted to garner some baseline information regarding public and business attitudes with regard to commercial signage in Oro Valley. Town staff developed an informal community survey measuring use of signs by both segments; attitudes regarding certain types of signage; and overall experience in meeting the Town's sign code.

Methodology

Staff developed two online surveys, one for the resident population and one for the business community. The surveys were available on the Town's website, on the Planning & Zoning page. There was a link from the Town's home page. The program used to administer the survey as a module provided by the Town's Content Management System (CMS).

Both surveys used a mix of multiple choice, ratings and true/false questions. The surveys also provided ample opportunity for open comments. An honor system directed which survey was completed by each target group, and demographic information was requested.

The **Resident Survey** questions:

- Focused on how residents identified businesses and how they responded to business signage
- Looked at banner and A-frame sign opinions on use
- Gathered general demographic information

The **Business Survey** questions

- Focused on how businesses promoted themselves
- Opinions on current sign code, restrictions
- Experience with the Town overall (Sign review, DRB, etc.)
- Demographics—type of business, how long in Oro Valley, etc.

We launched the surveys through the local media and the Northern Pima County Chamber of Commerce a week prior to its going live, and it ran from October 19 – November 6, 2009. Although there were fears of “stuffing the ballot box,” with an estimated 350 responses to the general public survey and 80 responses to the business survey, we did not find this to be the case.

Summary of Findings

A copy of the questions that were included in both surveys may be found in Appendix 1.

General Public Survey

Questions targeting respondents from the general public:

- Focused on how residents identified businesses and how they responded to business signage
- Looked at banner and A-frame sign opinions on use
- Gathered general demographic information

Overall, use of signs to locate a business ranked in the top three by respondents, with online/internet searching number one. This suggests that respondents may use the internet to find a local business that provides the product or service they are looking for, but they rely on signage to help when they are physically going to the location. Follow up questions reinforced this as a large percentage (69%) said the size and readability of signs and familiar names (74%) were important to them. Furthermore, less than 50% of respondents said they often remember a business or service later after seeing a sign at night, again further suggesting that for at least this series of questions, respondents are generally using signage to locate a business once they have made the decision to go there.

In looking at illumination hours for signs, there was overwhelming support for either turning off the signs at the close of business, or by 10 p.m. Closely following the 10 p.m. preference was support for all-night illumination.

Regarding the use of A-frame signs, the respondents overwhelmingly stated they did not like the use of A-frame/sandwich boards (54%). This suggests that, while A-frames may want to remain in the discussion, other factors clearly play a part in the public’s identification of businesses.

General Public Survey Demographics

- Oro Valley resident: 91%
- Age group: 75% were aged 50 years or older
- Gender: The majority were male (55%)

Business Survey Questions

- Focused on how businesses promoted themselves
- Opinions on current sign code, restrictions
- Experience with the Town overall (Sign review, DRB, etc.)
- Demographics—type of business, how long in OV, etc.

Similar to the General Public survey, businesses were asked to identify from a list all of the tools they use to promote their business. Signage received the highest responses, followed closely by the internet, with advertising and the phonebook virtually tied for third place. This is virtually exactly the same answer from the general public, suggesting that the reliance on both sides for business signage is an important component of the community conversation moving forward. Similar correlations were found when we asked for more detail on the types of signs used, with building signage/lettering and illuminated signs receiving the highest response from businesses.

Several questions arise when we look at the responses to the size of signs. **There is a virtually no difference between those businesses who are satisfied with their sign and those who feel it is too small (46 & 45% respectively).** While this indicates there may be room for negotiation and change here, it is also important to dig further to determine if these are PAD standards in play, and what percentage of businesses who responded are in a master sign program, for example. That there is no clear majority one way or the other does indicate that further discussion is warranted.

With respect to use of banner signs, an overwhelming number of businesses said they would like to use banners to promote their business and that the current sign code for banner use is too restrictive. This indicates there may be some opportunity to discuss how the Town can support businesses by working to allow banners to have a greater impact with the use of banners.

Illuminated signs saw similar results that were seen from the General Public respondents that the same options were in the top three for preferences: illuminated signs on all night (44%); turned off by 10 p.m. (24%); and turned off by midnight (21%), which was not seen in the other responses. This indicates there is much room for compromise in that both groups felt that turning signs off by 10 p.m. would be acceptable.

With respect to A-frames, businesses were in direct opposition to the general public's views on the use of A-frames. This reflects a gap in businesses supporting the argument that A-frames increase business traffic, as the majority of consumers who responded to the survey do not reflect that. This can be an area for further study by the task group.

A series of questions examined the service levels by the Town in several areas, including business experience with:

- Review and approval timing
- DRB Review (where applicable)
- Staff response time

In all three areas, there was a high “No Response” rate. This can be due to the fact that many businesses engage consultants and other vendors to handle their sign design and review processes, and so the business owners simply do not have direct experience with the process.

With that in mind, **Review and Approval received an overall satisfactory or greater rating of 35%, with more than half (52%) indicating they thought the timing was either “poor” or “very poor.”** Although there was an opportunity for respondents to add additional comments, few indicated anything other than the process “took too long” or “was cumbersome.” The details of what caused this perception were not included. It is recommended that the task force examine timing considerations of the sign approval process as part of the focus group process.

Only 25% indicated they were happy with the DRB Review, with 43% giving no response here. Of those indicating they did have to go through the DRB, 32% found the experience “poor” or “very poor,” indicating that it took too long.

Finally, staff response time received the highest rating of “satisfactory” or “excellent” at more than 51%, with 18% not responding and 31% ranking their experience as “poor” or “very poor.”

This section indicates there are several customer focus areas that can be improved, which can include both the time the process takes, and staff education and communication with the business community to help set expectations.

Business Demographics

Types of business (may not add up to 100% as not all businesses answered)

- Health/Beauty
- Nonprofit
- General office/service
- Banking/Financial
- Medical office
- Restaurant
- Retail

Years in business

- Less than 1 – 5 years: 51%
- 6 – 20 years: 44%

No. of employees

- Less than 10: 36%
- 1-25: 40%
- 26-50: 10%
- More than 50: 10%

For a review of all responses, please refer to Appendix A. For a complete listing of all respondents open-ended comments, please refer to Appendix B.

Conclusions

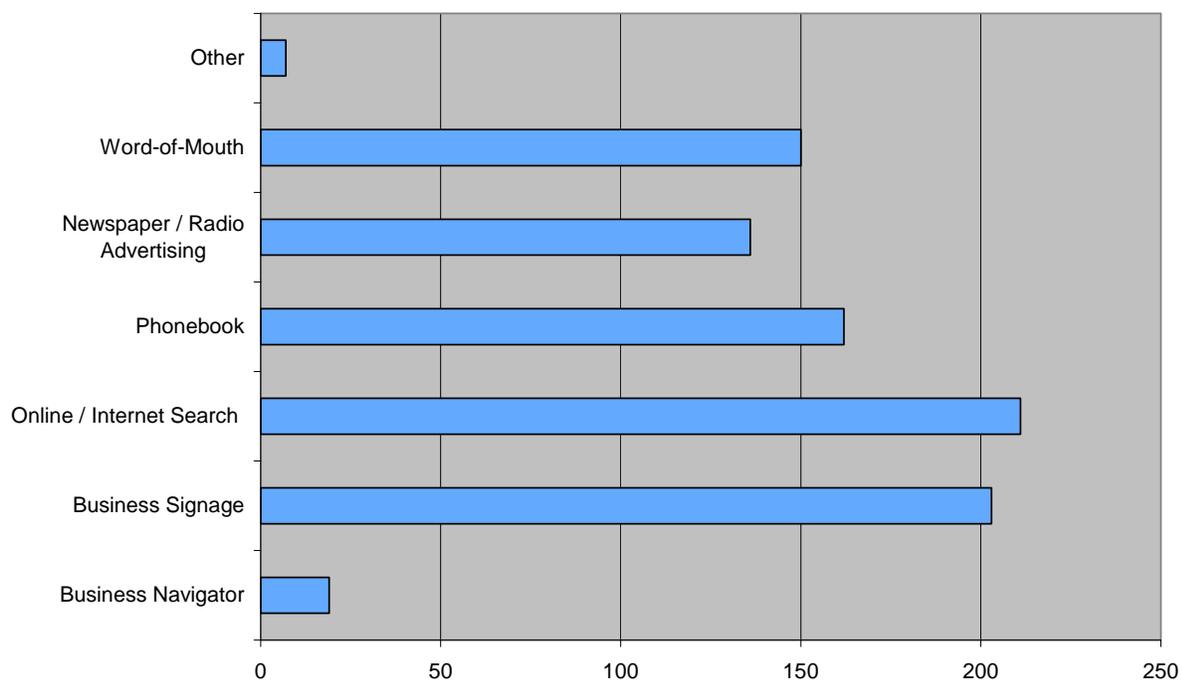
As a first-time effort for online surveys, the sign survey provided opportunities to explore several key areas with respect to the sign code review. This complex project will have many facets and it will be important to consider all concerns as the Town moves forward. The survey looked at several key areas that, according to the November 18, 2009 Council Communication, will play a large role in the task force review and recommendations. With that in mind, the following conclusions should be considered as the task force moves forward:

- There is universal agreement from both groups that signage is important to them, both to identify a business and for a business' marketing plan. This is important as it demonstrates there is strong support for signs—and thus, room for community conversation.
- There is opportunity for compromise on the hours of illumination for commercial signs as indicated in both groups' willingness to consider a 10 p.m. cut off.
- Although residents stated that signage was very important in locating a business, they did not support A-frame signs and rely more on size and lettering of signs. Business respondents, however, feel that A-frames are strong in driving customers. Focus groups to understand the divide on this matter should be part of the task force public participation process.
- The business community indicated that there are several areas for improvement needed in both the process and service levels by Town staff and the DRB. This should be another area for focus groups to examine to assess the specific areas that can be improved.

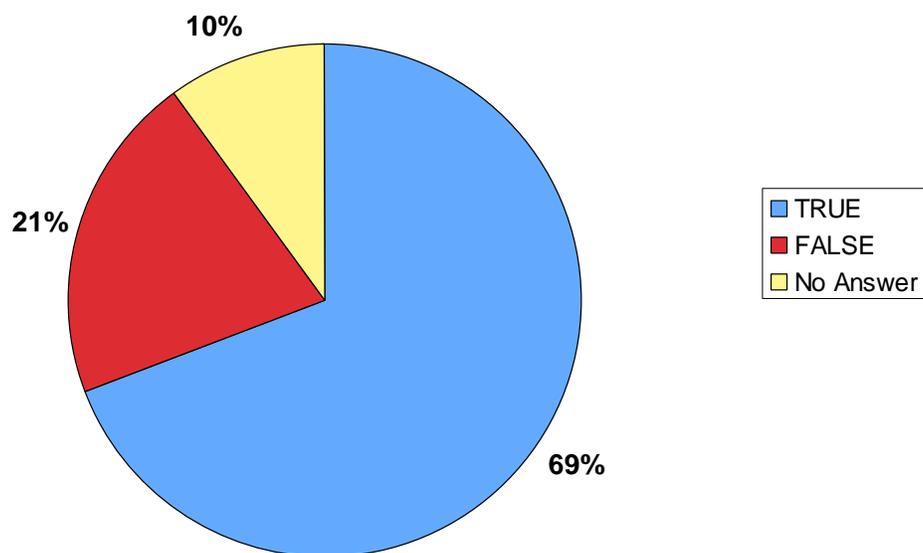
Appendix A

General Public Survey Results

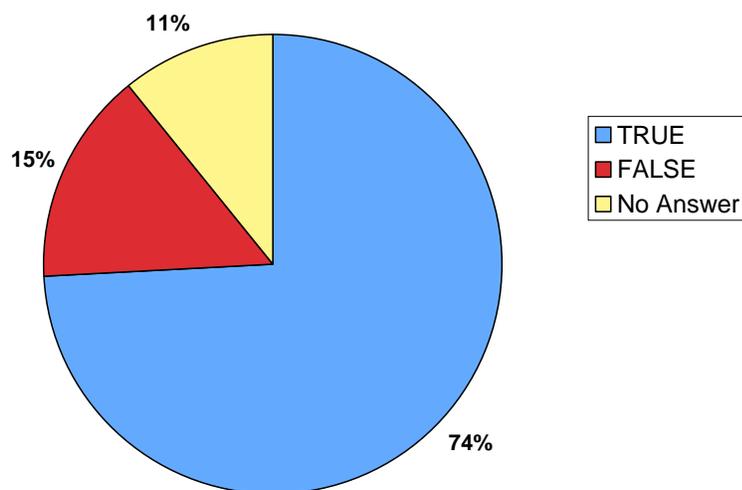
What resources do you rely on to help locate a business or service in Oro Valley? Select all that apply



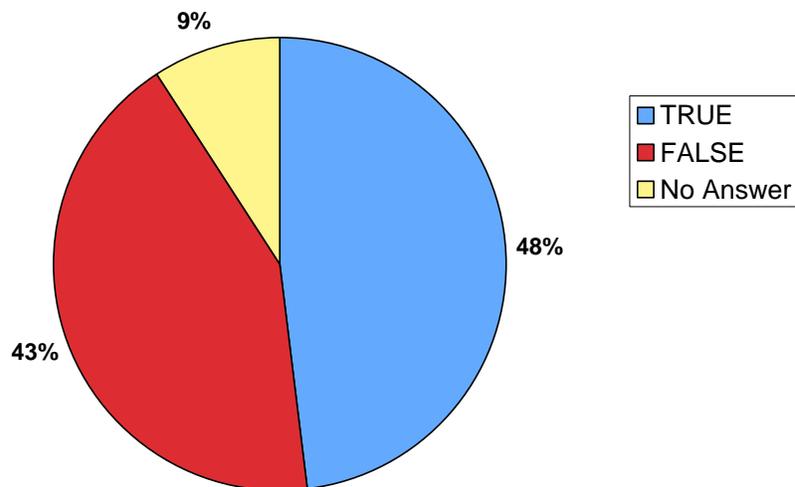
If you use "Business Signage," the size and readability of a sign is important to you.



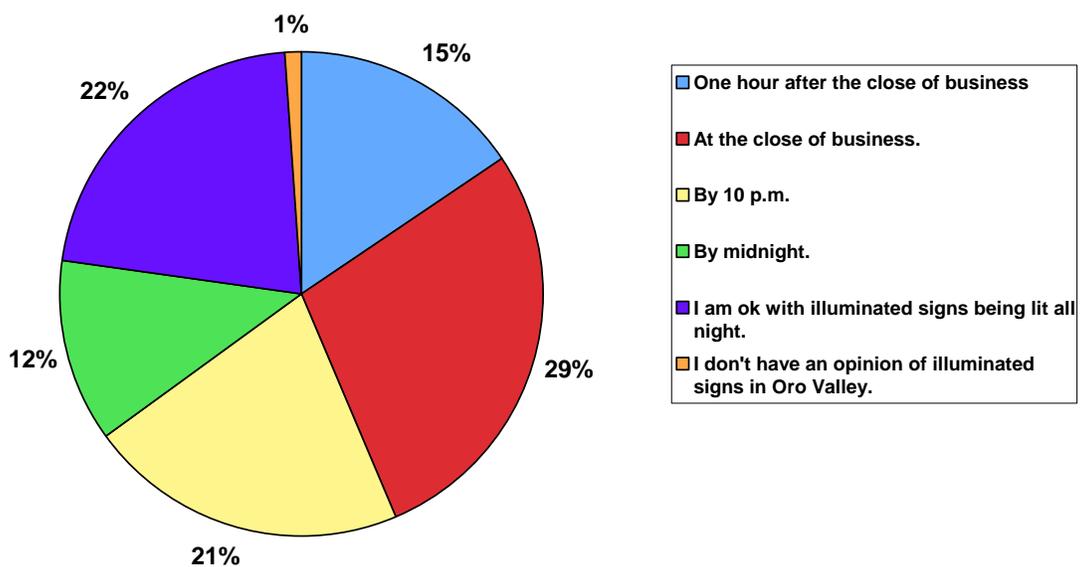
If you use "Business Signage," you look for familiar logos or company names.



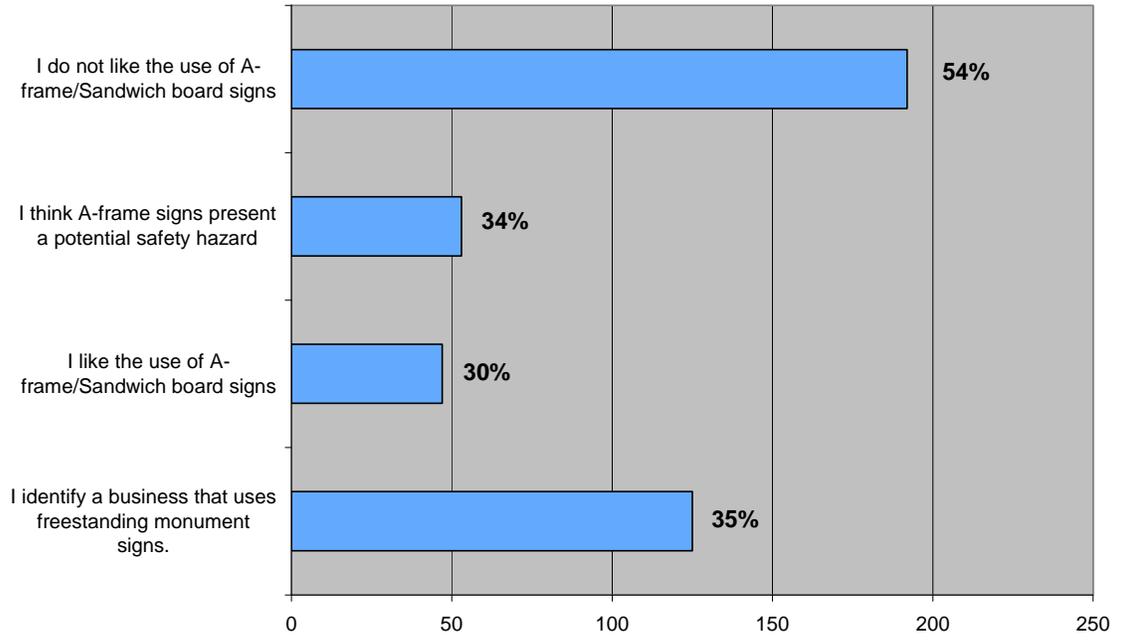
If you use "Business Signage," you often remember a business or service later after having seen an illuminated sign when driving by a business at night.



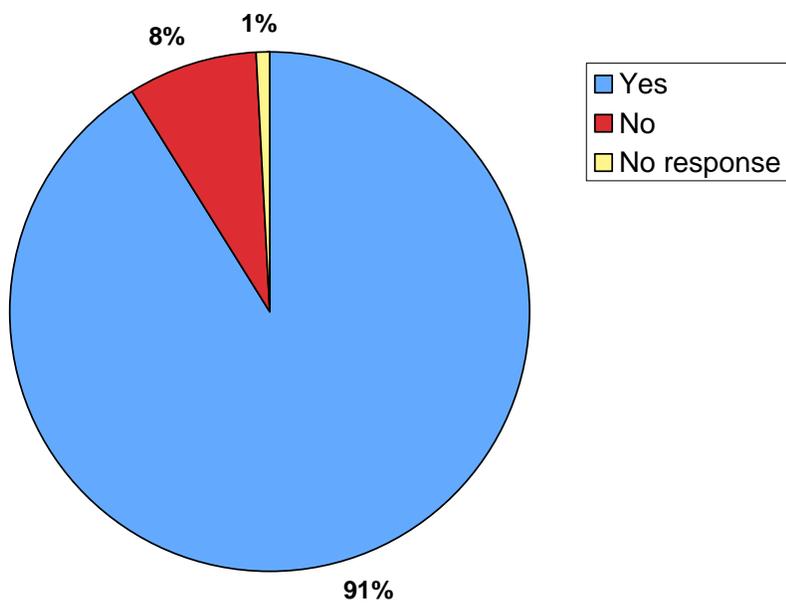
With respect to the use of illuminated signs, signs should be turned off:



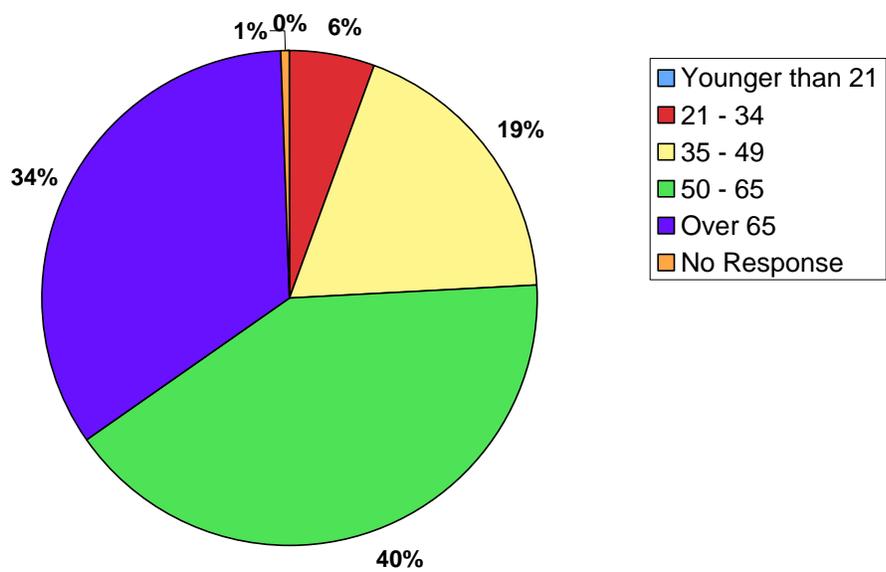
With respect to business identification, please select the following answers that best fit your opinion. Select all that apply.



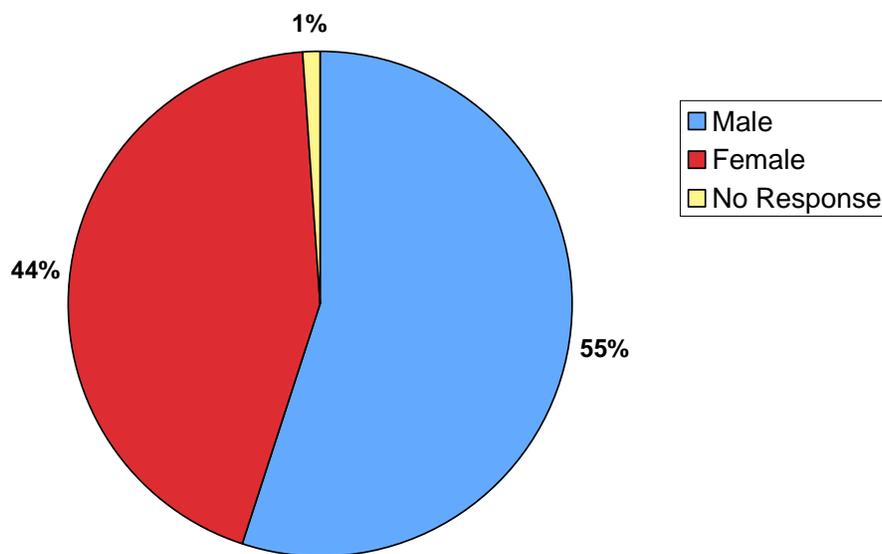
Are you an Oro Valley resident?



Age Group

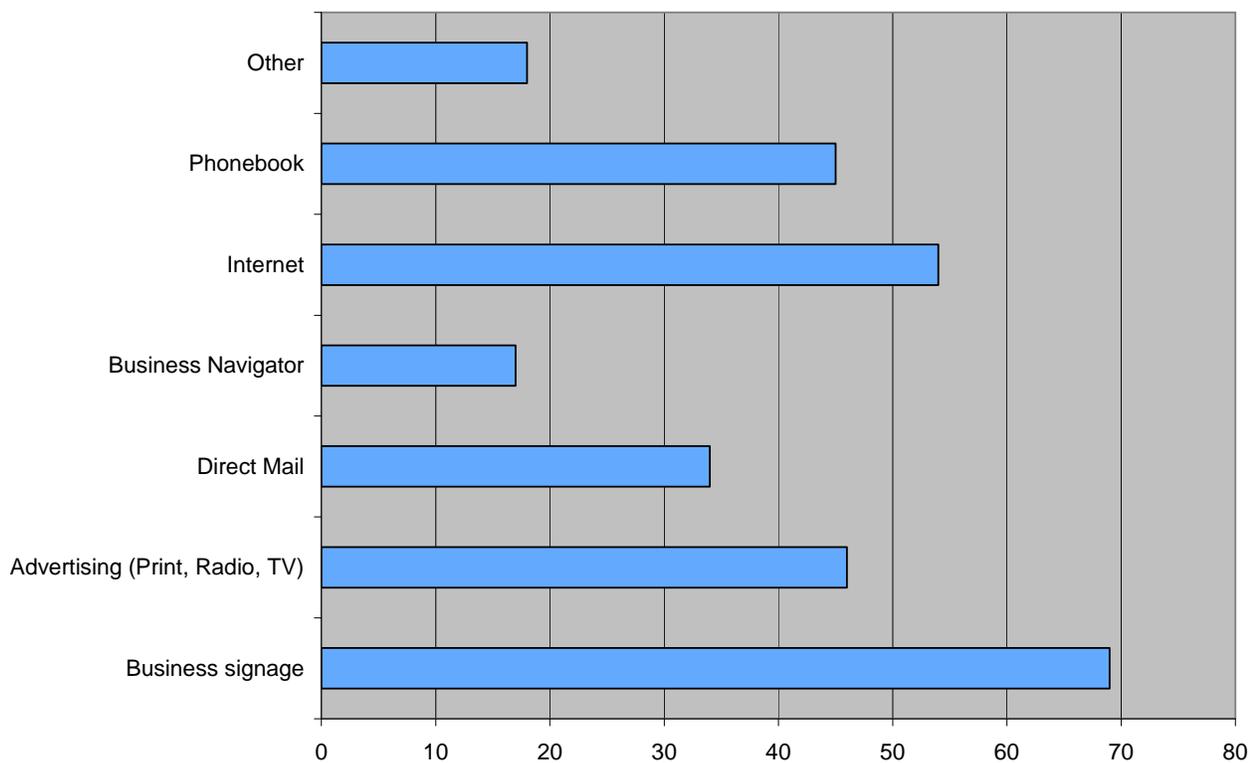


Gender

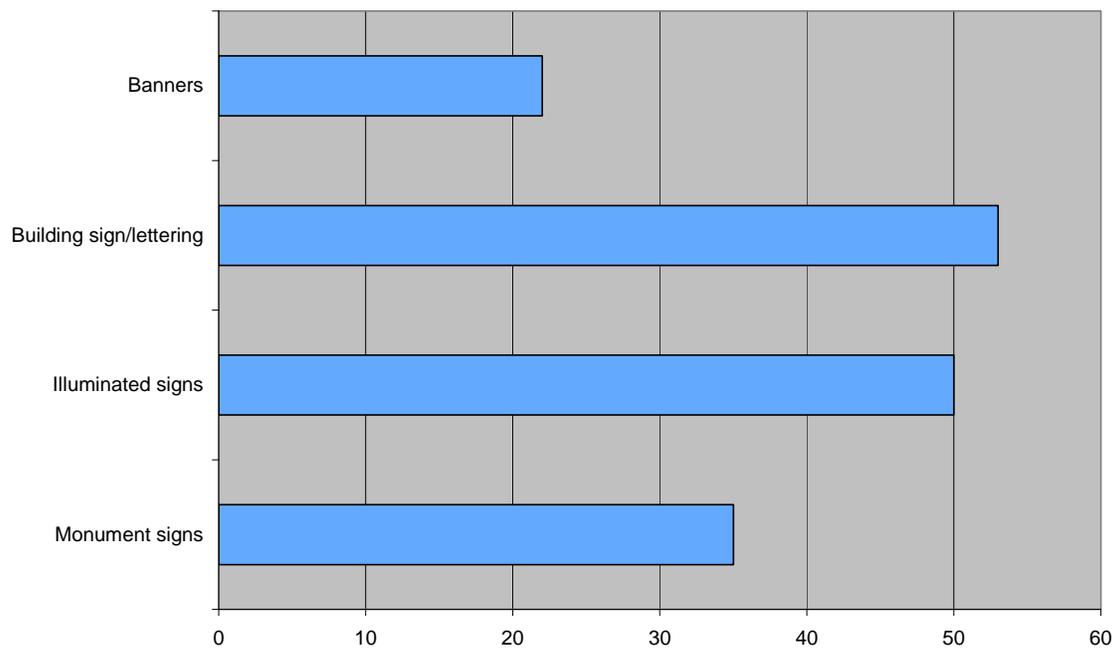


Business Survey Results

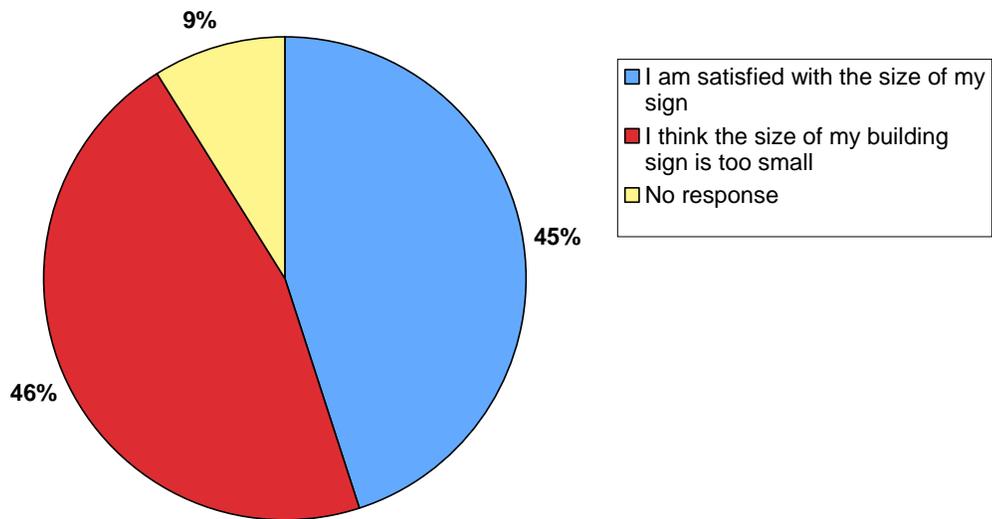
How do you promote your business location? Select all that apply



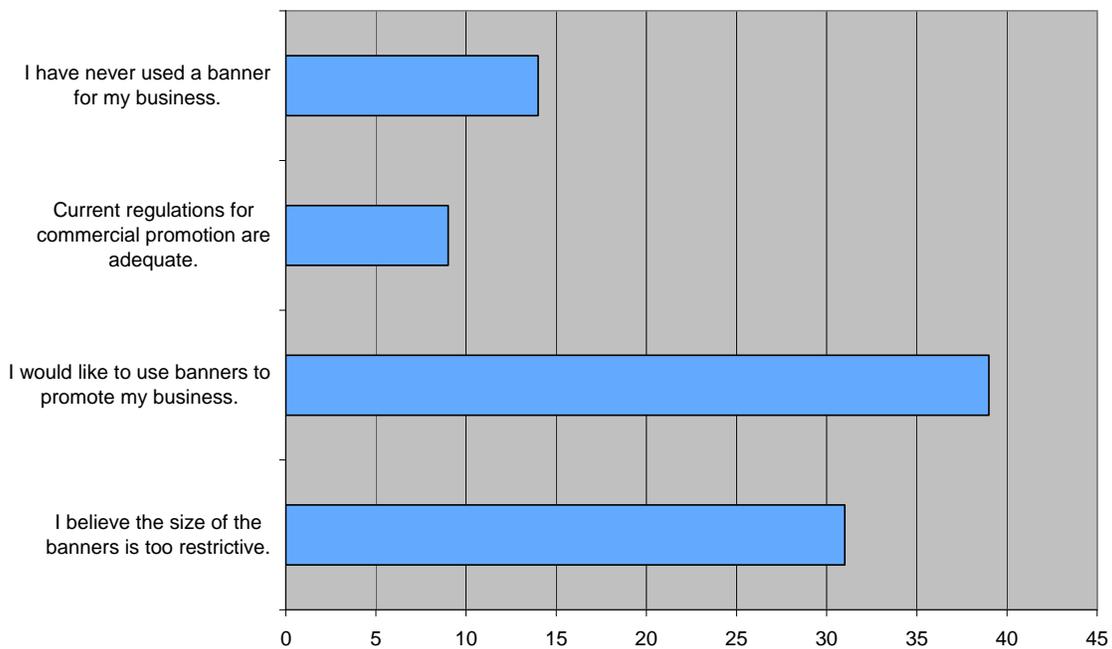
**Please describe the type of signs you use to promote your business.
Select all that apply.**



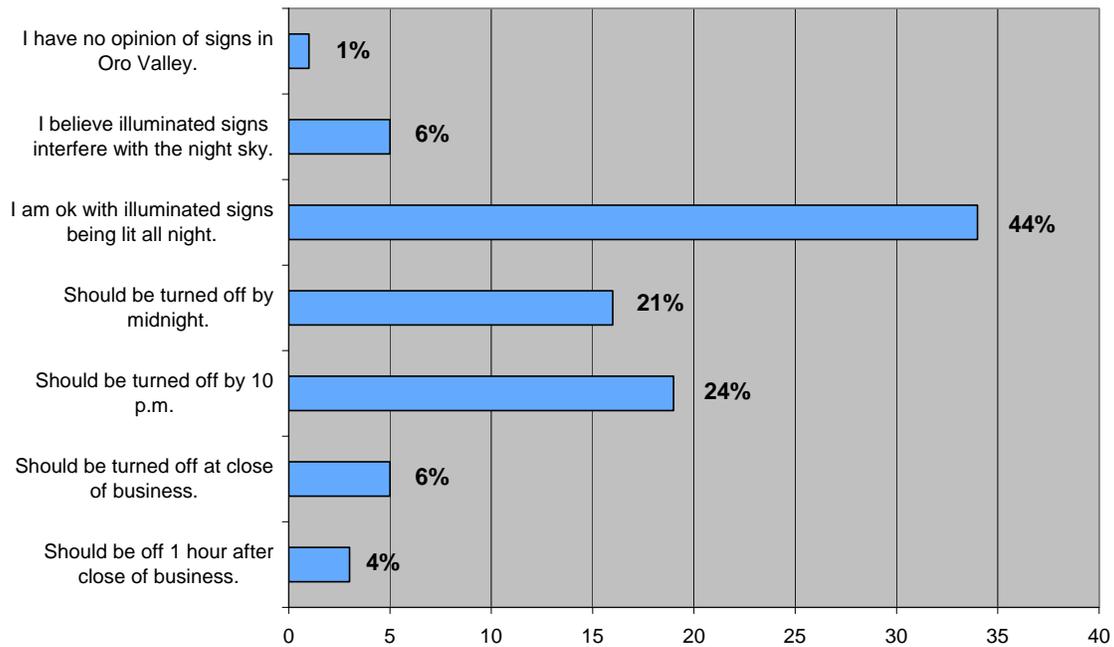
Size of my sign...



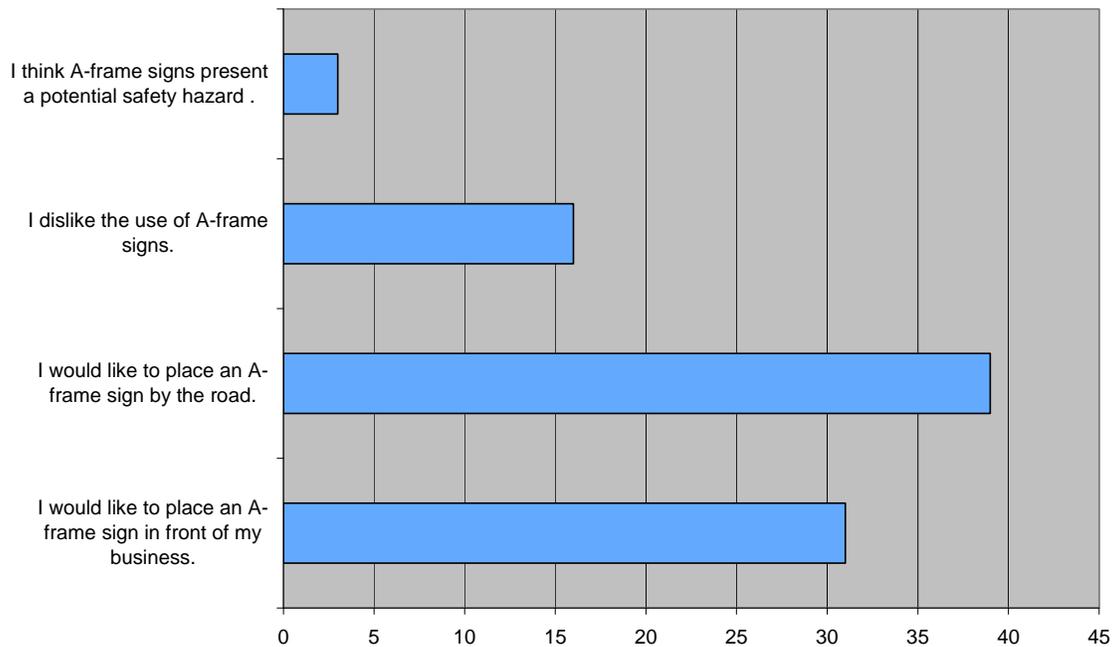
With respect to banner signs, please select the following answers that best fit your opinion. Select all that apply.



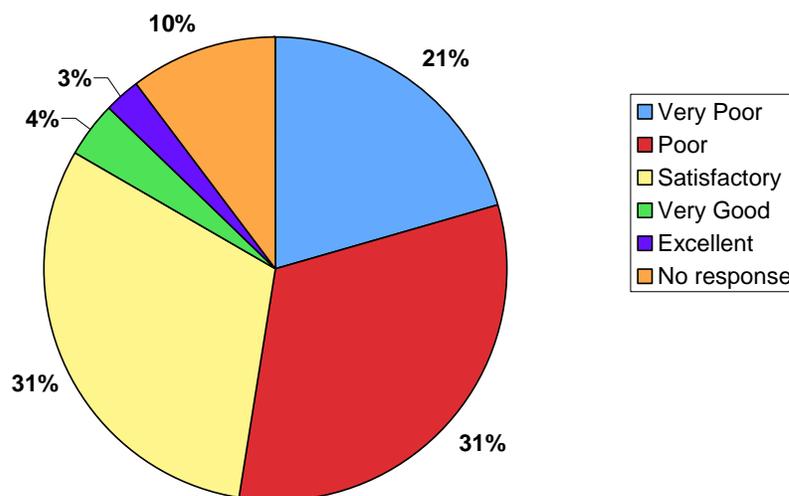
With respect to mounted illumination signs, please select the following answers that best fit your opinion. Select all that apply.

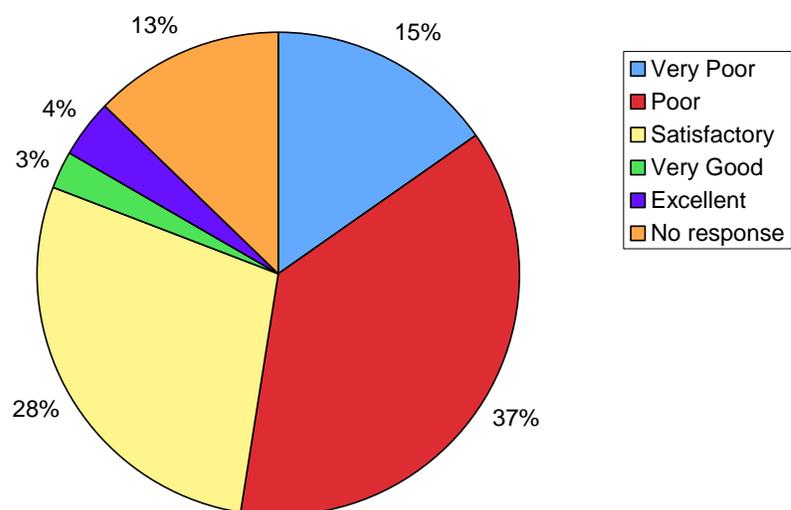


With respect to A-frame/Sandwich Board signs, please select the following answers that best fit your opinion. Select all that apply.

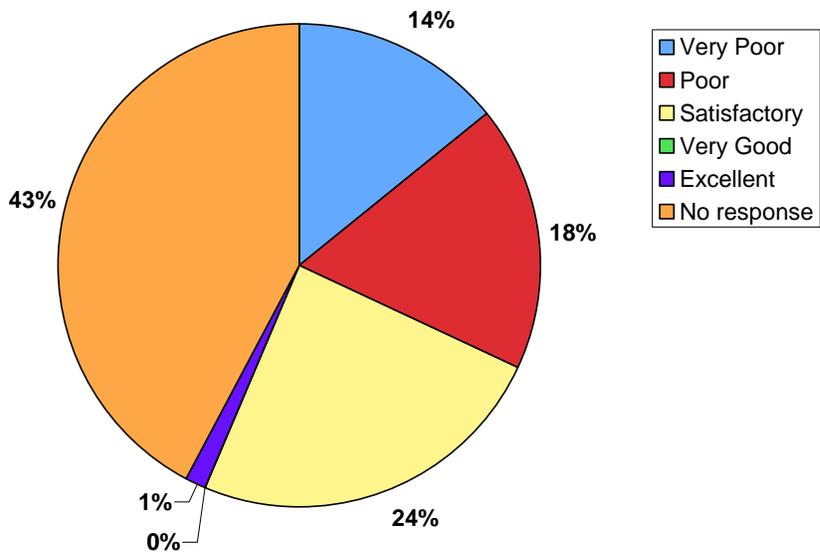


In meeting the Town's sign ordinances, please describe your experience with the following processes

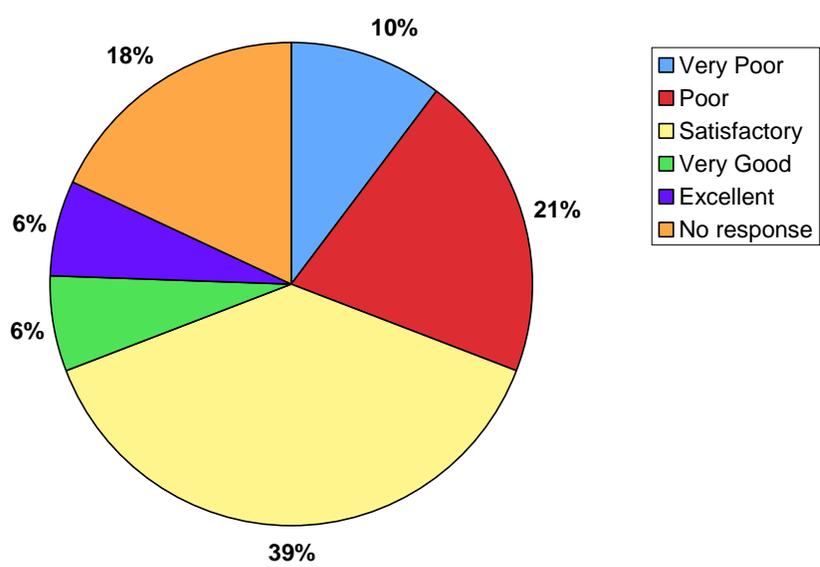


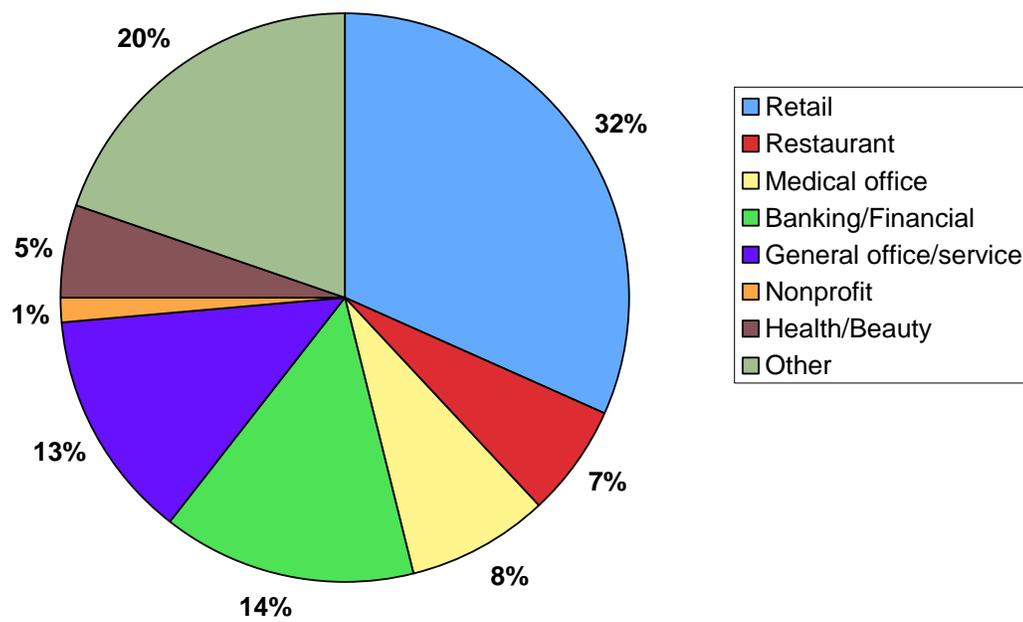
Review & approval timing:

DRB Review (where applicable):

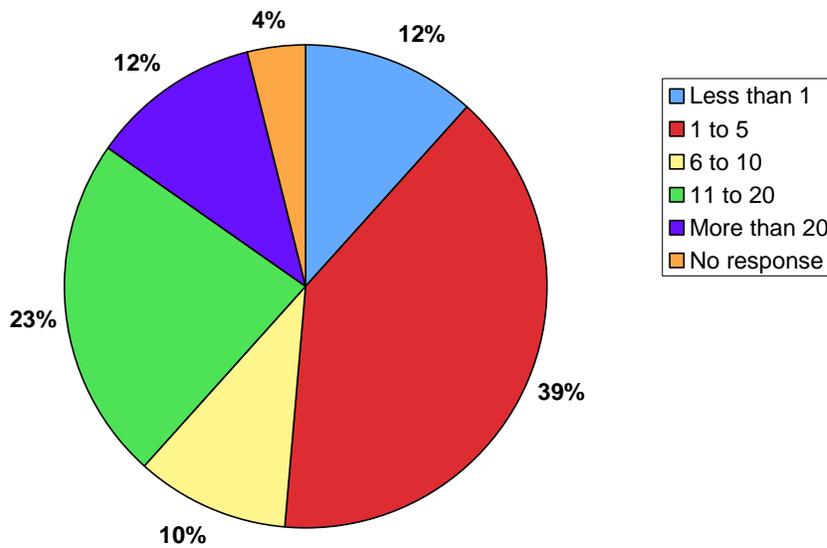


Staff Response Time

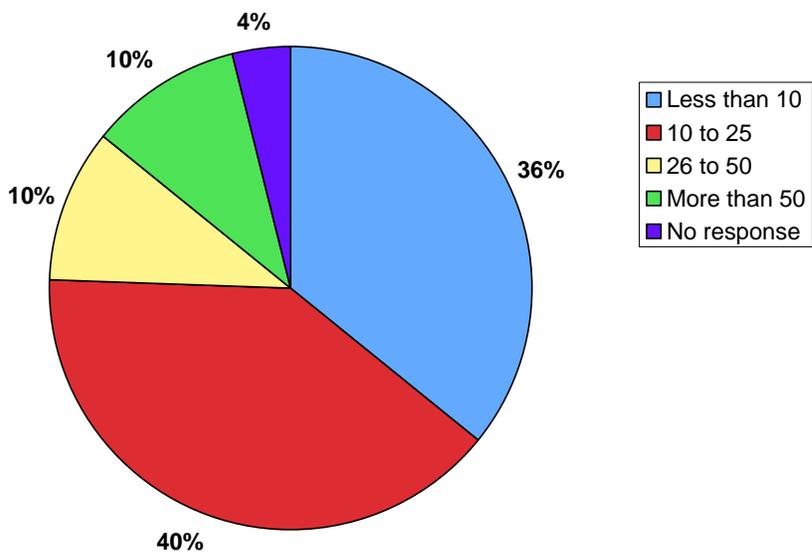


Type of Business

Years in business in Oro Valley



Number of employees:



Appendix B

Business Sign Survey Residential Open Ended Comments

Please feel free to add any additional comments regarding Oro Valley's sign codes.

I believe that the only lighting needed after dark should be for safety and security purposes. Billboards should not be illuminated when the store is closed.

A-frame sandwich board advertisements look tacky. I am leery of any business that relies on them.

Another issue that bothers me is the use of outdoor music in the Oro Valley Marketplace parking lots. I believe there should be no music of any kind in a parking lot--it's just an annoyance.

The dark sky in Oro Valley is so important and beautiful. Having recently viewed the night sky at Kitt Peak, I see how our dark sky has changed with more lights over the last 8 years.

The current sign codes are reasonable.

I liked the business signs much better when they were the copper patina finish or green. I thought Oro Valley had a nice clean look. I have considered not shopping at the stores that are changing their sign colors from the classy copper patina or green.

Important factors to me are the night sky and energy use. Generally, if everyone is using smaller signage it is easy to read and identify a business. Bright, large signs are not necessary to identify a business. In general, fewer signs are better.

Bad enough this community permitted the construction of the Oro Valley Marketplace right opposite a State Park, are we now going to permit such commercial interests to light it up like Times Square in New York? Besides, their arguments for justifying such lighting needs are transparently (*sic*) spurious.

The low light pollution (dark sky) portion of the sign & light ordinance should be strengthened. There is no reason why sign & parking lot lights should be directed anywhere but down. The park district lights light up miles of otherwise dark areas and a few sign lights make no impact on dark skies. Think about shielding these VERY bright, nightly park district lights so that the light emitted is aimed DOWN! At present they are NOT.

The baseball field lights (Oro Valley Park Dist.) actually light up the face of the Pusch Ridge they are so bright. I don't worry about a few store lights, especially when they are in a brightly lit shopping center.

The sign code is just fine the way it is. The sky is already to bright from all the parks and schools in the area. Do not add more light by all night signs. If some businesses had their way they would have rotating beacons and strobe lights.

No, it's fine the way it is leave it alone.

Moved here because of the dark skies.

I don't want a Town Property tax. Help business make money and use the 2% sales tax to run the Town

There are too many lights in our beautiful valley. Turn them off!! I would like to stricter rules from the Town for business lighting signs. Most of the businesses in the Marketplace don't even face Oracle, our main throughfare (*sic*).

I see no good reason for any business to illuminate its signs after closing.

We are amatuer astronmers (*sic*). One of the factors that drew us to this area was the low light density which makes it possible to observe the marvelous (*sic*) night skies.

Keep the lights low in Oro Valley!

Why in the world would the town of Oro Valley want business not to have their sign lit up all night ????????

I'm sure some business owners would take advantage of 100 foot tall signs if they were allowed. However they aren't because we (the city in general) have decided that they are not appropriate. The fact that businesses now want to leave their signs on all night does not have any bearing on weather they should be allowed to.

Two reasons I would like the illuminated signs to be turned off at the close of business are to signal they are closed for business for the day and no need to stop and unnecessary light pollution for viewing the stars and planets at night which is why we don't live closer to downtown.

Signs should conform to surrounding area fixtures.

Modest size, comfortable colors

I find oro valley's current sign illumination regulations to be petty and ridiculous. once again, oro valley is head over heels consumed in nonsense, while practicality and reasonability are not addressed. case in point - the obtrusive, ugly, and unnecessary wall along oracle road; the unsightly side entrance to the new wingate inn (the entrance should have been located on the length of the building for a much better curb appeal image), WALMART, etc.

Not a very good survey. Lots of questions truly can not convey a useful answer

Lights on after closing are a waste of energy and do not uphold our dark skies support. If lights are on, one would assume the business is open. If lights are on and the

business is closed, it would encourage me NOT to do business with someone that wastes resources so lightly.

We do not need now should we allow large numbers of garish sinage (*sic*) that destroys the character of our community and environment. The town should control the size, color, and hours sinage (*sic*) is allowed. Please do not relax he existing regulations.

I like a neat and clean community with quality signs at a minimum level.

I think the night skies are very important to Tucson and its observatories. We really don't need to be blasted with lights from all angles.

Keep the lights low please. No more light pollution.

I am concerned abot (*sic*) safety at night if the lights are dimmed - vagrants, young people, drug peddling and so on.

I think the sinage (*sic*) is not the only problem that you might address. Exterier (*sic*) lighting can be excessive like the Holiday Express as an example.

There is a distinction to be made between being aware of a business, and trying to find it while driving. I often have to go past the place I'm looking for because there isn't enough warning.

Oro Valley's restrictive business sinage (*sic*) law hurts small business locating in our city. The new ACE hardware at 1st Ave. and Tangerine. is significantly handicapped by being forbidden to place a sign on either bordering street. Despite having been here for several months, many customers walk in today saying "I didn't know you were here" We should have policy's that encourage and support small business. The repressive sinage (*sic*) law has the opposite effect. Is this law in place to beautify our streets and thereby limit tax revenues and discourage businesses from locating here?

Please limit the placement and size of signs to the smallest reasonable size. It is wasteful, unnecessary and offensive to have lighted signs after dark if the business is closed.

I do not believe a business needs a gigantic sign to identify their business. I feel a limit on size is needed but should not be too small to catch your eye while driving by.

I just feel that any illumination after the business is closed is not in the best interest of the business or the customers. Anyway, I don't shop by signs.

Help business, I do not want a property tax

I feel sorry for all of us because I see more and more businesses going out and that means less shopping resources available for residents of the area - and less city revenue from sales tax. This could result in a less safe city for everyone. We need our local businesses and the stricter the city is with them the harder it will be to keep them here.

The current sign code and outdoor lighting code are adequate as currently written.

Illuminated signs being on all night reminds us of where this particular business is. A location being dark casts a gloomy atmosphere.

Leaving the lights on after closing is a bad idea. I would not patronize a business that did so. Also, signs should be subdued to minimize light pollution. Many businesses have an infatuated concept of themselves as reflected in garish signs that are inconsiderate of the interests of the larger community. Target comes immediately to mind.

I am very concerned about light pollution. One of the reasons I live in this area is the ability to see the night sky.

I am tired of the Town of Oro Valley dictating policies that don't benefit the residents who live there. You all seem to have your own agenda's . . . whether it's dogs barking (inside a house), business signage, or our youth skate boarding . . . it's ridiculous. If the housing market were different, I would move out of this "Stepford" town immediately!!!

I don't think A-frame signs would be needed if businesses were allowed to have monument signs that were larger and more visible

When it comes to the monument signs I know that some people might not like the large tall signs, so why don't you mandate that all signs must be no taller than 6ft. This way everything is the same height (*sic*) and you don't have large signs all over the place.

I think illuminated signs should match a uniform code that require low-voltage backlit signs like what the businesses at Vistoso Office Park use. These signs are tasteful and subtle.

I don't very often need to look at signs at night because I don't often go to unfamiliar locations at night.

Oro Valley (*sic*) has been (*sic*) over bearing with codes and controls. Both in the laws of zoning and an inability to make allowances for one time events or once a year events. Requiring signage to conform to one color is insane. A logo is the most important symbol of a business. it's time for the town to back and allow some creativeness in to the air.

Signage lighting after 10pm is unreasonable! The current OV code should be enforced now.

I identify by the signage on the business itself or in the case of a strip mall situation, the sign by the street listing the businesses in that complex.

Oro Valley has already compromised being distinctive by allowing too many colors, styles and logos of business signage. We were promised a classy town and it has become just another strip city with not even a scenic corridor. No more compromises!!!

when signs are illuminated that indicates the business is open

We moved to Oro Valley because of the scenery, the people, and the fact that a new community MIGHT make a significant difference to the environment. We admire the fact

that Tucson keeps its lights low to enable Kitts Peak to do scientific research. We would be MOST unhappy to be a part of a community which does not value these things.

There is no reason to have illuminated business signs lit after 10PM unless they are a 24hr. business. I think stargazing is an integral part of Arizona's appeal and quality of life.

Stop putting so many artificial restrictions and onerous regulations and taxes on businesses.

You are now seeing unintended consequences of the anti-business, anti-growth mentality exercised by the DRB, Zoning, Development Services and some Town Council members over the past few years.

Signs for me pollute the environment.

What is a "monument sign?"

I like a few dim lights on at night, but only for a short time. The rest of the night should be lit by star and moonlight only.

They should not be left on all night. Dark skies is why I moved to Oro Valley. Lighted signs at night are an eye sore and a pollutant to the beautiful Arizona evening skies.

Please don't burn lights all night. The observatories don't want any more light at night.

I'm an Astronomy buff and enjoy dark skies. With the growth of Oro Valley, our dark skies are slowing going. As in Tucson, I think we should restrain late night outdoor lighting especially after close of business hours.

I think you should try to promote businesses in Oro Valley and not put barriers in the way for the business owners.

Keep the night sky dark so we can enjoy its beauty (*sic*).

Oro Valley seems to live up to its reputation of being a difficult place to do business. It's time the Town hired an independent firm to assess the areas where the Town can be more business friendly (signage, lighting, building codes come to mind).

I appreciate signs that do not pollute the view. i.e., I consider road signs that tell who is caring for a particular strip of road to be pollution in almost the same way as is garbage.

I do not like signs that 'shout and scream' with their bright colors and size.

I firmly believe that OV must recognize/promote substantial limits in total outdoor lighting in an effort to reduce light pollution of the night skies. There are at least two reasons for doing so:

1. The dark skies economically impact this area for astrological study by U of A Kitt Peak etc.
2. Night time skies are one of nature's most beautiful gifts - a sight long lost in most

urban areas. And a constant reminder of the vast universe surrounding us. I have lived in northern wilderness where the only night sky light interference comes from the Aurora Borealis. I am an astronomer, but we are appreciative of nature whether on the earth or above us. Will OV work to protect or to allow further erosion of people's ability to observe the beauty of a clear night sky?

I do not believe Oro Valley has been a business friendly town in the past. Certainly requiring the businesses now to turn off their signage lighting by a certain time is not how to keep or attract more!

I prefer to see uniform, size regulated signs. Towns that have them look uncluttered and one business isn't having to outdo the other in signage.

Leaving your sign lit up all night when you are closed is not the best way to generate business. Having convenient hours will bring people in and having air-conditioning will keep them there. Too many businesses are closed Saturday-Sunday, the only time that working people have to get anything done. Others close early on Friday-Saturday, not giving their customers enough time to get there. Some never turn their A/C on. I've walked out of many establishments due to this problem. My sense is that they want to run their businesses for the least hours possible and save money by not running the A/C and then complain that they're not doing enough business. Then they want to solve the problem by leaving their signs illuminated all night instead of addressing the REAL problems of inconvenient hours and/or no air-conditioning.

I often leave early in the morning to catch a 6 a.m. flight out of TIA, so I have an opportunity to drive through Oro Valley in the dark. There is virtually no traffic at this time of the morning, so there is no traffic or people to see illuminated signs if the signs are on all night. Likewise, the Oro Valley population being largely retirees and families (*sic*) w/ children are not the categories (*sic*) of people that are out and about late at night, like areas of Tucson that have nightlife/concert venues. To keep business signs on all night is not necessary, is a waste of energy, is a disturbance to nearby homes and IMO does nothing to promote a business purpose. I think lit signage until midnight is sufficient.

Oro Valley's lighting codes should be strengthened to preserve the beauty of the night sky. I would not patronize businesses that cause light pollution. (*sic*)

I have lived in Oro Valley 7 years and drive downtown to work...normally down Oracle or La Canada...Soon I will be leaving while it is dark and returning when it is dark...to not have the ability to identify new businesses that open or find retail establishments that I now need but have not been recognized because I did have a need for that retail offering...is a negative for me and I would assume much more of a negative for new comers who filled our area after I moved here. If we are not in a position to support our businesses by allowing them to market their products and services we will continue to perpetuate the lack of support in Oro Valley and will result in an area that does not have the necessary retail establishments to satisfy potential new residents...as well as current residents. I truly enjoy the atmosphere of Oro Valley...however, we are not Santa Barbara, nor will we achieve that level of totally controlled environment...can we find a compromise that keeps our area growing...or worse case...stable.

Signs being on after a business closes just makes me think they are open and I see no reason for them to be on once a business closes.

Keep lighting low, for clear skies (*sic*)

I think the existing sign code needs to be revised to be more supportive of businesses. We need businesses in our community and should work to attract (*sic*) them and reduce possible obstacles.

Signs lit up at night do not attract more business. Residents are already aware of local businesses. We drive by every day and see them. We do not need to see them at night as well.

Additionally, lights on and off are a great indication of business hours.

"least intrusive" is still the proper description for signs in Oro Valley.

Signage appears to be overly restrictive. I moved to Oro Valley 2+ years ago and occasionally still "discover" a business that I previously was unaware of due to not only very small freestanding signage, but also existing landscaping blocking signage. Why not allow larger freestanding and building signage rather than desperate business owners having to put up the A-Frame signs like you see by the poor guy that has the car wash behind the Target. He has a sign, but the colors blend together and its not noticeable. The OV Marketplace should be allowed signage on the back of buildings. How are commuters supposed to notice the stores, surely not the small signs at the entrance. Other examples are the tiny new gas signs at the Giant on Oracle/Pusch View, and the Loop Taste of Chicago has an ugly banner up with no freestanding sign. I'm all for more visible (*sic*) signage as long as the signage is designed to match the buildings and primarily desert colors. We don't want to end up like the shopping center at the SEC of Thornydale and Cortaro that always has multiple banners attached to a steel railing near the intersection. That demonstrates that the businesses are hurting, most likely partly from the economy but poor signage obviously can't help their situation. Thank you.

Signs are OK for a business until 10 PM. After that, night skies are more important. Comparatively few residents need to find businesses after 10PM.

Encourage animated neon in business areas. It creates a sense of movement, aliveness.

One of the many pleasant features of residing in Oro Valley is not being bombarded by signage. I am not in favor of relaxing the current code.

I have previously lived in Boca Raton which had strict guidelines (*sic*) for signs. I think businesses should have the ability to have illuminated signs but I like the idea of having restrictions on size and height and please do restrict billboards to the Interstate as they are unsightly in a city.

This town seems to do what it can to hamper businesses. I've never seen a town operate like this one.

I think businesses shouldn't be restricted when it comes to promoting their business. The more business done equals more income for Oro Valley.

Oro Valley needs to become more lenient when it comes to their signage rules. As an Oro Valley resident, I feel that signs not only illuminate our small town, but also help promote business, which is very important in this tough economy.

Controlling light pollution in Oro Valley is important. Reaching a compromise situation where lighted signage is illuminated during business hours is a very reasonable approach.

I moved back to Oro Valley (from Kansas) in part because of the beautiful night sky. I have five sons, and we use our telescopes often. I do NOT think signs should be left on after hours as it increases light pollution (*sic*)! Thank you for taking this survey into account.

The sign code needs to be realistic and permit plenty of advertising opportunity, especially in this economy, but even in better times. Advertising and the convenience and efficiency provided by good signage allow the economy to function smoothly, which is what provides jobs, job growth, and tax revenue for the town.

In reference to business lit signs if they are on the highway we don't care if they are on all night... but residential neighborhoods they should be out by midnight

Sometimes when driving through an existing strip mall or business area it is difficult to locate a business because of the signage only being on the front of a building. It would be easier to see something jutting out of the building stating the name of the business. Perhaps not so much an A-frame, but something more stable. Thanks.

They should be made to be business friendly based on the input from Northern Pima Chamber members suggestions

I support the sign guidelines (*sic*) per the Outdoor Lighting Code. I frequent the Oro Valley area. (**non resident**)

Re Lights: As long as the lights are not shining in the windows of my house or lighting up my property at night, I don't care if the signs are lit all night. With today's economy, I realize that the companies are using the a-frame signs to attract customers...it's a difficult world for these businesses. While I don't care for them, I respect that these businesses need to use them to help stay in business.

I feel leaving the lights on beyond business hours is a waste of our valuable energy and is a pollution to the sky.

Signs at the large shopping center on Oracle would be nice to see who is in there while driving past

It seems to me the code that requires that the sign be turned off one hour after closing isn't business friendly nor friendly (*sic*) to their clients. Much of what I see in Oro Valley is a controlled image that really wouldn't be offensive if left on until 10pm or later. The only reason to go past mid-night is if the business happens to be open beyond that hour such as a hospital or emergency care. It is easier to relate to signage than address numerals when looking for a destination (*sic*).

I would like to see the signs conform to a prescribed size and color -enough to identify the business, but still in good taste and quiet.

The on-premise signs are too small. I can't see the signs well from the road. The business (sic) signs should also be lit at night in order for the public to see the signs.

I feel midnight is a reasonable time for the illuminated signs to go off, unless the business is still open, then it should be one hour after closing.

A-frame signs are ok at the store entrance, but not at the edge of the street. Business is really tough right now. The city should do everything it can to help these businesses get through these trying times. If that means having a sign on all night, then they should be allowed (sic) to do it. It also adds a safety factor to an otherwise dark area.

I think your sign code ordinance (sic) is archaic and nonsensical. I also think that billboards should be allowed on main roads. If done right they don't hurt the beauty of an area. I want to know when Oro Valley is going to start acting like a real city(town) and stop living in the past like. Its almost 2010 for God's sake and the last I heard you need all the revenue/tax base you can get!

Signage is important and needs to be obvious enough to be seen, without being overpowering or obnoxious.

I am **not a resident** of Oro Valley but do spend significant amount of time transacting business within the Oro Valley city limits

I think the illumination of signs at night is a waste of electricity and money for businesses. Production of electricity uses precious natural resources which are being wasted by illuminated signs of closed businesses. By turning off unused lights at home or work (or in this case signs) we can reduce the use of our natural resources. Also, it helps cut down on light pollution which cuts down on light pollution and allows another Arizona industry, Astronomy to thrive.

Illuminated signs of closed businesses do nothing to attract people to the stores. People that live in the area know where the businesses are and people not familiar with Oro Valley and are just passing through/visiting will not benefit from illuminated signs of CLOSED businesses, because they will not be able to purchase items or services from them. The A-frame signage is okay immediately in front of a business (if sidewalk width permits) but not 500 yards away on the side of the road.

Businesses need signage to attract new customers, charge them make some revenue, allow them to have the signage they feel necessary to get customers within reason.....

We must maintain a dark sky policy, especially now as the town grows. I feel businesses for the most part think they are above it all. They will do just fine without all of the lighting, all night long.

The present code should stand and be enforced.

I love the requirement for copper patina signs. Much better than gaudy multicolored signs (Shame on Target for breaking this rule!!!)

I am LESS likely to patronize a business that creates an eyesore.

I believe the excessive signage restrictions discourage many MUCH NEEDED prospective "quality" businesses (both large and small) from establishing their operation in our community.

Maybe use the Pima County code so that all businesses in the county have a level playing field in how they can identify and advertise their businesses.

I have always found it very difficult to find a business (*sic*) in Oro Valley. Signage is very poor, hard to locate a business even when I have an address. Businesses should be allowed to advertise their business perhaps a standard on signage but large enough to be seen.

Churches should also be forced to turn off their signs. All business should turn off/down their parking lot lights past a certain hour.

The strength of Oro Valley is the beautiful view of the mountains and the great efforts made to support outdoor recreation. Do not make Oracle Road in Oro Valley as ugly as Oracle Road near Tucson Mall.

What prompted this sign change in the first place? It was not bothersome for me to drive down La Canada or Oracle at night and see the lit up shopping centers. This seems a big waste of everyone's time - why try to fix something that was not broken?

With respect to signs, I believe an organization would benefit (*sic*) from turning off signs after 10 p.m. (as long they are not still open) in that money spent and carbon footprint generated would both be reduced.

If you look at signs where the light emanates (*sic*) from behind a non-lit front, they do not produce light pollution like neon signs and are more effective. I am thinking of church in town, either on La Canada, or Thornydale where the cross is not lit, but there are light behind it that throw light directly on to the building. It is not obtrusive but very appealing and effective.

Thanks

Get off the backs of the businesses and let them prosper.

I would be strongly against extending the time signs can be lit.

A frames are fine, but only during business open hours and only in front of the business. The signs should be of a standard size so as not to block any traffic or sidewalks.

what happened to uniformity? and the discrete sign color too many exceptions to the rule, especially to conglomerates with well paid legal team

the lighting issue mainly involves all the parking lights left on, sign lighting is less invasive

I am happy to see Oro Valley accepting input regarding their sign code. I believe Oro Valley has not been business friendly and personally know several businesses that have either tried to open in Oro Valley or have heard the horror stories associated with opening a business in Oro Valley and chose not to. Relaxing the sign code would be a step in the right direction. Businesses need advertising and signage plays a very important role. Thank you.

I have been following this big hoopla and I think it's absurd (*sic*), how can a business drum up business if you can't see what a store is? Signs have to be illuminated in order for people to know the business is there. Oro Valley is a very dark town at night ! Stores are going under left and right and they need all the help they can get !

I think "dark skies" are very important to Arizona. I am proud to be a part of and supporter (*sic*) of our Astronomy industry/organizations. I just returned from the east coast and was amazed (*sic*) at the limited view of the stars.

I think Oro Valley has cut their throat on this issue and the throat of the business owners. Why do we have a theater with no marquee or sign showing it is a theater till you are right up front. If we are going to have these places they should be able to excel. You tell me...if you were to drive by the wal-mart center on Tangerine or Oracle not knowing what was there would you be able to tell without driving into the center. We wanted that center and then tie their hands. I drive by every day and it would be nice to know what is playing at the theater if it is going to be there. But for how long?

Business signs illuminated (*sic*) past 9 pm is too late, unless the business is open. I would prefer all off by 8 pm unless the business is still open, then off 1/2 hour past closing. 10 pm is entirely unacceptable. When my family and I drive at night, we are not out sightseeing (*sic*); in fact, we would prefer that there be fewer distracting lights off the sides of the road.

Regarding A-frame signs, they should only be allowed for special events, limited to 5 days per month per business/entity.

I REALLY prefer a uniform, unobtrusive set of signs for the businesses in Oro Valley. I feel this is what gives Oro Valley it's unique look and feel, compared to the rest of Tucson (or most other Arizona towns, for that matter).

Oro Valley, as a town, needs to realize that business owners need to have signs that will draw in customers. Leaving a sign lit up a night is not a problem and will only help the business.

Yard Sale signs on weekends are the only free standing I use and I like that they come down after that day.

I love the signage at the shopping plaza at 1st and Oracle. Please don't let Oro Valley become like Tucson with lots of gaudy ugly signs...

No illuminated signs please. We enjoy dark skies in Oro Valley for Astronomy (*sic*) purposes.

I am very much for the idea of restricting sign size and turning illuminated signs off if the business is closed. The size of a sign not actually on the building of the business itself should correspond to how far that sign sits off the roadway for a "reasonable" person to see and identify where that business is. As far as a sign on a building itself, I believe it should be proportionate to the size of actual business. A small 800 sq. ft. shop should not be allowed to have the same size sign as say a large grocery store chain, etc. As I said before, I also am an advocate of reducing light pollution thus forcing businesses to turn off their lights after they close. Not only is this good energy saving practice, (I credit myself with convincing AMC to shut the billboard and other bright lights off at their Catalina Theater at Campbell and Grant in Tucson, which they had left on all hours of the night even after it was shuttered for good) but it also lets citizens enjoy the "peace" and tranquility of looking at the stars, etc. and provides preservation to the reason many move to Oro Valley (for the "darkness" in the first place.) Obviously, safety and security need to be addressed and some leeway allowed such as street and security lights, but this is another issue. Lights should be on to allow customers to see where the business is located. Lights should not be for solely for advertising at all hours of darkness. If a business is closed, then the light should be off. If anything, this also saves a potential customers time by showing them that if the light is off, the business is closed and there is no need to try and drive into the plaza or otherwise make an attempt at trying to go into that business. If the light is on all the time, but the business is actually closed at a certain time, such as at a fast food restaurant that IS NOT open all night, then many potential patrons may approach the restaurant even though it is closed and waste their time. Thanks for reading my input.

We are losing the night sky. Please keep the lights down. Once we give up the darkness, it is hard to get it back. Our clear night skies are a treasure. Please help preserve them.

All businesses in our community need to be in compliance with our lighting ordinance (*sic*) as it pertains to the light pollution (*sic*) and our long standing astronomy interests. This has been good for our tourism businesses too. I feel there is a happy medium for business to have the proper lighting for safety and continued advertising without being over powering. There is a wonderful local/international organization in town called International Dark Sky Assn that works on this issue and they should be consulted!

We need additional businesses in our community and businesses must be able to identify themselves and be found.

I don't really understand the monument-A-frame question. I want signs that are clear and easy to read, if they are illuminated I assume the business is open. A- frames are okay for shops that are tucked away, but should only be out when business is open. Signs should be tasteful, in keeping with an upscale community. I don't want tons of neon/illuminated signs that spoil views and hinder viewing the night sky. Logos are okay because of immediate identification. No Vegas-like strips, please!!!

Please preserve our Arizona dark sky.

AZ House Bill Title 49 (See Chapter 7)

<http://www.darksky.org>

Why would you need a sign if the business is closed.

We do not need any further distraction at night when driving. I only want to know where a business is during opening hours.

Our town is famous for being "dark" lets keep it that way.

All business signs should be off by 9pm unless the business is still open.

I find that inadequate sized/no numbers on businesses are the biggest frustration I have in locating a business especially the office buildings. I feel that brightly lighted as well as large signage is offensive and a threat to our dark skies. I have previously called the city offices to complain about the bright lights on the signs at the storage center on North Oracle. Lights on at night will never have an influence as to whether I would patronize it during the day.

I think that it is a great idea to take this survey. Thank you

While traveling in the northeast, I was pleasantly surprised at the lack of signage along highways, such as billboards. It was VERY pleasing to the eye. We MUST not cave in to business interests and allow signage to run rampant. I think the argument is very poor that business owners rely on drive-by business and therefore need signs (*sic*) to be big, and illuminated all night. We have WAY too many signs along the road.

Talk about a need for inclusion in a distraction while driving law: is it worse to talk on a cell phone while driving, or to read all of the signage along a roadway?

We must do a better job of using (*sic*) less electricity

The lighted signs at night are a waste of energy and a distraction. Turn them off when the business is closed. Also, Fry's (new) RED sign on Oracle Road is ugly too!

I live north of Oro Valley and drive through Oro Valley every day. I do a lot of shopping in Oro Valley, especially along the Oracle corridor near First Avenue and in Oro Valley Marketplace. The signage that has been allowed, per the Town's signage code, is limited and tasteful, so I see no reason to force businesses to turn off their lights at night if they don't want to. (**nonresident**)

I feel that signs should either be turned off 1 hour after a business closes or by 10pm. Keeping signs on all night is a waste of energy and light pollution for our night skies. Also, if I see a sign on, it leads me to believe that the business is open.

Oro Valley should really get rid of the green signs only rule! It is very difficult to distinguish and see different businesses. Shopping centers look bland and boring with all green signs everywhere too.

Business need to be able to keep their signs on as they see fit.

If the Town imposes a time deadline for businesses, why not tell homeowners to turn their outside lights off, too? This is a bad idea. Let businesses keep thier (*sic*) lights on all night. They are paying for it.

The above-"business signage" questions appear to "fish" for an answer to support an agenda. Wouldn't it have been more neutral to have those questions multiple choice like the others?

I believe the lights should be off after a business closes, for the courtesy of surrounding (*sic*) residents and for the observatorys (*sic*) and the natural beauty of the stars.

I do not understand why it's necessary to have the lights on after 10 pm. In this economy isn't it better to save on the electricity?

Sandwich boards are ok if they are professionally done and kept in good condition. Do not like hand painted, messy signs or ones that look like they've been through many seasons without being cleaned up.

I do not like bright lights - they are very distracting while driving and they ruin the beautiful night skies that we have. Please continue to limit the amount of light that we are projecting into our skies.

no signs extending out from a building, no neon lights, no flags other than AZ and US and those should be limited in size and height

Keep them small. Size does NOT matter. They just show you where to park and what door to go into. Being able to see the stars at night is a real showoff blessing for OV residents to our visitors. When its gone its gone forever.

The unobtrusiveness of signs is a "quality of life" feature of Oro Valley that should be maintained. Moreover, our "dark sky" should be maintained.

The current signage code is fine. In keeping with the need for dark skies in this part of AZ, it is important to minimize light usage after sunset.

It's pretty simple to me. The businesses came to Town knowing what the sign code was (or should have). They should comply.

I moved to Oro Valley because Oracle (and La Canada and Rho V Blvd) is not like Speedway and in my humble opinion it should remain that way.

If a business is counting on someone driving by at 2am seeing a sign and returning at some later date for customers....maybe they should reconsider their business model.

p.s. - I happen to live fairly close to Oracle and drive through the Rooney Ranch/Steam Pump area all the time. I think the low key (compared to south Oracle Rd) look they have is definitely preferential.

Do not use signage except to locate the specific location of a business after I have made a decision to use their services / never see a sign and decide spur of the moment to visit the business.

Would prefer 1 hour after closing or midnight, whichever is the earliest time

Size of sign and design must be regulated. Lighted sign illumination (*sic*) output must be controlled (*sic*). OV does not need light pollution

All Business signage should be backlit. A great example is Home Depot, Fry's, Target, and Office Max on Oracle and First Ave.

The business signage at Tangerine Crossing should have never been allowed to fully illuminate their signs.

I want to continue enjoying the Dark night skys (*sic*) and the stars.

Oro Valley in my opinion is very business unfriendly. The cry is support the local business but the Town is so restrictive concerning business needs, I would understand why businesses wish not to open in OV.

I do not believe anyone who is out driving after 10pm is looking at business signs saying oh now I know where they are, let me drive in and check business (*sic*) hours. do not believe lighting except for security purposes is needed after 10pm.

As bad as the economy is currently, the Government should NOT stifle anything a business can do to bring patrons into their shops. I enjoy seeing business signs at night. When I am out to dinner or visiting friends, these signs stand out more and help me to locate business locations in the daylight. The entrepreneur spirit, that these businesses project, is comforting in these troubled economic times. As an Oro Valley Resident, I want new businesses to feel welcome to set up shop here and bring their profitable / taxable wares to our community.

In these difficult times, I think the rules should be relaxed to make the businesses survive. It's tough enough without overregulation to make it.

I like the idea that Oro Valley complies with the dark sky program.

My only concern would be interference with star gazing. Could these lights be low level or covered on top to prevent a lite sky? I don't want this to be a burden to the business community-I use lite (*sic*) signs and like them

They should be off after business hours. Why waste electricity, and why lighten up our beautiful, starry skies.

All signs should meet the codes that all previous businesses had to meet.

I think the current code is sufficient and allowing any larger signs will pollute the night sky.

Oro Valley is scaring businesses from establishing here. It is absurd to keep restricting signage when the residences are far away from the areas where businesses are established.

I like to support small business in Oro Valley and when I think about how I shop and identify shopping locations, I will often see a sign when I'm going to a restaurant at night and say to myself "oh, next time I need a postal store, here is one close to me".

All signs should be off unless the business is still open.

A-frame signs should not be used for daily signage; but instead limited to special occasions.

If Signs are only limited to a height then they need to be visible (*sic*) from the streets with no obstruction. Or if there are multiple business at a location like a plaza then all the names can be posted on 1 taller sign.

Signs - - THE SPEECH OF THE STREET

WE MUST BECOME MORE OF A BUSINESS FRIENDLY COMMUNITY. PEOPLE SEEM TO BE CONCERNED ABOUT PROPERTY TAXES. IF OUR BUSINESSES DO NOT SUCCEED (*sic*), WE WILL BE FACED WITH THE TAX SITUATION MUCH EARLIER.

1. Need to limit illumination level when it can be seen from residences.
2. Need to make an exception to allow rotating Barber Poles
3. Subdivisions should be allowed to have signage at ALL entrances.

Over use of too many signs would not be my suggestion.

Signs should be illuminated during business hours even if that exceeds the time of midnight. I think it is important for our city's economy, that the businesses are properly advertised with their signs at night because very often, a person is driving at night when it is dark, notices a sign for a business they were unaware was located there, and will end up going there another day.

Why have a code if it's being enforced?

We have enough economic headaches without depriving business of advertising their businesses with signs the Town required them to spend a bundle on in the first place. Let's get real!

Oro Valley has established sign codes and we are in favor of enforcing them. We don't see a reason to change or relax a code every time somebody has an objection.

Ok, to relax for a temporary time frame if the need is urgent or in an emergency.

Business Sign Survey

Business Open Ended Comments

Comments regarding types of signs used

- We do not use signs of any sort
- Monument signage is entirely too small to be effective
- The sign is small, the amount of light generated is small
- We share a lighted monument sign with other tenants. We NEED the illuminated sign over our door on the side of the building so our clients can find our office in the evening. We also use a "for sale" in front of each of our properties for sale.
- I have independent contractors and set hours so am confused as to not having any set time to have my signs shut off. Almost afraid to have my ten thousand dollars signs burning at all.
- I have put a table in front of my center to promote foot-traffic from nearby businesses and provide info to potential families
- Color and size are too restrictive
- open house /model open signs
- Temporary A Frame Signs
- None. Signs are an eye sore.
- My proposal is to set a time of 2 am. This will allow those leaving bars or other late night venues to have signs and should cover all bases
- Our signs are real estate marketing signs

Comments regarding size of signs

- Oro Valley is entirely too restrictive on size of signs - its like you want to put us out of business (*sic*) which will result in lower city revenue!
- We are in the back row of the shopping center, our sign is hardly visible. We need walk-in business, as it is part of our business model---but we aren't allowed to use banners or A-frames, all we have is a tiny sign
- Used to not having any set time to have my signs shut off
- The color of my sign is NOT the branding color of Huntington Learning Center, I was told that I was NOT allowed to use the branding color.
- I think the size limitations are too small and installation of signage should not be encumbered with a design review board process
- Lack of Monument availability (*sic*) is hurting traffic
- It would be nice for people to see me easily from the road and not be confused when trying to find a business
- Signage is another form of free speech! (*sic*) Business pay for or lease a building, they should be able to use any size sign they need or want. No one stops others in making the biggest burger, or cookie or whatever.

Comments regarding banner signage

- We do special promotions, and cannot advertise them to people who drive by
- The limitations to the number of times per year is too restrictive
- I think banner signs should require approval for size, color and duration of being posted
- Business should be allowed to use banners without restrictions to promote their business and products
- We typically only use banners during construction to indicate

Comments regarding application and fees

- We applied to update our signage and should have been given information on the new code before we completed the application. We were never given the information other than when we build the bldg 4 years ago. Codes have changed
- Do not use Signs for our business
- Difficult to navigate the system--at this time I would not recommend Oro Valley as a site to another business owner
- Process takes much too long
- Back in 2000 it was a very trying experience
- Too much money for zero input
- The fees seem expensive compared to other cities.
- \$1000 annual A Frame Sign Permit is criminal
- Overly stringent on specific materials that are very costly
- We find that our costs of doing business in OV the most costly of any of the cities we work in
- I am not the one that submits the applications so I am unaware how they compare

Comments regarding review and approval

- Process takes much too long
- Anything can be done if "extra" fees are paid to push it through the system
- Very cumbersome
- Not sure how it is possible but it actually takes more time in OV than in the City of Tucson which is hard to believe because they are not very quick.
- I am not the one that submits the applications so i am unaware how they compare

Comments regarding DRB Review

- Process takes much too long
- They very seldom like anything the first time
- The process takes too long and staff does not do a very good job of advising people both how long the process is going to take and the steps needed to get there
- Attitude that they don't want business to succeed-no help
- I am not the one that submits the applications so i am unaware how they compare
- Our biggest issue with Oro Valley is the requirements pertaining to color and materials. Our business depends on our Identity and recognition by our clients Signage can be controlled and done tastefully while maintaining identity

Comments regarding staff response time to businesses regarding signage

- The overall philosophy in Oro Valley is obstructionist rather than promoting businesses that provide both the employment and revenue stream that underpin the economic stability of the Town
- Too bad they are not in charge
- They can sometimes be slow
- I have left 3 messages and have yet to receive a call back regarding A-Frames
- It depends on the day and project but overall it is cumbersome
- I am not the one that submits the applications so I am unaware how they compare