

AGENDA
ORO VALLEY TOWN COUNCIL
REGULAR SESSION
January 5, 2011
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 Personnel Matters - Annual Evaluation of the Town Attorney

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

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. Announcement of the Shop Oro Valley Holiday Campaign Final Prize Winner
- b. Presentation of Plaques of Appreciation to members of the Finance and Bond Committee - Chuck Kill for his service from November 2005 to December 2010 and to Peter Lamm for his service from May 2006 to December 2010
- c. Presentation of a Proclamation in Honor of Retiring Town Clerk Kathryn Cuvelier

CONSENT AGENDA

(Consideration and/or possible action)

- A. Minutes - October 13, 20, 27, November 17, December 1, 2010
- B. Police Department - October 2010 Statistics
- C. Coyote Run Monthly Report - November 2010
- D. Resolution No. (R)11-01, Authorizing and Approving Drainage Easements Between the Town of Oro Valley and Two Homeowners on Poinsettia Drive for the Drainage Control Berm Project
- E. Resolution No. (R)11-02, Authorizing and Approving an Intergovernmental Agreement Between the Regional Transportation Authority (RTA) of Pima County and the Town of Oro Valley for Regional Circulator Transit Service Improvements.
- F. Reappointment of Valerie D. Pullara to the Historic Preservation Commission with term effective through December 31, 2012
- G. Appointment of Mike Zinkin as a member to the Oro Valley Board of Adjustment with a term effective through December 31, 2013
- H. Re-appointment of one member and appointment of two new members to the Oro Valley Planning and Zoning Commission (PZC) with terms effective through December 31, 2012

REGULAR AGENDA

- 1. RESOLUTION NO. (R)11-03, AUTHORIZING AND APPROVING THE TOWN OF ORO VALLEY DEVELOPMENT AND INFRASTRUCTURE SERVICES DEPARTMENT TRANSIT SERVICES DIVISION COYOTE RUN FARE INCREASES
- 2. ELECTION OF VICE MAYOR
- 3. DISCUSSION AND POSSIBLE ACTION REGARDING RECOMMENDATIONS FOR SAN JOSE PLAZA, ORACLE ROAD/GREENOCK DRIVE, LEFT TURN LANE
- 4. RESOLUTION NO. (R)11-04, APPROVING THE ANNUAL LEGISLATIVE AGENDA OF THE TOWN AND PROTOCOLS GUIDING THE TOWN'S PRIORITIES FOR THE UPCOMING LEGISLATIVE SESSION AND ANY LOBBYING ACTIVITIES

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: 12/22/10
4:00 p.m.
tlg

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.

Town Council Regular Session

Date: 01/05/2011

Requested by: Amanda Jacobs, Economic Development Manager

Submitted By: Amanda Jacobs, Town Manager's Office

Department: Town Manager's Office

Information

SUBJECT:

Announcement of the Shop Oro Valley Holiday Campaign Final Prize Winner

RECOMMENDATION:

N/A

EXECUTIVE SUMMARY:

Per the Economic Development Division goals for FY2010/11, the Town's "Shop Oro Valley" program was expanded to include a "Shop Oro Valley" Holiday Campaign.

From November 1, 2010 – January 5, 2011, residents and visitors were asked to drop-off receipts from Oro Valley businesses totaling \$25 or more at Town Hall and be entered into a weekly drawing. The drawings included gift cards sponsored by All About Running & Walking, El Charro Café/Orange Leaf Yogurt, The Loop, Down Home Delights and more. The final prize is a staycation at the beautiful Hilton El Conquistador, which includes a two night stay, with two rounds of golf or two 60 minute massages and the Hilton Buffet breakfast for two for each morning. The winner of the staycation will be announced this evening by Mayor Hiremath.

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

The gift cards and staycation were sponsored by Oro Valley businesses.

SUGGESTED MOTION:

N/A

Item #: b.

Town Council Regular Session

Date: 01/05/2011

Presentation of Plaques of Appreciation to Chuck Kill and Peter Lamm for their service on Finance & Bond Committee

Information

Subject

Presentation of Plaques of Appreciation to members of the Finance and Bond Committee - Chuck Kill for his service from November 2005 to December 2010 and to Peter Lamm for his service from May 2006 to December 2010



Item #: c.

Town Council Regular Session

Date: 01/05/2011

Requested by:

Mayor Satish Hiremath

Submitted By:

Mary Davis, Town
Manager's Office

Department:

Town Manager's Office

Information

SUBJECT:

Presentation of a Proclamation in Honor of Retiring Town Clerk Kathryn Cuvelier

RECOMMENDATION:

N/A

EXECUTIVE SUMMARY:

Kathryn Cuvelier is retiring as Town Clerk after 30 years of service to the Oro Valley community. Kathi was the 10th employee hired by the Town in 1980 and we wish to recognize Kathi for her many years of dedication to this community and our organization.

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

N/A



Item #: A.

Town Council Regular Session

Date: 01/05/2011

Submitted By: Kathryn Cuvelier, Town Clerk's Office

Department: Town Clerk's Office

Information

SUBJECT:

Minutes - October 13, 20, 27, November 17, December 1, 2010

RECOMMENDATION:

Attached are drafts of the Minutes from the October 20th and 27th Town Council Meetings. The minutes of the October 13, November 17th and December 1st meetings will be delivered prior to the January 5th Council meeting.

EXECUTIVE SUMMARY:

N/A

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to approve the minutes as presented or with the following corrections....

Attachments

Link: [Minutes - 10-20-10](#)

Link: [Minutes - 10-27-10](#)

MINUTES
ORO VALLEY TOWN COUNCIL
REGULAR SESSION
October 20, 2010
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CANADA DRIVE

REGULAR SESSION AT OR AFTER 5:00 PM

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

ROLL CALL

PRESENT: Satish Hiremath, Mayor
Bill Garner, Vice Mayor
Barry Gillaspie, Councilmember (arrived at 5:06 p.m.)
Joe Hornat, Councilmember
Mary Snider, Councilmember
Steve Solmon, Councilmember
Lou Waters, Councilmember

EXECUTIVE SESSION

MOTION: A motion was made by Councilmember Hornat and seconded by Councilmember Waters to go into Executive Session at 5:00 p.m. to receive legal advice regarding Ventana Medical Systems, Inc., a member of the Roche Group, Financial Participation Agreement pursuant to ARS 38-431.03(A)(3).

MOTION carried, 6-0.

Mayor Hiremath stated that the following staff members would join Council in Executive Session: Assistant Town Manager Stacey Lemos, Town Attorney Tobin Rosen, Town Clerk Kathryn Cuvelier, Economic Development Manager Amanda Jacobs, and Development and Infrastructure Services Director Suzanne Smith.

MOTION: A motion was made by Councilmember Snider and seconded by Vice Mayor Garner to go out of Executive Session at 5:20 p.m.

MOTION carried, 7-0.

RESUME REGULAR SESSION

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

ROLL CALL

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

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

UPCOMING MEETING ANNOUNCEMENTS - Communications Specialist Kelsie Hanson announced the upcoming Town meetings.

COUNCIL REPORTS

Councilmember Snider reported that on Friday, October 15th, the Town held their first Economic Summit. The Town Council met with 37 large and small business owners, education leaders, and citizens to discuss the priorities of the community.

Councilmember Gillaspie thanked Town Manager Jerene Watson, Economic Development Manager Amanda Jacobs, Development and Infrastructure Services Director Suzanne Smith, Interim Assistant Town Manager Stacey Lemos, and Town Attorney Tobin Rosen for all of their hard work and guidance in bringing Ventana Medical Systems Inc., a member of the Roche Group, to Oro Valley. This addition will create roughly 500 jobs and have an approximate 640 million dollar impact on southern Arizona.

Councilmember Gillaspie also thanked the Tucson Regional Economic Opportunities Inc. (TREO) for their coordination and technical leadership throughout the entire process.

Councilmember Hornat thanked Councilmember Gillaspie and Mayor Hiremath for their tireless efforts in bringing Ventana Medical Systems to Oro Valley.

Councilmember Solomon thanked the Police Department for all of their efforts in obtaining the five grant items listed on the Consent Agenda.

DEPARTMENT REPORTS

No reports received.

ORDER OF BUSINESS

Mayor Hiremath stated that the order will stand as is.

CALL TO AUDIENCE

Oro Valley resident Mr. John Musolf stated that he was concerned with policy setting by Town staff with limited Council oversight regarding the approval of an extra paid holiday on December 24th and December 31st for Town staff.

Mr. Musolf also stated that he would like the Town Code changed to state that two Councilmembers and the Mayor shall be present when setting the Town Council agenda so that the power remains with the Council.

Oro Valley resident Mr. Don Bristow stated that he was concerned about the sign code revision process. Mr. Bristow stated that the Oro Valley General Plan creates barriers which should be preserved and followed regarding signage. Mr. Bristow said that the sign code should balance citizen concerns with the needs of business, create standards for signage with least intrusive signage possible, and prevent over concentration, improper placement, excessive size, and clutter of signs.

Oro Valley resident Mr. Bill Adler stated that the suggestions listed as vital at the Economic Summit are already incorporated in the General Plan and the Strategic Plan. Mr. Adler stated that the financial stability of the Town revolves around revenue and if the residents of Oro Valley would like to sustain the same level of services that they have become accustomed to, the Town should look into the possibility of raising taxes.

PRESENTATIONS

- a. TONY PENN, PRESIDENT AND CEO OF UNITED WAY OF TUCSON AND SOUTHERN ARIZONA SINCE JULY 2010, WILL DELIVER A BRIEF PRESENTATION TO THE TOWN COUNCIL

Mr. Tony Penn, President and CEO of United Way of Tucson and southern Arizona, gave a brief presentation regarding the United Way.

Mr. Penn stated that the United Way advances the common good by creating opportunities for a better life for all by focusing on three main strategic objectives: Education, Income, and Health.

The United Way of Tucson and southern Arizona is made up of more than 70 partner agencies who have served more than 100,000 people in 2009. Within the Town of Oro Valley, the United Way has assisted nine child care centers, two family childcare homes, and served over 500 children and their families. The United Way also has two Volunteer Income Tax Assistance sites within Oro

Valley that have completed returns for 231 families, thus returning \$350,000 to the economy.

The United Way offers programs that teach financial literacy such as:

- Financial Literacy Program
- Balancing your checkbook
- Starting a savings account
- Buy savings bonds

Mr. Penn thanked the Council for partnering with the United Way and is looking forward to a great campaign this year.

- b. PROCLAMATION DECLARING THE WEEK OF OCTOBER 25 - 29, 2010 AS 2010 ARIZONA CITIES AND TOWNS WEEK

Mayor Hiremath declared the week of October 25-29, 2010 as 2010 Arizona Cities and Towns week.

- c. PROCLAMATION DECLARING OCTOBER 20, 2010 AS ROTARY DAY IN ORO VALLEY TO ORO VALLEY ROTARY CLUB PRESIDENT TEREER BERGMAN

Mayor Hiremath presented a proclamation to Rotary Club President Tereer Bergman declaring October 20, 2010 as Rotary day in Oro Valley.

- d. PRESENTATION REGARDING QUARTERLY GOLD STAR AWARD RECIPIENTS

Town Clerk Kathryn Cuvelier announced the quarterly Gold Star award recipients. The Gold Star award went to: Hector Alvarado, Craig Civalier, Lynn Garcia, Brian Garrity, Daniel Gonzales, Bob Greer, Nate Hall, Tim Hardin, John Hutchinson, Mike Juarez, Jason Larter, Steve Puig, Shawn Ricksecker, Jason Rivas, Ray Rodriguez, Suzanne Smith, Glen Spiker, Mike Stephens, John Teachout, Charlie Tegeler, Mike Todnem, Phil Trenary, Kevin Verville, Mary Rallis, Betty Dickens, Stacey Lemos, Wendy Gomez, Art Cuaron, Arinda Asper, Tim McGuire, Vicki Posler, Heidi Kinwald, Julie Smiley, Scott Nelson, and Amanda Jacobs.

1. CONSENT AGENDA

Vice Mayor Garner requested that items (F) and (J) be removed from the Consent Agenda to be voted on separately.

MOTION: A motion was made by Councilmember Gillaspie and seconded by Councilmember Hornat to approve the Consent Agenda with the exception of items (F) and (J).

MOTION carried, 7-0.

- A. Minutes - September 8, 15, and 21, 2010
- B. Fiscal Year 2010/11 Financial Update through August 2010
- C. Police Department - August 2010 Statistics
- D. Resolution No. (R)10-70 Authorizing and Approving a High Intensity Drug Trafficking Area (HIDTA) Grant Agreement between the City of Tucson and the Town of Oro Valley, allowing for one (1) Officer to be assigned to the Pima County HIDTA Investigative Task Force
- E. Resolution No. (R)10-71 Authorizing and Approving an Intergovernmental Agreement between the Town of Oro Valley and the Regional Transportation Authority of Pima County for Calle Concordia Bike Lanes From Calle Buena Vista to Calle Loma Linda
- G. Resolution No. (R)10-73 Authorizing and Approving a Subgrantee Agreement Between the Town of Oro Valley and the Arizona Department of Homeland Security for Purchasing Equipment for Enhanced Telecommunication for the Oro Valley Police Department's Terror Liaison Officer
- H. Resolution No. (R)10-74 Authorizing and Approving a Subgrantee Agreement Between the Town of Oro Valley and the Arizona Department of Homeland Security to Fund the Tucson Urban Area Security Initiative (TUASI) Regional Emergency Operations Center Equipment Initiative
- I. Resolution No. (R)10-75 Authorizing and Approving a Subgrantee Agreement Between the Town of Oro Valley and the Arizona Department of Homeland Security to Continue Funding a Full Time Oro Valley Police Department Planner for the Tucson Urban Area Security Initiative (TUASI) Regional Planning Cooperative
- K. Ratification of letter confirming that Craig Civalier, Town Engineer for the Town of Oro Valley, is hereby authorized to sign on behalf of the Town of Oro Valley the ADOT 5310 contract and take possession of the awarded grant funded vehicles.
- L. Cancellation of November 3, 2010 and December 15, 2010 Regular Town Council meetings
- M. *Resolution No. (R)10-77 Authorizing and approving a Financial Participation Agreement between the Town of Oro Valley and Ventana

Medical Systems, Inc., a member of the Roche Group

N. *Amending the 2010 Town Council Liason Assignments by adding Liaisons to Imagine Greater Tucson and Arroyo Grande Annexation Team

F. Resolution No. (R)10-72 Authorizing and Approving a Subgrantee Agreement Between the Town of Oro Valley and the Arizona Department of Homeland Security to Purchase Air Cards to Enhance Communication for the Oro Valley Police Department's Terror Liaison Officer (PULLED FOR DISCUSSION)

Vice Mayor Garner asked why the aircards were being purchased and how many of the aircards were requested.

Police Chief Daniel Sharp stated that fifty aircards have been requested and that the aircards will be issued to the Terror Liaison Officers (TLO) in the southern Arizona region in order to assure communication between the TLO's.

MOTION: A motion was made by Councilmember Solomon and seconded by Councilmember Waters to approve Resolution No. (R)10-72.

MOTION carried, 7-0.

J. Resolution No. (R)10-76 Declaring As A Public Record That Certain Document Entitled Chapter 10, Offenses, Article 10-6, Anti-Graffiti, Attached hereto as Exhibit "A" and filed with the Town Clerk; and declaring an emergency, immediately making the amendments a public record (PULLED FOR DISCUSSION)

Vice Mayor Garner asked for clarification as to why item (J) was listed with an emergency clause.

Town Clerk Kathryn Cuvelier stated that the Town saves money by not having to publish all of the amendments in the newspaper and that in order for the amendments to become effective immediately, an emergency must be declared.

MOTION: A motion was made by Vice Mayor Garner and seconded by Councilmember Snider to approve Resolution No. (R)10-76.

MOTION carried, 7-0.

2. PUBLIC HEARING - ORDINANCE NO. (O)10-12 ADOPTING A NEW ORO VALLEY TOWN CODE CHAPTER 10, OFFENSES, ARTICLE 10-6, ANTI-GRAFFITI, AND REPEALING THE CURRENT ARTICLE 10-6.

Acting Town Engineer Paul Keesler gave a brief overview of the revised graffiti ordinance. The revised graffiti ordinance is intended to:

- Expedite the process of graffiti removal
- Increase penalties from \$25 to \$100
- Include residential properties in the prevention provisions

Discussion ensued between the Council regarding the proposed changes to the graffiti ordinance.

Police Chief Daniel Sharp stated that there has been a rise in graffiti over the last couple of years and the new proposed graffiti ordinance will help to stop the spread of graffiti by eliminating it quickly.

Vice Mayor Garner proposed using cameras in areas with a high concentration of graffiti.

Mayor Hiremath opened the public hearing.

Oro Valley resident Mr. Harold Adair stated that the Town has been doing a great job with cleaning up the graffiti but the problematic areas include Arizona Department of Transportation (ADOT) and State land.

Mayor Hiremath closed the public hearing at 7:26 p.m.

MOTION: A motion was made by Councilmember Gillaspie and seconded by Vice Mayor Garner to approve Ordinance No. (O)10-12 and directed staff to continue with revising sections 6-3, 6-4, 6-8.

MOTION carried, 7-0.

3. DISCUSSION AND POSSIBLE ACTION REGARDING ORO VALLEY MUNICIPAL POOL HOURS OF OPERATION

Aquatics Manager Catherine Atalla gave a brief presentation regarding the municipal pool hours of operation. Topics covered included:

- Budget reduction
- Reduced pool hours
- Creation of Innovations Team's Solution Squad and Pool Users Working Group
- Aquatics Facility Action Plan
- Recommendations

Discussion ensued between the Council regarding:

- Pool rates and usage
- New revenue generating programs
- Pool feasibility study

Oro Valley resident Mr. John Musolf asked why the pool was closed from 9:00 a.m. to 3:00 p.m., Monday through Friday, after a reduction in lifeguard staff of .65.

Parks, Recreation, Cultural Resources & Library Director Ms. Legner stated that the reduction of .65 lifeguards was made this year because last fiscal year, the Town made all of the operational reductions that they possibly could in the aquatics division. The only thing left to cut was staff hours.

Oro Valley resident Ms. Helen Cates stated that she is concerned over the limited pool hours. The pool is well used and she would like to see the pool hours increased.

Oro Valley resident Ms. Margaret Mothersead stated that she would like to see the pool hours extended. The pool site is beautiful and is one of the things that makes Oro Valley special.

Discussion ensued between the Council regarding the amount of lifeguards needed to safely manage the pool and effectively run the pool operations.

MOTION: A motion was made by Councilmember Solomon and seconded by Councilmember Gillaspie to approve the recommendation of increasing the pool hours two hours per day with a friendly amendment to re-evaluate the financial position of the pool in three and six months.

MOTION carried, 7-0.

4. CONSIDERATION AND POSSIBLE ACTION REGARDING NARANJA PARK (TOWN SITE) OPTIONS

Parks, Recreation, Cultural Resources & Library Director Ainsley Legner gave a brief overview of the the Naranja Park options.

- There is \$258,000 available in the Naranja Park Fund for projects/improvements
 - Project should be low or no maintenance
 - Parks and Recreation Advisory Board recommended using the money for one large item
 - Staff recommendations
 - Landscaping on eastern ridge
- Develop proposals for:
- 18 Hole Disc Golf Course
 - Archery Park

Mr. Gerry Perry stated that archery is a fast growing sport in the community. The walk around archery course can be designed in a very safe manner with minimal impact to the environment.

Discussion ensued between Council regarding the proposed disc golf course, archery park and the recommended landscaping on the eastern ridge.

Oro Valley resident Ms. Lyra Done stated that she has worked on the Naranja Town site since the land was purchased. Ms. Done stated that there can be signature archery events at the park site since there is a demand for archery in the community.

MOTION: A motion was made by Councilmember Hornat and seconded by Councilmember Solomon to direct staff to develop proposals for the 18 hole disc golf course and the archery park and to exclude the landscaping along the eastern ridge.

MOTION carried, 7-0.

5. FUTURE AGENDA ITEMS

There were no requests.

CALL TO AUDIENCE

No comments were received.

ADJOURNMENT

MOTION: A motion was made by Councilmember Waters and seconded by Councilmember Hornat to adjourn the meeting at 8:37 p.m.

MOTION carried, 7-0.

Prepared by:

Michael Standish, CMC
Deputy Town Clerk

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular session of the Town of Oro Valley Council of Oro Valley, Arizona held on the 20th 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 _____, 2011.

Kathryn E. Cuvelier, CMC
Town Clerk

**DRAFT
MINUTES
ORO VALLEY TOWN COUNCIL
SPECIAL SESSION/STUDY SESSION
October 27, 2010
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CANADA DRIVE**

SPECIAL SESSION AT OR AFTER 5:00 PM

**CALL TO ORDER: 5:02 p.m.
ROLL CALL**

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

EXCUSED: Bill Garner, Vice Mayor

EXECUTIVE SESSION AT OR AFTER 5:00 PM

MOTION: A motion was made by Councilmember Snider and seconded by Councilmember Waters to go into Executive Session pursuant to ARS 38-431.03(A)(3) Legal Advice regarding annexation. MOTION carried 6 - 0.

Mayor Hiremath announced that joining Council in Executive Session would be Interim Assistant Town Manager Stacey Lemos, Town Attorney Tobin Rosen, Town Clerk Kathryn Cuvelier, Assistant to the Town Manager Kevin Burke and Economic Development Manager Amanda Jacobs.

MOTION: A motion was made to go out of Executive Session at 6:00 p.m. by Councilmember Snider and SECONDED by Councilmember Waters.

MOTION carried 6 - 0.

RESUME SPECIAL SESSION: 6:02 p.m.**CALL TO ORDER
ROLL CALL**

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

EXCUSED: Bill Garner, Vice Mayor

PUBLIC HEARING - ORDINANCE NO. (O)10-13 AMENDING THE ORO VALLEY ZONING CODE REVISED CHAPTER 31, DEFINITIONS, SECTION 23.1, PERMITTED USES AND SECTION 25.1(V), USE REGULATIONS REGARDING MEDICAL MARIJUANA DISPENSARIES, ON SITE AND OFF SITE CULTIVATION LOCATIONS AND MEDICAL MARIJUANA CAREGIVER AND QUALIFYING PATIENT CULTIVATION LOCATIONS; 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; AND, ADOPTION OF RESOLUTION NO. (R)10-78 AUTHORIZING AND APPROVING PIMA COUNTY ORDINANCE NO. 2010-58 RELATING TO THE REGISTRATION OF MEDICAL MARIJUANA DISPENSARIES, CARDHOLDERS, DESIGNATED CAREGIVERS, DISPENSARY AGENTS, QUALIFYING PATIENTS AND VISITING QUALIFYING PATIENTS

Planning Division Manager David Williams and Town Attorney Tobin Rosen reviewed the proposed State Proposition 203, the Arizona Medical Marijuana Act and the Town's proposed ordinance to regulate facilities related to the cultivation and dispensation of medical marijuana.

It was discussed that the proposed ordinance would amend the Oro Valley Zoning Code Revised (OVZCR) to regulate the use and location of marijuana dispensaries and cultivation locations. The OVZCR does not currently regulate this type of use or facilities. The City of Tucson, Pima County and Marana have considered similar code amendments. It was explained that the Planning Division has worked closely with the Town's Legal Department and obtained assistance from other jurisdictions to draft the amendment. It was clarified that this amendment does not create new restrictions on the use of property and is not intended to reduce any existing rights to use, divide, sell or possess private real property.

It was also explained that adoption of the proposed resolution would authorize and approve the Pima County Ordinance allowing Pima County to enforce provisions for registering dispensaries, cardholders, caregivers, and patients within our Town boundaries.

Mayor Hiremath opened the Public Hearing.

Oro Valley resident Kimberly Haslet expressed her desire to open a medical marijuana dispensary to help those people in Oro Valley that have serious health issues. She asked for reasonable and appropriate zoning laws and stated that limiting the hours of operation for a dispensary will not cut down the crime rate. She asked that Council step back and talk to other attorneys before making this decision. She stated that the Arizona Proposition is only 34 pages and is not like California.

Oro Valley resident Caleb Deupree stated that her mother had 3 medical conditions that would have met the list in Proposition 203. He felt that her pain could have been better controlled if medical marijuana would have been available. He expressed his support of the adoption of the proposed Ordinance and Resolution.

Pima County Chief Deputy County Attorney Amelia Cramer spoke on behalf of Pima County Attorney Barbara LaWall. She thanked Oro Valley staff for preparing the regulations and spoke in support of the proposed medical marijuana regulations. She explained that the City of Tucson Council plans to vote November 9th on their Ordinance with an emergency clause so that the regulations will go into effect immediately. She explained the reasons for the regulations needed in the proposed ordinance. The Pima County Attorney strongly urged the Mayor and Council to adopt the proposed Ordinance and Resolution. She clarified that a total of 124 dispensaries will be allowed on a "first come, first serve" basis anywhere within the State of Arizona.

Oro Valley resident Diane Manchester stated that she recently retired from the City of Phoenix Police Department due to her diagnosis of Multiple Sclerosis. She explained her reasons for supporting the passage of the medical marijuana proposition for medical usage.

Mayor Hiremath closed the public hearing.

MOTION: Councilmember Waters MOVED to adopt Ordinance No. (O)10-13, Definitions and Regulations related to Medical Marijuana in the form of an amendment to the zoning code as specified in the Ordinance, and adoption of Resolution No. (R)10-78, authorizing Pima County to enforce county Ordinance 2010-58 relating to registration of medical marijuana dispensaries, cardholders, caregivers, dispensary agents and qualifying patients. MOTION SECONDED by Councilmember Gillaspie.

MOTION carried 6 - 0.

APPOINTMENT OF RESIDENT MARK NAPIER TO SERVE ON THE PLANNING AND ZONING COMMISSION WITH TERM EFFECTIVE THROUGH DECEMBER 31, 2011

MOTION: Councilmember Snider MOVED to appoint Oro Valley resident Mark Napier to serve on the Planning and Zoning Commission with term effective through December 31, 2011. MOTION SECONDED by Councilmember Hornat.

MOTION carried 6 - 0.

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)

No future agenda items were requested.

ADJOURN SPECIAL SESSION

MOTION: A MOTION was made by Councilmember Hornat and seconded by Councilmember Waters to adjourn the special session at 6:54 p.m.

MOTION carried 6 - 0.

STUDY SESSION AT OR AFTER 5:00 PM

**STUDY SESSION
CALL TO ORDER: 6:55 PM**

ROLL CALL

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

EXCUSED: Bill Garner, Vice Mayor

Discussion Regarding Joint Marketing Efforts with the Town of Marana

Economic Development Manager Amanda Jacobs reviewed the joint marketing options with the Town of Marana.

It was discussed that this was a great partnership with the Town of Marana and a great way to start pursuing future marketing projects.

Discussion Regarding Sign Code Task Force Recommendations Related to Permanent Signs (Continued from October 13, 2010 Study Session)

Economic Development Manager Amanda Jacobs, Planning Manager David Williams and the Mayor and Council reviewed and discussed the Sign Code Task Force recommendations for Permanent Signs including Entryway Signs, Freestanding/Monument Signs, Under Canopy Signs, Wall Signs and Signage Illumination.

Mayor Hiremath opened the floor for public comment.

Oro Valley resident Donald Bristow expressed his support for the businesses to turn off their illuminated signage at 10 p.m.

Oro Valley resident Bill Adler objected to the Council's process of reviewing the Sign Code Task Force's recommendations based on feelings and not facts or formula or science. He stated that he felt that it is arbitrary to make decisions on the Code based upon feelings and comfort levels rather than fact based information. He stated that it would be better to accept the United States Sign Council's framework, some signage may be slightly larger, but it would be the most unobtrusive because the design, location and attractiveness of it would be pleasing.

It was clarified that Council did read the recommendations and Council was not voting on the Sign Code Task Force recommendations, but simply giving staff direction on how to write the Code amendments to bring back to a future public hearing.

Discussion Regarding Current Code, Sign Code Task Force Recommendations and Staff Recommendations Related to Real Estate Signs

Economic Development Manager Amanda Jacobs stated that staff recommends approval of the Sign Code Task Force recommendations. She then reviewed the Chart of Recommendations regarding the quantity, location and duration of the Real Estate Signs.

Mayor Hiremath opened the floor for public comment.

Oro Valley resident Bill Adler expressed concerns with making changes to the sign code and felt there is no rationale for making any changes.

Economic Development Manager Amanda Jacobs stated that at the November

17th Regular Session, the Sign Code recommendations for temporary signs would be discussed. She also stated that the Sign Code Task Force recommendations and the temporary sign waiver program would be brought back to the Council in January 2011 and the public hearing for these items will be held in February 2011.

ADJOURN STUDY SESSION

MOTION: Councilmember Waters MOVED to adjourn the study session at 8:07 p.m. Motion seconded by Councilmember Gillaspie.

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 27th 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 _____, 2011.

Kathryn E. Cuvelier, CMC
Town Clerk



Item #: B.

Town Council Regular Session

Date: 01/05/2011

Requested by:

Catherine Hendrix, Office **Submitted By:**
Specialist

Catherine Hendrix,
Police Department

Information

SUBJECT:

Police Department - October 2010 Statistics

Attachments

Link: [October 2010 Statistics](#)

ORO VALLEY POLICE DEPARTMENT POLICE ACTIVITY SUMMARY

2010	TOTAL	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Total Calls	14392	1357	1343	1492	1345	1635	1371	1393	1527	1466	1463		
Commercial Veh Enforcement	143	11	6	30	22	5	1	1	3	57	7		
Residential Burglaries****	49	3	8	2	7	2	4	4	6	8	5		
Non-Residential Burglaries****	17	3	1	3	2	2	3	0	1	0	2		
All Burglary Attempts****	9	1	0	0	0	2	1	0	0	3	2		
Thefts	526	32	45	42	62	69	38	61	70	64	43		
Vehicle Thefts****	23	3	2	1	2	4	0	4	4	1	2		
Recovered Stolen Vehicles****	9	1	1	0	0	1	0	1	1	0	4		
Attempted Vehicle Thefts****	5	1	0	1	0	2	0	1	0	0	0		
DUI	186	28	14	20	22	22	16	10	17	28	9		
Liquor Laws	40	4	4	1	8	7	1	2	5	3	5		
Drug Offenses	150	17	13	20	12	22	11	9	12	18	16		
Homicides	0	0	0	0	0	0	0	0	0	0	0		
Robbery	8	0	1	0	0	1	0	1	2	3	0		
Assault	108	12	7	8	11	13	5	10	16	12	14		
Total Arrests***	1667	174	193	164	179	217	144	118	175	168	135		
Assigned Cases	615	60	66	70	50	64	53	56	71	67	58		
Alarms (Residential)	748	56	68	69	61	69	104	100	81	66	74		
Alarms (Business)	435	28	44	49	50	46	41	55	43	38	41		
K9 Searches	221	26	10	33	18	18	24	30	20	35	7		
First Aid Calls	1991	177	184	207	208	212	197	190	209	185	222		
Accidents	411	48	41	41	42	43	38	23	39	50	46		
Citations (Traffic)**	5065	683	650	536	351	609	477	588	623	548	**		
Warnings	5460	723	612	531	426	491	492	614	590	539	442		
Repair Orders	1180	127	156	150	107	78	59	67	96	242	98		
Public Assists*	1851	175	201	264	228	196	95	141	250	167	134		
Reserve Man Hours	1010.5	133.5	132.5	140	176.5	140	46	67	81.5	42	51.5		
Dark House Checks*	14254	846	462	641	1215	1729	1219	2219	2684	1735	1504		
Drug Task Force Arrest	92	6	1	28	25	5	11	2	8	5	1		
CVAP Dark House Cks	8901	413	145	204	767	1354	767	1474	1925	988	864		
CVAP Public Assists	711	81	66	97	104	96	39	59	90	40	39		
CVAP Total Hours	14366.5	1435	1448.5	1417	1544	1468	1186	1497	1727.5	1205.5	1438		

(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	118	18	17	7	1	13	19	15	18	10			
TITLE 28 VIOLATIONS													
SIZE, WEIGHT, LOAD	2	0	1	1	0	0	0	0	0	0			
INSURANCE VIOLATION	1112	168	149	112	83	112	103	141	139	105			
REGISTRATION VIOLATION	578	116	72	51	33	66	55	57	63	65			
DRIVERS LICENSE VIOLATION	449	65	53	50	35	66	46	40	52	42			
DUI	179	28	15	20	23	22	16	10	17	28			
RECKLESS/AGGRESSIVE DRIVING	16	1	1	1	3	1	3	1	2	3			
SPEEDING	1424	151	163	130	98	123	177	210	235	137			
LANE VIOLATIONS	182	20	21	17	11	26	23	19	22	23			
RED LIGHT	95	10	19	10	5	13	11	7	11	9			
STOP SIGN	85	18	13	8	11	5	2	2	22	4			
FAILURE TO YIELD	88	12	18	8	9	12	7	7	8	7			
SEATBELT VIOLATION	348	26	44	53	2	77	19	42	14	71			
CHILD RESTRAINT	10	1	1	1	1	2	1	0	1	2			
EQUIPMENT VIOLATIONS	222	29	37	36	9	38	9	31	16	17			
PARKING	12	2	0	1	1	2	3	1	2	0			
LITTERING	14	1	0	2	2	4	2	3	0	0			
ALL OTHER CITATIONS	277	49	38	33	25	40	21	17	19	35			
Total Citations	5072	697	645	534	351	609	477	588	623	548			

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

	Jan-Oct 2008	Jan-Oct 2009	Jan-Oct 2010		October 2008	October 2009	October 2010
Total Calls	13924	13976	14392		1414	1466	1463
Commercial Veh Enforcement	##	##	143		##	##	7
Residential Burglaries	68	78	49		5	17	5
Non-Residential Burglaries****	28	14	17		4	3	2
All Burglary Attempts****	15	12	9		3	1	2
Thefts	486	439	526		50	49	43
Vehicle Thefts	34	20	23		4	4	2
Recovered Stolen Vehicles****	8	9	9		1	2	4
Attempted Vehicle Theft****	7	3	5		2	0	0
DUI	193	216	186		12	18	9
Liquor Laws	57	62	40		2	5	5
Drug Offenses	163	161	150		10	18	16
Homicides	1	0	0		0	0	0
Robbery	6	2	8		1	0	0
Assault	116	100	108		15	12	14
Total Arrests***	1519	2031	1667		149	177	135
Assigned Cases	935	643	615		77	67	58
Alarms (Residential)	714	797	748		67	73	74
Alarms (Business)	354	349	435		38	36	41
K9 Searches	165	232	221		31	23	7
First Aid Calls	2007	2011	1991		187	202	222
Accidents	510	459	411		52	56	46
Citations (Traffic)**	7855	6763	5065		489	607	**
Warnings	2769	5914	5460		325	525	442
Repair Orders	764	902	1180		207	47	98
Public Assists*	1810	1778	1851		104	154	134
Reserve Man Hours	335	2002.5	1010.5		54	125.5	51.5
Dark House Checks*	7932	11577	14254		817	1062	1504
Drug Task Force Arrest	51	306	92		5	3	1
CVAP Dark House Cks	6461	6249	8901		702	594	864
CVAP Public Assists	770	645	711		47	48	39
CVAP Total Hours	12692	11572.5	14366.5		1156.5	1297	1438

*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
OCTOBER 2010**

Priority 1		
	# of calls	%
Dispatch Time < 1 minute	24	96%
> 1 minute	1	4%
Travel Time < 4 minutes	16	64%
> 4 minutes	9	36%
Total Response Time		
< 5 minutes	21	84%
> 5 minutes	4	16%
Total Calls	25	

Priority 2		
	# of calls	%
Dispatch Time < 2 minute	67	99%
> 2 minute	1	1%
Travel Time < 6 minutes	55	81%
> 6 minutes	13	19%
Total Response Time		
< 8 minutes	61	90%
> 8 minutes	7	10%
Total Calls	68	

Priority 3		
	# of calls	%
Dispatch Time < 5 minute	324	99%
> 5 minute	3	1%
Travel Time < 10 minutes	296	91%
> 10 minutes	31	9%
Total Response Time		
< 15 minutes	318	97%
> 15 minutes	9	3%
Total Calls	327	

Priority 4		
	# of calls	%
Dispatch Time < 10 minute	803	97%
> 10 minute	23	3%
Travel Time < 20 minutes	807	98%
> 20 minutes	19	2%
Total Response Time		
< 30 minutes	806	98%
> 30 minutes	20	2%
Total Calls	826	



Item #: C.

Town Council Regular Session

Date: 01/05/2011

Requested by: Aimee Ramsey, Transit Services Administrator

Submitted By: Aimee Ramsey, Development Infrastructure Services

Information

SUBJECT:

Coyote Run Monthly Report - November 2010

SUMMARY:

DISCUSSION:

FISCAL IMPACT:

Attachments

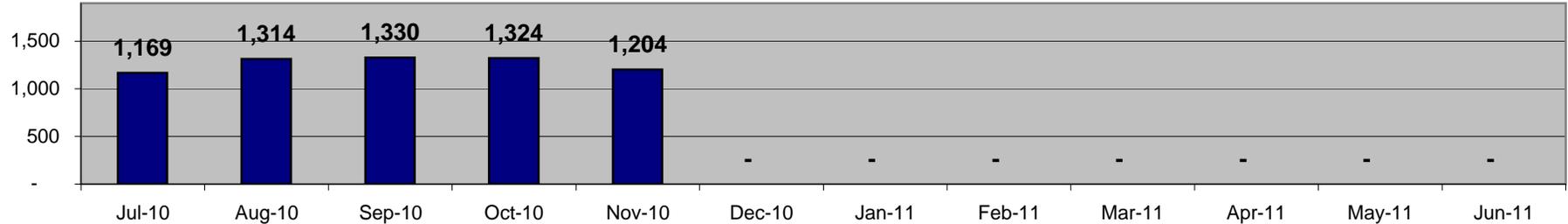
Link: [November 2010 Report](#)



Month	Jul-10	Aug-10	Sep-10	Oct-10	Nov-10	Dec-10	Jan-11	Feb-11	Mar-11	Apr-11	May-11	Jun-11
Revenue Hours	584.5	546.5	626.2	631.7	699.7	-	-	-	-	-	-	-
Passengers*	1,169	1,314	1,330	1,324	1,204	-	-	-	-	-	-	-
Pass/Rhour	2.00	2.40	2.12	2.10	1.72	-	-	-	-	-	-	-
YTD Rev. Hours	584.5	1,130.9	1,757.1	2,388.8	3,088.5	-	-	-	-	-	-	-
YTD Passengers	1,169	2,483	3,813	5,137	6,341	-	-	-	-	-	-	-
YTD Pass/RHour	2.00	2.20	2.17	2.15	2.05	-	-	-	-	-	-	-

Passenger Trips*

* A trip is defined as a one-way passenger trip. Each trip is a one-way trip.

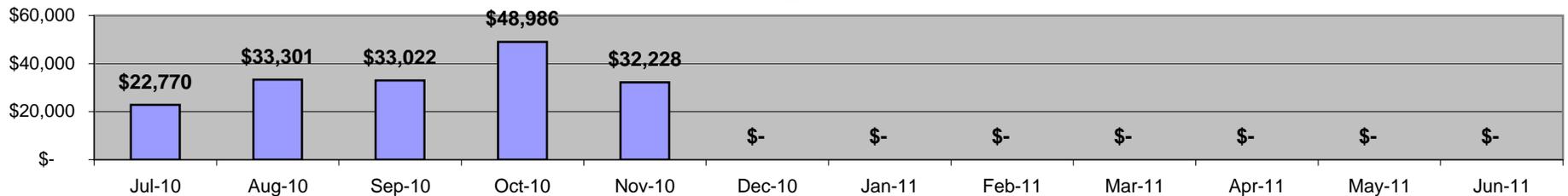


Month	Jul-10	Aug-10	Sep-10	Oct-10	Nov-10	Dec-10	Jan-11	Feb-11	Mar-11	Apr-11	May-11	Jun-11
Oper Expenses	\$ 22,770	\$ 33,301	\$ 33,022	\$ 48,986	\$ 32,228	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Expenses ¹	\$ 35,814	\$ 33,703	\$ 33,022	\$ 48,986	\$ 32,601	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
YTD TExpenses	\$ 35,814	\$ 69,517	\$ 102,539	\$ 151,525	\$ 184,126	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Farebox	\$ 2,524	\$ 5,112	\$ 3,101	\$ 7,080	\$ 3,018	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
YTD Farebox	\$ 2,524	\$ 7,636	\$ 10,737	\$ 17,817	\$ 20,835	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Volunteer Hours ²	104.0	88.5	61.8	137.2	91.5	-	-	-	-	-	-	-

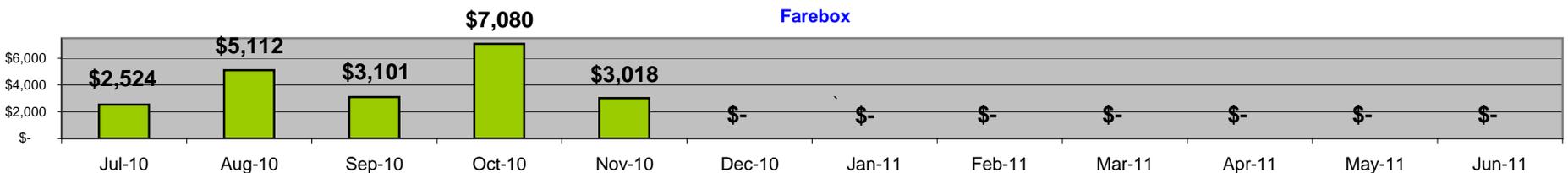
¹ Total Expenses include outside services and other non-operating capital. (Maintenance Estimated)

² YTD 486 Hours ≈ \$7,927

Operating Expenses



Farebox





November 2010 System Summary

- Passenger demand continues to rise as more seniors register
 - Operated 356 less monthly miles or 3.2% as compared to November 2009
 - Carried 22 less passenger trips or 1.8% as compared to November 2009
 - Provided 230 less service hours or 6.98% due to reduction in staffing levels as compared to November 2009
 - Passenger Per Hour reached 2.05
 - Farebox revenues are above projected decrease due to anticipated loss of ridership
-
- Requested rides exceeded capacity 12 out of 19 operational days

Days service demand exceeded capacity

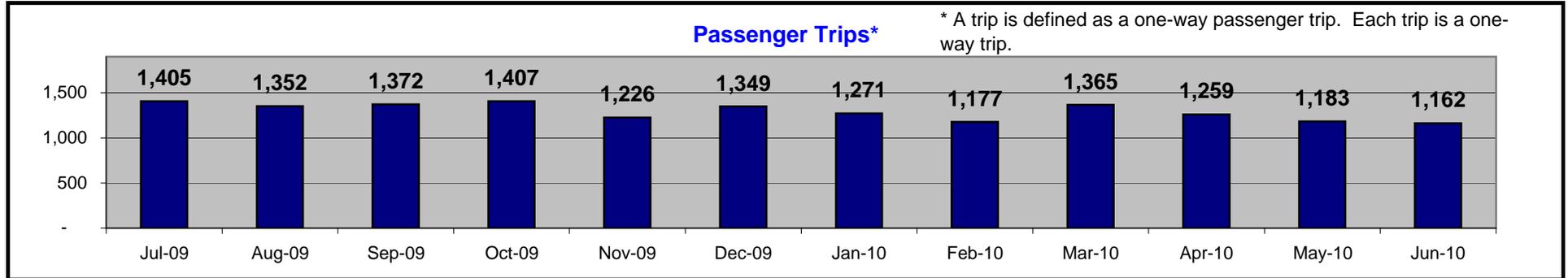
12 / 19 63.2%

Year to Date:

<u>New Riders</u>	57		
Female	37	65%	
Male	20	35%	
ADA Eligible	2	4%	
Disabled	3	5%	
Seniors	52	91%	
			Average Age of Seniors: 80.3



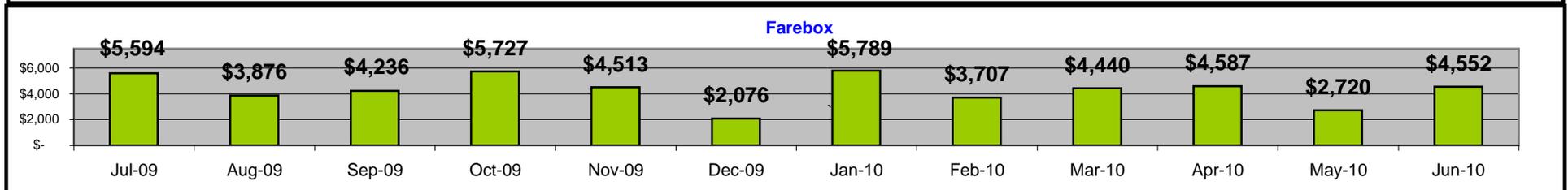
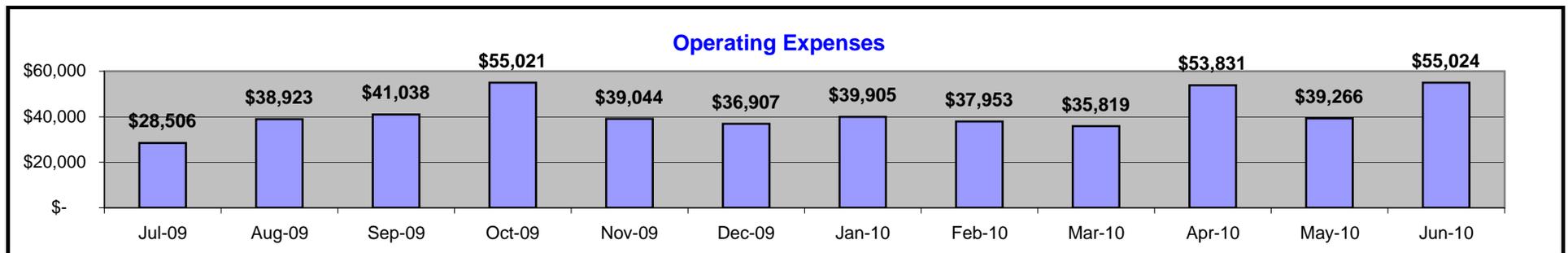
Month	Jul-09	Aug-09	Sep-09	Oct-09	Nov-09	Dec-09	Jan-10	Feb-10	Mar-10	Apr-10	May-10	Jun-10
Revenue Hours	663.6	695.6	680.9	668.7	609.2	643.0	601.4	561.1	675.4	622.7	582.5	513.9
Passengers*	1,405	1,352	1,372	1,407	1,226	1,349	1,271	1,177	1,365	1,259	1,183	1,162
Pass/Rhour	2.12	1.94	2.01	2.10	2.01	2.10	2.11	2.10	2.02	2.02	2.03	2.26
YTD Rev. Hours	663.6	1,359.2	2,040.2	2,708.9	3,318.0	3,961.0	4,562.4	5,123.6	5,798.9	6,421.6	7,004.1	7,518.0
YTD Passengers	1,405	2,757	4,129	5,536	6,762	8,111	9,382	10,559	11,924	13,183	14,366	15,528
YTD Pass/RHour	2.12	2.03	2.02	2.04	2.04	2.05	2.06	2.06	2.06	2.05	2.05	2.07



Month	Jul-09	Aug-09	Sep-09	Oct-09	Nov-09	Dec-09	Jan-10	Feb-10	Mar-10	Apr-10	May-10	Jun-10
Oper Expenses	\$ 28,506	\$ 38,923	\$ 41,038	\$ 55,021	\$ 39,044	\$ 36,907	\$ 39,905	\$ 37,953	\$ 35,819	\$ 53,831	\$ 39,266	\$ 55,024
Total Expenses ¹	\$ 28,999	\$ 39,452	\$ 41,226	\$ 55,167	\$ 39,426	\$ 40,609	\$ 39,961	\$ 38,013	\$ 35,869	\$ 53,855	\$ 39,291	\$ 68,112
YTD TExpenses	\$ 28,999	\$ 68,451	\$ 109,676	\$ 164,844	\$ 204,270	\$ 244,879	\$ 284,840	\$ 322,853	\$ 358,722	\$ 412,578	\$ 451,868	\$ 519,980
Farebox	\$ 5,594	\$ 3,876	\$ 4,236	\$ 5,727	\$ 4,513	\$ 2,076	\$ 5,789	\$ 3,707	\$ 4,440	\$ 4,587	\$ 2,720	\$ 4,552
YTD Farebox	\$ 5,594	\$ 9,470	\$ 13,706	\$ 19,433	\$ 23,946	\$ 26,022	\$ 31,811	\$ 35,518	\$ 39,958	\$ 44,545	\$ 47,265	\$ 51,817
Volunteer Hours ²	90.5	107.8	63.5	75.5	40.0	49.9	67.0	48.5	84.8	77.3	96.0	63.5

¹ Total Expenses include outside services such as the RTA Park and Ride costs and other non-operating capital.

² YTD 864.17 Hours ≈ \$14,103





Item #: D.

Town Council Regular Session

Date: 01/05/2011

Requested by:

David Parker, Stormwater Engineer

Submitted By: David Parker,
Development
Infrastructure
Services

Department:

Development Infrastructure Services

Information

SUBJECT:

Resolution No. (R)11-01, Authorizing and Approving Drainage Easements Between the Town of Oro Valley and Two Homeowners on Poinsettia Drive for the Drainage Control Berm Project

RECOMMENDATION:

Staff recommends approval of the drainage easements between the Town of Oro Valley and the two homeowners in order to support the Poinsettia Hill Drainage Control Berm Project.

EXECUTIVE SUMMARY:

The intersection of Pomegranate and Poinsettia streets has been a stormwater safety and maintenance issue for many years. Water, sediment and debris flow across and remain on the road after most rain events. The Town began a three phase project to address this issue in April 2010. Two of the three phases are complete. These drainage easements are required to address the last phase of the project which will involve the construction of a drainage control berm on the homeowner's properties to redirect water flowing down the hill into an existing concrete drainage.

BACKGROUND OR DETAILED INFORMATION:

The intersection of Pomegranate and Poinsettia has been a safety and maintenance issue during and after most rain events due to the intersection configuration. This is a T intersection located at the bottom of a hill. A sizable wash crosses the road just to the east of the intersection. Due to this configuration, a large flow of water, sediment and debris cross and remain in the roadway after any sizable rainfall. A three phase project was initiated in April 2010 to put culverts under the road at the wash, build side interceptor channels along the road going down the hill, and build a drainage control berm to divert a large portion of the water and sediment away from the road into an existing concrete drainage channel. The first two phases of the project are complete and all that remains is the drainage control berm. The berm will be constructed on the property of two homeowners who have signed the attached drainage easements authorizing the construction on their property.

FISCAL IMPACT:

The estimated project cost is \$23,000 and is included in the stormwater budget for this fiscal year. Once the project is complete it is anticipated that maintenance savings will occur from the reduced cleanup required at this intersection after storms.

SUGGESTED MOTION:

I MOVE to adopt Resolution No. (R)11-01, Authorizing and Approving Drainage Easements between the Town of Oro Valley and two Homeowners on Poinsettia Drive for the Drainage Control Berm Project.

Attachments

Link: [Resolution R11-01 Poinsettia](#)

Link: [Poinsettia Hill Location Map](#)

Link: [Poinsettia Hill Berm Design](#)

Link: [Poinsettia Hill Easement - Jefferies](#)

Link: [Poinsettia Hill Drainage Easement - White](#)

RESOLUTION NO. (R) 11-01

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, AUTHORIZING AND APPROVING DRAINAGE EASEMENTS BETWEEN THE TOWN OF ORO VALLEY AND TWO HOMEOWNERS ON POINSETTIA DRIVE FOR THE DRAINAGE CONTROL BERM PROJECT

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 intersection of Pomegranate Drive and Poinsettia Drive has been a stormwater drainage safety and maintenance issue for years; and

WHEREAS, a three phase project was initiated in April 2010 to address the drainage safety and maintenance issue at the intersection of Pomegranate Drive and Poinsettia Drive and two phases are complete; and

WHEREAS, the last phase of the project is to build a drainage control berm on two properties along Poinsettia Drive to remove a large portion of the water and sediment from reaching the road during rain events and to divert the water to an existing concrete drainage channel; and

WHEREAS, the Town coordinated with the two homeowners on which the drainage control berm will be constructed in order for each homeowner to grant the Town a drainage easement which is required in order to construct the drainage control berm; and

WHEREAS, it is in the best interest of the Town to approve the Drainage Easements from the two homeowners on Poinsettia Drive in order allow the Town legal access to their properties to construct a drainage control berm to alleviate future flooding events.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Oro Valley that the Drainage Easements between the Town of Oro Valley and two homeowners on Poinsettia Drive, attached hereto as Exhibits “A” and “B” and incorporated herein by this reference, are hereby authorized and approved.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona, this 5th day of January, 2011.

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”

EXHIBIT “B”



TOWN OF ORO VALLEY
TOWN COUNCIL

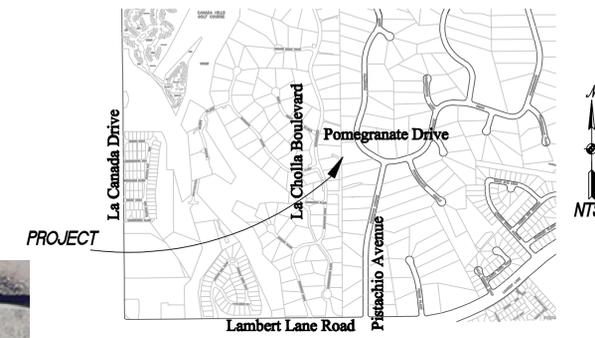
MAYOR - SATISH I. HIREMATH
JOE HORNAT
STEVE SOLOMON
LOU WATERS

VICE MAYOR - WILLIAM GARNER
BARRY GILLASPIE
MARY SNIDER

GENERAL NOTES

- ALL MATERIALS AND WORKMANSHIP ARE TO BE IN ACCORDANCE WITH PIMA COUNTY/CITY OF TUCSON STANDARD SPECIFICATIONS FOR PUBLIC IMPROVEMENTS (PC/COT SSP), EDITION OF 2003, EXCEPT AS MODIFIED HEREBY.
- ALL CONSTRUCTION AND TESTING METHODS SHALL BE IN CONFORMANCE WITH PC/COT SSP, EDITION OF 2003, EXCEPT AS MODIFIED HEREBY.
- ALL WORK SHALL BE IN CONFORMANCE TO GRADING STANDARDS, CHAPTER 27 OF THE ORO VALLEY ZONING CODE REVISED.
- EXCAVATION AND BACKFILL FOR STRUCTURES SHALL CONFORM TO PC/COT SSP, SECTION 203-5.
- EARTHWORK SHALL CONFORM TO PC/COT SSP, SECTION 203.
- ALL CONCRETE SHALL CONFORM TO PC/COT SSP, SECTION 1006, CLASS S, 3,000 PSI COMPRESSIVE STRENGTH AT 28 DAYS, UNLESS OTHERWISE SPECIFIED.
- A STAMPED SET OF APPROVED PLANS SHALL BE KEPT IN AN EASILY ACCESSIBLE LOCATION ON THE JOB SITE AT ALL TIMES OR DURING CONSTRUCTION.
- CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION REGULATIONS.
- CONTRACTOR SHALL CALL BLUE STAKE (1-800-782-5348) TO VERIFY LOCATION OF ALL UTILITIES PRIOR TO COMMENCEMENT OF CONSTRUCTION.
- CONTRACTOR SHALL OBTAIN ALL PERMITS REQUIRED BY GOVERNMENTAL AGENCIES.
- UPON COMMENCEMENT OF WORK, TRAFFIC CONTROL DEVICES SHALL BE POSTED AND MAINTAINED BY THE CONTRACTOR UNTIL SUCH TIME AS THE WORK IS COMPLETED. ALL WARNING SIGNS, BARRICADES, ETC., SHALL BE IN ACCORDANCE WITH THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES ADOPTED BY THE STATE OF ARIZONA PURSUANT TO A.R.S. 28-650.
- IF UNANTICIPATED CONDITIONS ARE ENCOUNTERED DURING THE COURSE OF CONSTRUCTION AND ARE BEYOND THE SCOPE OF THE DESIGN, THE ENGINEER SHALL SUBMIT THE NECESSARY REVISED OR SUPPLEMENTAL IMPROVEMENT PLANS FOR REVIEW AND APPROVAL BY THE TOWN OF ORO VALLEY PRIOR TO SUCH REVISIONS/CHANGES BEING MADE IN THE FIELD.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE CARE AND MAINTENANCE OF EXISTING IMPROVEMENTS AND VEGETATION IN THE WORK AREA. PAVEMENT, CURBS, CART PATHS AND ANY OTHER OBSTRUCTIONS DAMAGED DURING CONSTRUCTION ARE TO BE REPLACED BY THE CONTRACTOR. ANY UNDERGROUND PIPES, IRRIGATION LINES, IRRIGATION CONTROLS, DRAINS, STRUCTURES, OR OBSTRUCTIONS NOT SHOWN ON THESE PLANS SHALL BE MOVED, ALTERED, OR REPAIRED BY THE CONTRACTOR WHEN ENCOUNTERED, AS DIRECTED BY THE ENGINEER, AND IS A DEFINITE PART OF THIS PROJECT.
- THE CONTRACTOR SHALL GIVE FORTY-EIGHT (48) HOURS NOTICE WHEN THEY SHALL REQUIRE THE SERVICES OF THE ENGINEER OR ANY OTHER PERSON PROPERLY AUTHORIZED FOR SUCH PURPOSE FOR LAYING OUT ANY PORTION OF THE WORK. THEY SHALL ALSO DIG ALL STAKE HOLES NECESSARY TO GIVE LINE AND LEVELS AND SHALL PROVIDE ASSISTANCE CALLED FOR BY THE ENGINEER OR THEIR ASSISTANTS UPON ANY PART OF THE WORK WHENEVER SO REQUESTED, AND SHALL PRESERVE ALL STAKES SET FOR THE LINES, LEVELS OR MEASUREMENTS OF THE WORK IN THEIR PROPER PLACES UNTIL AUTHORIZED TO REMOVE THEM BY THE ENGINEERS. ANY EXPENSE INCURRED IN REPLACING ANY STAKES WHICH THE CONTRACTOR OR THEIR SUBORDINATES MAY HAVE FAILED TO PRESERVE SHALL BE CHARGED TO THE CONTRACTOR.
- IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO FURNISH, HAUL AND APPLY ALL WATER REQUIRED FOR COMPACTION AND FOR THE CONTROL OF DUST FROM CONSTRUCTION ACTIVITY. THE COST THEREOF IS TO BE INCLUDED IN THE GRADING CONSTRUCTION PRICE.
- IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE SURVEYOR PROVIDING THE CONSTRUCTION LAYOUT TO VERIFY THE BENCHMARK AND COMPARE THE SITE CONDITIONS WITH THE PLANS AND SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCIES OBSERVED. SHOULD ANY BENCHMARK, GRADE OR DESIGN INDICATED ON THE PLANS BE SUSPECT, THE ENGINEER SHALL BE NOTIFIED OF SAID BENCHMARK, GRADE OR DESIGN PROBLEM AT LEAST TWENTY-FOUR HOURS BEFORE CONSTRUCTION IS SCHEDULED TO BEGIN ON THE AFFECTED AREA.
- IT SHALL BE THE SOLE RESPONSIBILITY OF THE OWNER(S), THEIR SUCCESSORS OR ASSIGNS, (AND/OR THEIR CONTRACTOR, THEIR SUCCESSORS OR ASSIGNS AS APPLICABLE) TO PURSUE ANY NEGOTIATIONS, OBTAIN ANY AGREEMENTS AND/OR PERMITS, ETC., FROM ALL NECESSARY OWNERS, PRIVATE AND/OR GOVERNMENTAL AGENCIES IN CHARGE OF PROPERTIES AND/OR RIGHTS-OF-WAY ADJACENT TO (OR NEIGHBORING) THIS PROJECT, THAT MAY BE REQUIRED TO DO ANY WORK (CONSTRUCTION, ACCESS, MODIFICATIONS, GRADING, DRAINAGE, STRUCTURES, ROADS, ETC.) ENCRoACHING OR AFFECTING - DIRECTLY OR INDIRECTLY - ON THESE ADJACENT PROPERTIES AND RIGHTS-OF-WAY IN ANY CONCEIVABLE MANNER, REGARDLESS OF WHETHER OR NOT THIS WORK IS SHOWN OR DESCRIBED ON THESE PLANS (OR) ON THIS PLAT.
- EXISTING PROPERTY, RIGHT-OF-WAY, & EASEMENT LIMITS INFORMATION SHOWN ON PLANS WERE COMPILED BASED ON BEST AVAILABLE RECORDS TO THE ENGINEER & HAVE NOT BEEN VERIFIED BY SURVEY. THE CONTRACTOR SHALL VERIFY ACTUAL LOCATION OF ALL PROPERTY, RIGHT-OF-WAY, & EASEMENT LIMITS PRIOR TO CONSTRUCTION. ANY REPAIRS FROM DAMAGE/ALTERATION AS A RESULT OF ENCRoACHMENT OUT OF THOSE LIMITS SHALL BE AT THE EXPENSE OF THE CONTRACTOR.

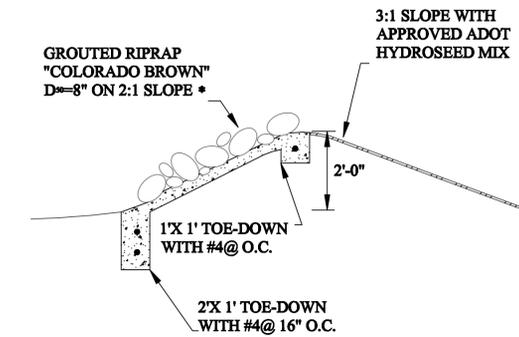
DRAINAGE CONTROL BERM N. POINSETTIA DRIVE PROJECT # OV 30 09/ 10 21



LOCATION MAP
A Portion of the Northeast 1/4 of Section 36,
T-12-S, R-13-E, SECTION 11 G. & S. R. M.,
Pima County, Arizona

LEGEND

- Grouted Rip Rap
- Concrete Toe-down
- Property/Lot Limits
- Right of Way Limits
- Proposed Construction/Maintenance Easement
- Direction of Flow
- Existing Elevation
- Proposed Elevation



***NOTE:GROUT FOR GROUDED RIPRAP SHALL BE PLACED PRIOR TO THE PLACEMENT OF ANY ROCK. ROCK SHALL BE PLACED BY HAND & PENETRATE INTO THE GROUT TO THE DEPTH SPECIFIED BY ENGINEER**

Two working days before you dig
CALL FOR THE BLUE STAKES
800-782-5348
Blue Stakes Center
CALL COLLECT

Approved by:

Town of Oro Valley Town Engineer

Date

SCALES HORZ. 1"= 20'-0" SHEET 1 OF 1
VERT. N/A

TOWN OF ORO VALLEY DEPARTMENT OF PUBLIC WORKS ENGINEERING DIVISION

NO.	REVISION DESCRIPTION	DIV/SECTION	ENGR.	DATE

DESIGNED	FL	DATE
DRAWN	CWD	9/10
CHECKED		9/10
PROJ. ENGR.		

**DRAINAGE CONTROL BERM
N. POINSETTIA DRIVE
OV 30 09/10 21**

11000 N. La Canada Dr.
Oro Valley, Az 85737
520-229-4800



GRANTEE

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"



10141 N. Rancho Sonora Drive, Oro Valley, AZ 85737-3679
Office (520) 219-4506 Fax (520) 219-4505

**PROPOSED DRAINAGE AND ACCESS EASEMENT
EXHIBIT LOT 13
LEGAL DESCRIPTION**

A portion of the Southeast one-quarter of Section 11, Township 12 South, Range 13 East, Gila & Salt River, Pima County, Arizona, more particularly described as follows;

COMMENCING at the Southwest corner of Lot 13 of the Monte Del Oro subdivision, per the plat as recorded in Book 27 on Page 99 in the office of the Pima County Recorder;

THENCE North 89 degrees 57 minutes 05 seconds East, a distance of 7.81 feet along the South line of said Lot 13 to the POINT OF BEGINNING;

THENCE North 01 degrees 01 minutes 36 seconds East, a distance of 99.36 feet;

THENCE South 86 degree 45 minutes 15 seconds East, a distance of 31.17 feet;

THENCE South 03 degrees 20 minutes 42 seconds West, a distance of 62.33 feet;

THENCE South 78 degrees 32 minutes 30 seconds East, a distance of 59.07 feet;

THENCE South 66 degrees 47 minutes 47 seconds East, a distance of 59.62 feet, to a point on the South line of said Lot 13;

THENCE South 89 degrees 57 minutes 05 seconds West, along said South line, a distance of 50.66 feet;

THENCE leaving said South line, North 66 degrees 47 minutes 47 seconds West, a distance of 11.03 feet;

THENCE North 78 degrees 32 minutes 30 seconds West, a distance of 78.32 feet;

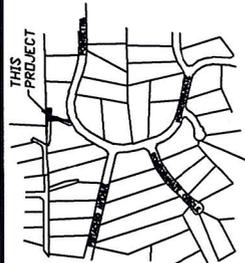
THENCE South 02 degrees 00 minutes 27 seconds West, a distance of 15.14 feet, to a point on the South line of said Lot 13;

THENCE South 89 degrees 57 minutes 05 seconds West, along said South line, a distance of 27.07 feet, to the POINT OF BEGINNING.

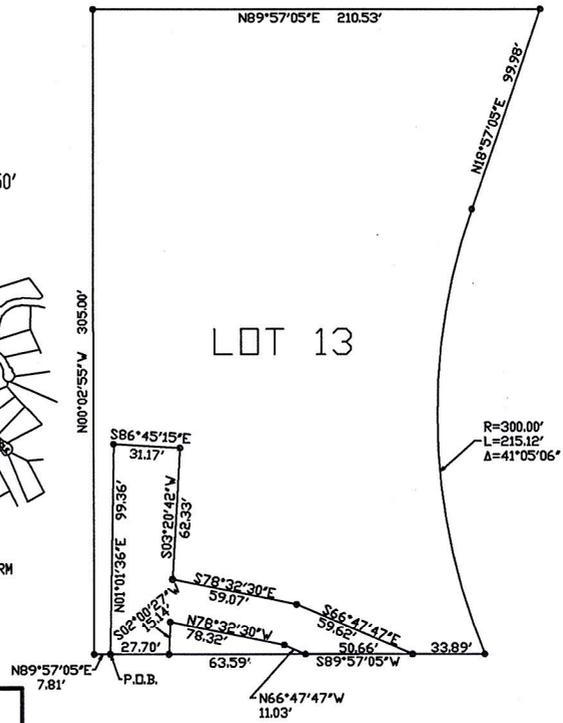
Containing 4717 sq. ft. or 0.108 acres, more or less.



SCALE: 1" = 50'



LOCATION MAP
SE1/4, SECTION 11
T 12 S, R 13 E, G&SRM



PROPOSED DRAINAGE AND
ACCESS EASEMENT - LOT 13
MONTE DEL DRD

JOB NO.	DATE	SHEET
10030-13	11-23-2010	2 OF 2



STATEWIDE LAND SURVEYING

10141 N RANCHO SONORA DR.
DRD VALLEY AZ. 85737
(520) 219-4506

When recorded send to:
Joseph N. Andrews
Chief Civil Deputy Town Attorney
Town of Oro Valley
11000 N. La Canada Drive
Oro Valley, Arizona 85737

DRAINAGE EASEMENT

Judith H. White ("Grantor") does hereby convey to the Town of Oro Valley, a municipal corporation of the State of Arizona ("Grantee"), an easement for the maintenance of a drainage control berm, including but not limited to, drainage improvements over and across the property described on the attached Exhibit "A" (the "Property").

The Grantee shall have the right to maintain improvements within the Property and to enter upon the Property for the purpose of maintaining the easement and its improvements located thereon.

Grantor agrees that no buildings, structures, fences or trees shall be placed upon the Property and that the natural contours of the Property shall not be excavated, filled or altered without the prior written approval of the Grantee.

All grants, covenants and conditions of this easement shall inure to the benefit of and be binding upon the successors in interest to the Grantee and Grantor.

IN WITNESS WHEREOF, Grantor has executed this easement this 13 day of DEC, 2010.

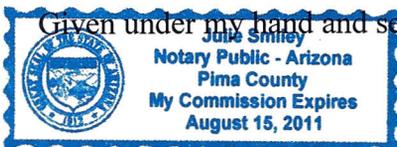
GRANTOR

By: Judith H. White
Judith H. White

State of Arizona)
) ss.
County of Pima)

On this 13 day of December, 2010, Judith H. White, known to me to be the person whose name is subscribed to the within instrument, personally appeared before me and acknowledged that she executed the same for the purposes contained.

Given under my hand and seal on December 13, 2010.



Julie Smiley
Notary

My Commission Expires: August 15, 2011

GRANTEE

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"



10141 N. Rancho Sonora Drive, Oro Valley, AZ 85737-3679
Office (520) 219-4506 Fax (520) 219-4505

**PORPOSED DRAINAGE AND ACCESS EASEMENT
EXHIBIT LOT 12
LEGAL DESCRIPTION**

A portion of the Southeast one-quarter of Section 11, Township 12 South, Range 13 East, Gila & Salt River, Pima County, Arizona, more particularly described as follows;

COMMENCING at the Northwest corner of Lot 12 of the Monte Del Oro subdivision, per the plat as recorded in Book 27 on Page 99 in the office of the Pima County Recorder;

THENCE North 89 degrees 57 minutes 05 seconds East, a distance of 7.81 feet along the North line of said Lot 12 to the POINT OF BEGINNING-1;

THENCE continuing North 89 degrees 57 minutes 05 seconds East, along said North line, a distance of 27.07 feet;

THENCE leaving said North line, South 02 degree 00 minutes 27 seconds West, a distance of 145.97 feet

THENCE South 14 degrees 45 minutes 46 seconds West, a distance of 59.76 feet;

THENCE North 75 degrees 13 minutes 09 seconds West, a distance of 15.51 feet;

THENCE North 04 degrees 17 minutes 50 seconds East, a distance of 71.19 feet;

THENCE North 01 degrees 01 minutes 36 seconds East, a distance of 128.73 feet, to the POINT OF BEGINNING-1.

Containing 142,379 sq. ft. or 3.269 acres, more or less.

TOGETHER with a portion of the Southeast one-quarter of Section 11, Township 12 South, Range 13 East, Gila & Salt River, Pima County, Arizona, more particularly described as follows;

COMMENCING at the Northwest corner of Lot 12 of the Monte Del Oro subdivision, per the plat as recorded in Book 27 on Page 99 in the office of the Pima County Recorder;

THENCE North 89 degrees 57 minutes 05 seconds East, a distance of 99.10 feet along the North line of said Lot 12 to the POINT OF BEGINNING-2;

THENCE continuing North 89 degrees 57 minutes 05 seconds East, along said North line, a distance of 50.66 feet;

THENCE leaving said North line, South 66 degree 47 minutes 47 seconds East, a distance of 37.10 feet;

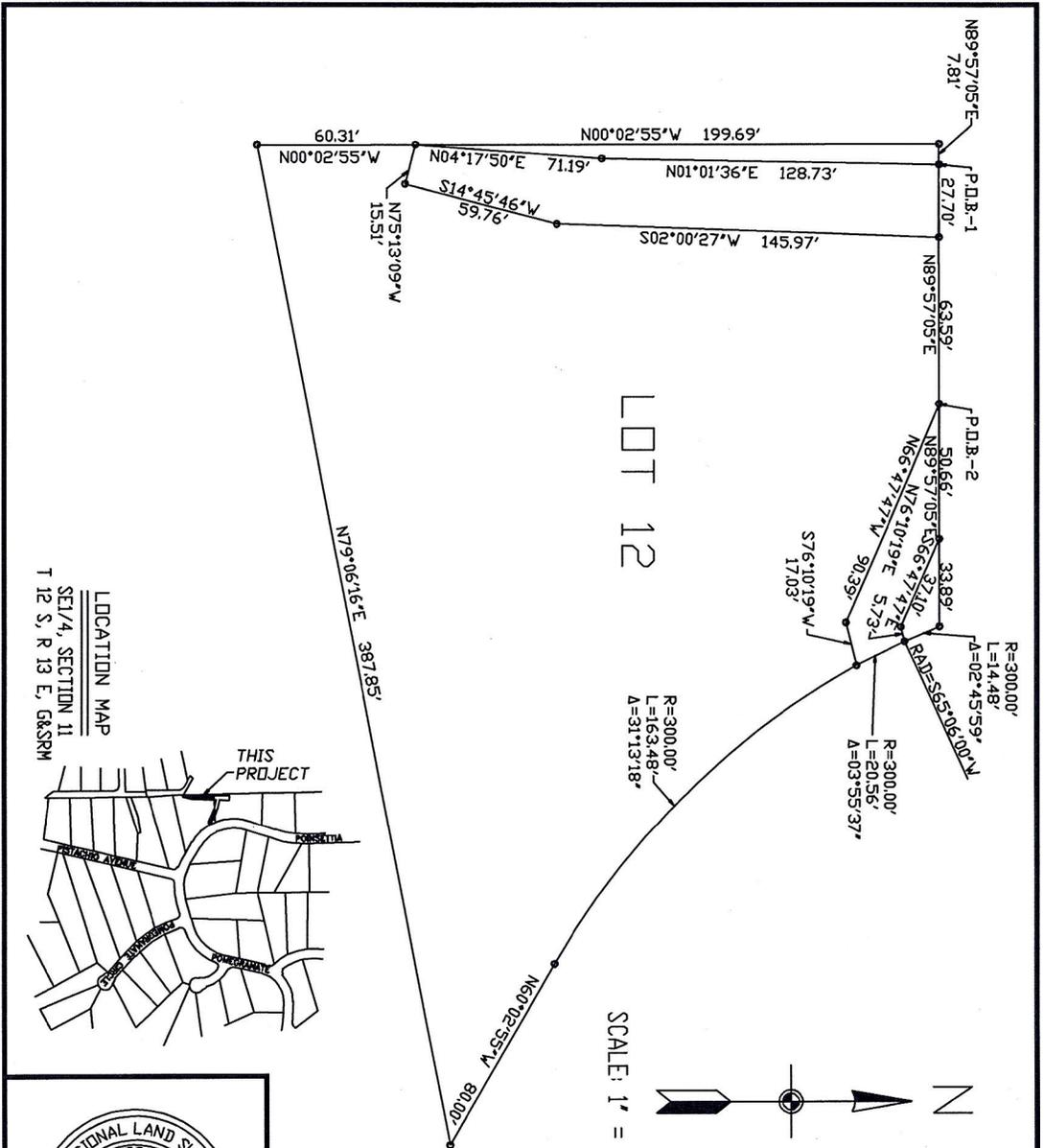
THENCE North 76 degrees 10 minutes 19 seconds East, a distance of 5.73 feet to a point on a non-tangent curve. A radial line through said point bears South 65degrees 06 minutes 00 seconds West. Said point being on the Westerly Right of Way line of Poinsettia Drive;

THENCE 20.56 feet along the arc of said curve and said Right of Way, to the left, having a radius of 300.00 feet through a central angle of 03 degrees 55 minutes 37 seconds;

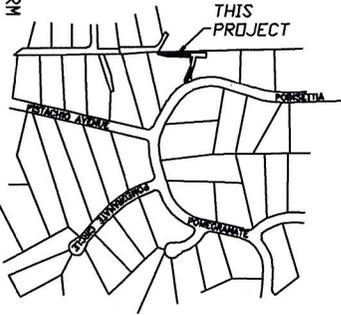
THENCE leaving said Right of Way, South 76 degrees 10 minutes 19 seconds West, a distance of 17.03 feet;

THENCE North 66 degrees 47 minutes 47 seconds West, a distance of 90.39 feet, to the POINT OF BEGINNING-2.

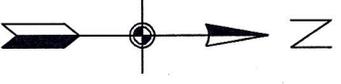
Containing 1503 sq. ft. or 0.035 acres, more or less.



LOCATION MAP
 SE1/4, SECTION 11
 T 12 S, R 13 E, G&SRM



SCALE: 1" = 50'



PROPOSED DRAINAGE AND ACCESS EASEMENT - LOT 12 MONTE DEL DRD

JOB NO.	DATE	SHEET
10030-12	11-23-2010	3 OF 3



STATEWIDE LAND SURVEYING

10141 N RANCHO SONORA DR.
 DRD VALLEY AZ. 85737
 (520) 219-4506



Item #: E.

Town Council Regular Session

Date: 01/05/2011

Requested by: Aimee Ramsey, Transit Services Administrator
Submitted By: Aimee Ramsey, Development Infrastructure Services
Department: Development Infrastructure Services

Information

SUBJECT:

Resolution No. (R)11-02, Authorizing and Approving an Intergovernmental Agreement Between the Regional Transportation Authority (RTA) of Pima County and the Town of Oro Valley for Regional Circulator Transit Service Improvements.

RECOMMENDATION:

The Transit Services Administrator and Town Engineer recommend that Council approve the intergovernmental agreement (IGA) with the RTA and begin operation of Sun Shuttle dial-a-ride regional service on February 14, 2011. Approval of this IGA will provide an integrated solution to address the constraints recently experienced by our Coyote Run transit service. In addition, this new service will provide transit service to the general public, thus expanding service options to all in need of alternative transportation. In order to ensure delivery of an effective and efficient transit service, this service will be continually monitored and modified as needed.

EXECUTIVE SUMMARY:

For FY 2010/11 the State Legislature repealed Local Transportation Assistance Funding (LTAF), impacting the Town's ability to provide Coyote Run transit service. With a reduction in work force of 27%, demand for Coyote Run service exceeds capacity, on average, 47% of the time (See Attachment 2).

Over the past few months discussions and negotiations have taken place with the Regional Transportation Authority (RTA) regarding the future of transit in Oro Valley. On June 16, 2010, options were presented to Council outlining the possibility of Coyote Run operating (in partnership with the RTA) dial-a-ride Sun Shuttle service to provide additional transit services within Oro Valley to alleviate some service demands on Coyote Run. The proposed service, a tentative timeline, and an intergovernmental agreement specifying service delivery and payment mechanisms are included for your review.

BACKGROUND OR DETAILED INFORMATION:

This Sun Shuttle proposal overlays a general public dial-a-ride service over the existing Coyote Run. Sun Shuttle service, operated by the Town's transit division, would provide a general public transportation service within a defined Northwest service area, Zone A (See Attachment 3). All trips within the area would be assigned to the Sun Shuttle service. With two operational vehicles and one spare dedicated to providing an additional 22.5 hours of transit service per day, additional capacity on Coyote Run is created to meet unmet service demands. Service characteristics and fares on Sun Shuttle will be set by the RTA Regional Council.

The Town will dedicate three Coyote Run vehicles to this effort. The vehicles will be re-branded with the Sun Shuttle look (See Attachment 4). The RTA will install regional fare collection systems on these vehicles promoting the regional fare program. Five (5) 19-hour relief driver positions will need to be filled to run this service.

This agreement will give the Town the ability to provide a new level of transit service while reducing some of the demand on Coyote Run. This IGA will provide for service enhancement and will have a positive impact on the Coyote Run service.

FISCAL IMPACT:

The Town will be reimbursed at a rate of \$45.00 per hour, less user fees. It is anticipated that the Town will be reimbursed \$74,762 from the RTA for operating the Sun Shuttle service during fiscal year 2010/11. The Town's contribution, in the amount of \$27,202, is already programmed in the base budget. The management, dispatching and supervision for the Sun Shuttle service will be covered by existing staff and will not add additional overhead costs.

This service change does not reduce the Town's \$300,000 general fund contribution to Coyote Run. However, it positions the Town to transition into a regional service provider. The future of transit services is a vision of seamless regional mobility and access available to a larger segment of the population. Without this proposed partnership, the Town will not reap the benefits of regionalization and cost sharing.

SUGGESTED MOTION:

I MOVE to approve Resolution No. (R)11-02, Authorizing and Approving an Intergovernmental Agreement between the Regional Transportation Authority (RTA) of Pima County and the Town of Oro Valley for Regional Circulator Transit Service Improvements.

OR

I MOVE to...

Attachments

Link: [Resolution R11-02 Sun Shuttle](#)

Link: [IGA Sun Shuttle Services](#)

Link: [Attachment 2 - Service Constraints](#)

Link: [Attachment 3 - Service Area Map](#)

Link: [Attachment 4 - Vehicle Branding](#)

Link: [Sun Shuttle Highlights](#)

RESOLUTION NO. (R) 11-02

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, AUTHORIZING AND APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY AND THE TOWN OF ORO VALLEY FOR REGIONAL CIRCULATOR TRANSIT SERVICE IMPROVEMENTS

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 is authorized by A.R.S. § 9-240(B)(3) to design, maintain, control and manage public roads within the boundaries of the Town; and

WHEREAS, A.R.S. § 48-5301, *et seq.* authorizes the Regional Transportation Authority (RTA) to act as a regional taxing authority for the purpose of funding multi-modal transportation operations and improvements identified in the Regional Transportation Plan (“the Plan”) approved by the voters at the special election held in Pima County, Arizona on May 16, 2006; and

WHEREAS, a Regional Transportation Fund was established by the Arizona Legislature pursuant to A.R.S. § 48-5307 to be the repository for those funds collected for the purpose of funding the transportation projects identified in the Plan; and

WHEREAS, the RTA is authorized by A.R.S. §§ 48-5304(16) and 48-5308 to administer and distribute the regional transportation funds to the members of the RTA in furtherance of that purpose to fund those projects or programs identified in the Plan; and

WHEREAS, the Town of Oro Valley and the RTA may contract for services and enter into agreements with one another for joint or cooperative action pursuant to A.R.S. 11-952; and

WHEREAS, the Town desires to enter into an Intergovernmental Agreement (“IGA”) with the Regional Transportation Authority (“RTA”) of Pima County to operate in partnership with the RTA a dial-a-ride Sun Shuttle service to provide additional transit services to the Town; and

WHEREAS, the IGA will allow the Town the ability to provide a new level of transit service while reducing some of the demand for the Coyote Run service; and

WHEREAS, it is in the best interest of the Town of Oro Valley to enter into the Intergovernmental Agreement, attached hereto as Exhibit “A” and incorporated herein by this reference, with the Regional Transportation Authority of Pima County in order to set forth the responsibilities of the parties for regional circulator transit service improvements.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Oro Valley, Arizona that the Intergovernmental Agreement by and between the Regional Transportation Authority of Pima County and the Town of Oro Valley for regional circulator transit service improvements, attached hereto as Exhibit "A" and incorporated herein by this reference, is hereby authorized and approved.

NOW, BE IT FURTHER RESOLVED that the Mayor and any other administrative officials of the Town of Oro Valley are 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 Town Council of the Town of Oro Valley, Arizona this 5th day of January, 2011.

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”

**INTERGOVERNMENTAL TRANSPORTATION FUNDING AGREEMENT
BETWEEN
THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY
AND
THE TOWN OF ORO VALLEY
FOR
REGIONAL TRANSIT SERVICE IMPROVEMENTS:
PROJECT 48B –CIRCULATOR TRANSIT SERVICES IMPROVEMENTS**

This Agreement (hereinafter “the Agreement”) is entered into by and between the Regional Transportation Authority of Pima County (“RTA” or “the Authority”), a special taxing district formed pursuant to Title 48 Chapter 30 of the Arizona Revised Statutes (A.R.S.), and the Town of Oro Valley, a political subdivision of the State of Arizona (“the Lead Agency”) pursuant to A.R.S. § 11-952.

RECITALS

- A. A.R.S. § 48-5301, et seq., authorizes the Authority to act as a regional taxing authority for the purpose of funding multi-model transportation operations and improvements identified in the Regional Transportation Plan (“the Plan”) approved by the voters at the special election held in Pima County, Arizona, on May 16, 2006.
- B. The governing board of the Authority is composed of representatives of each member of the regional council of governments in accordance with A.R.S. § 48-5303.
- C. Pursuant to A.R.S. § 48-5304 (12), the governing board of the Authority has sole authority to implement the elements of the Plan.
- D. Pursuant to A.R.S. § 48-5304 (13), the governing board of the Authority shall coordinate the implementation of the Plan among the local jurisdictions.
- E. A Regional Transportation Fund was established by the Arizona Legislature per A.R.S. § 48-5307 to be the repository for those funds collected for the purpose of funding the transportation projects identified in the Plan.
- F. The Authority is authorized by A.R.S. § 48-5304 (16) and § 48-5308 to administer and distribute the regional transportation funds to the members of the Authority and to sell bonds in furtherance of that purpose to fund those projects or programs identified in the Plan.
- G. It is the policy of the Authority to require that a lead agency be identified and an intergovernmental agreement (IGA) be approved and entered into by the Authority and the lead agency before requests for funding reimbursement or payment can be processed by the Authority.
- H. The Town of Oro Valley has been identified as the Lead Agency for the Project and will be responsible for all aspects of project implementation including, but not limited to: planning, project management, risk management, design, right of way acquisition, service delivery and operation, administration, advertisement, award, execution and administration of the Project.

- I. The Lead Agency is authorized by A.R.S. Title 9, and its Mayor and Council, to oversee design, operation, and management of RTA-funded transit services within the Lead Agency's jurisdictional boundaries.
- J. The Lead Agency may have a legal contract with one or more jurisdictions within Pima County empowering the Lead Agency to perform transit service and improvements outside the Lead Agency's jurisdictional boundaries.
- K. The Lead Agency and the Authority wish to cooperate in the design, construction, operation and management of transit service and improvements as identified in the Coyote Run Service Expansion.
- L. The Project is one of the transportation projects included in the Plan or is eligible for funding as part of a categorical program included in the Plan.
- M. The Authority intends to fund the Project under the terms and conditions contained in this Agreement and has entered into this Agreement for that purpose.
- N. The Authority and the Lead Agency may contract for services and enter into agreements with one another for joint and cooperative action pursuant to A.R.S. § 11-951, et seq.

NOW, THEREFORE, the Town of Oro Valley and the Authority, pursuant to the above and in consideration of the matters and things set forth herein, do mutually agree as follows:

AGREEMENT

1. Purpose. The purpose of this Agreement is to set forth the responsibilities of the parties for the design, construction, maintenance, operation, and management of the Project, as defined in Exhibit A, and to address the legal and administrative matters among the parties.

2. Circulator Transit Service. The proposed circulator transit service is to operate in a call and ride service mode with connections to the regional transit services This service is more fully depicted in the attached Exhibit(s), including the following:

- a) Detailed Service scope and schedule.
- b) Service budget and cost breakdown of items eligible for reimbursement by the Authority including any proposed billing of staff time directly attributable to Project.
- c) Total amount of RTA funding allowed for the Service plus a breakdown of any other regional, local, federal or state funding available.
- d) Designation of Service implementation phases, if applicable, and any additional related agreements.
- e) Estimated service start date and duration of Service.
- f) Projected cost reimbursement timeline.
- g) Identification of the Lead Agency's duly authorized representative for signing and submitting payment requests.

3. Effective Date; Term. This Agreement shall become effective upon filing a fully executed original with the office of the Pima County Recorder, and shall continue in effect for the duration of service proposed in Exhibit A. Expenditures for approved RTA projects made prior to the filing of this Agreement may be eligible for reimbursement.

4. Responsibilities of the Lead Agency.

- a. The Lead Agency shall be responsible for the design, construction and/or operation of the Project in accordance with this Agreement and all applicable public transit facility design and construction standards, RTA minimum equipment specifications, Americans with Disability Act (ADA) policies and standards, and Federal Transit Administration (FTA) policies and standards. Design Standards are federal, state, county or municipal standards for engineering, traffic, safety, accessibility, service operations, or public works facilities design. Examples of standards include: ADA design guidelines for accessible transit vehicles; facilities, and bus stops; ADA rider eligibility policies; FTA vehicle procurement requirements; and FTA guidelines for the design of vehicle maintenance facilities, park-and-ride facilities, and bus stops.
- b. The Lead Agency shall adhere to all policies adopted by the RTA for seamless transit service delivery.
- c. The Lead Agency shall perform public outreach prior to the initiation of this service or changes to the service once the service has been established. The Lead Agency shall coordinate its public outreach efforts with the Authority and other transit providers to ensure consistent public information is provided and adhere to all federal requirements.
- d. If consultants or contractors are employed to perform any portion of the Service, the Lead Agency shall be responsible for the contracts for design, construction, operation, and administration of the Service and shall select the consultants and contractors to be used on the Service. The Lead Agency shall immediately provide to the Authority copies of any and all contract documents and related materials upon request by the Authority. The Lead Agency shall retain the usual rights of the owner of a public contract including the authority to approve changes and make payments.
- e. Any changes to the Service which would result in the final project cost deviating, by ten or more percent, from the Authority's budget amount for the Service, must be approved by the Authority in advance of any changes being made, regardless of the fact that the Authority will not be paying for them.
- f. The Lead Agency will be responsible for assuming all risks associated with the Service except those that are assigned to another agency or jurisdiction that has agreed to that assumption.
- g. The Lead Agency shall require its contractors performing any portion of the Service to name the Authority as additional insured and additional indemnitee in all of the Lead Agency's contracts for the Service. The Lead Agency shall also require its contractors to name the Authority as an additional beneficiary in any performance

- h. The Lead Agency shall be responsible for preparing and submitting to the Authority, within the first week of each month or as otherwise specified herein, invoices for payment signed by a duly authorized representative of the Lead Agency and which include sufficient background information documenting payments made to contractors, vendors or any other eligible costs identified in this Agreement or the RTA's Administrative Code. The Lead Agency must retain and certify all vendor receipts, invoices and any related Service records as needed and ensure that they are available for review for a minimum of five (5) years after final payment is made unless otherwise specified herein.
- i. The Lead Agency shall be responsible for submitting a status report describing its progress and adherence to the Service scope, schedule and budget with each request for payment.

5. Responsibilities of Authority.

- a. Upon receipt of authorized payment requests, the Authority shall convey to the Lead Agency RTA funds in the amount specified in Exhibit A on a reimbursement basis unless otherwise specified herein. It is acknowledged that the amount identified in Exhibit A is an estimated cost. Actual reimbursements may be less than or greater than the amount reflected in Exhibit A. All payments and reimbursements shall follow the policies outlined in the RTA's Administrative Code.
- b. The reimbursement rate will be at a net cost per hour, negotiated bi-annually. The net cost per hour is derived from competitively bid RTA services on similar routes, less farebox revenue credit per hour and less any federal assistance credit per hour as calculated based on budgeted service specific expenditures and revenues. Other RTA direct costs may be included in Lead Agency billings. Other RTA direct costs are generally of a non-recurring nature and typically do not impact the daily operations of the system. The Authority and Lead Agency will mutually agree upon the eligible other RTA direct costs and said expenditures will be noted on the exhibits attached hereto. Lead Agency will be reimbursed for all other direct RTA costs, subject to receipt of appropriate and sufficient documentation.
- c. Reimbursements will generally be based on the Service schedules established by the Lead Agency and contained in the Exhibit A.
- d. The RTA staff will review all payment requests to confirm that the request is for reimbursement of costs incurred by the Lead Agency for the Service. If the Authority determines that additional information is needed, the Lead agency will be notified of the request for additional information within five days of the receipt of the invoice by RTA.
- e. Upon approval of the request by RTA, the invoice will be processed for payment within ten working days of the invoice submittal.

- f. RTA shall provide all necessary cooperation and assistance to its fiscal agent to process all payment requests from the Lead Agency.

6. Termination. Either party may terminate this Agreement for material breach of the Agreement by the other party. Prior to any termination under this paragraph, the party allegedly in default shall be given written notice by the other party of the nature of the alleged default. The party said to be in default shall have forty-five days to cure the default. If the default is not cured within that time, the other party may terminate this Agreement. Any such termination shall not relieve either party from liabilities or costs already incurred under this Agreement.

Termination. This Agreement may be terminated at any time, without cause, by providing written notice of such termination to the other party at least ninety (90) days prior to the termination date.

A.R.S. § 38-511. This Agreement is subject to the provisions of A.R.S. § 38-511.

Non-appropriation. It is acknowledged that all obligations of the Authority and Town of Oro Valley hereunder to make payments to or to incur costs for the project items specified in Exhibit A shall be subject to annual appropriation by the respective governing bodies.

7. Indemnification

- a. Mutual Indemnity To the fullest extent permitted by law, each party to this Agreement shall indemnify, defend and hold the other party, its governing board or body, officers, departments, employees and agents, harmless from and against any and all suits, actions, legal or administrative proceedings, claims, demands, liens, losses, fines or penalties, damages, liability, interest, attorney's, consultant's and accountant's fees or costs and expenses of whatsoever kind and nature, resulting from or arising out of any act or omission of the indemnifying party, its agents, employees or anyone acting under its direction or control, whether intentional, negligent, grossly negligent, or amounting to a breach of contract, in connection with or incident to the performance of this Agreement.
- b. Notice. Each party shall notify the other in writing within thirty (30) days of the receipt of any claim, demand, suit or judgment against the receiving party for which the receiving party intends to invoke the provisions of this Article. Each party shall keep the other party informed on a current basis of its defense of any claims, demands, suits, or judgments under this Article.
- c. Negligence of indemnified party. The obligations under this Article shall not extend to the negligence of the indemnified party, its agents or employees.

8. Insurance

When requested by the other party, each party shall provide proof to the other of their worker's compensation, automobile, accident, property damage, and liability coverage or program of self-insurance.

Lead Agency shall include the RTA as an additional insured on Lead Agency's liability insurance policy as part of this agreement.

9. Books and records. Each party shall keep and maintain proper and complete books, records and accounts, which shall be open for inspection and audit by duly authorized representatives of any other party at all reasonable times.

10. Non-assignment. Neither party to this Agreement shall assign its rights under this Agreement to any other party without written permission from the other party to this Agreement.

11. Construction of Agreement.

- a. Entire agreement. This instrument constitutes the entire agreement between the parties pertaining to the subject matter hereof, and all prior or contemporaneous agreements and understandings, oral or written, are hereby superseded and merged herein. Any exhibits to this Agreement are incorporated herein by this reference.
- b. Amendment. This Agreement may be modified, amended, altered or changed only by written agreement signed by both parties.
- c. Interpretation. All provisions of this Agreement shall be construed to be consistent with the intention of the parties as expressed in the Recitals hereof.
- d. Captions and Headings. The headings used in this Agreement are for convenience only and are not intended to affect the meaning of any provision of this Agreement.
- e. Severability. In the event that any provision of this Agreement or the application thereof is declared invalid or void by statute or judicial decision, such action shall have no effect on other provisions and their application, which can be given effect without the invalid or void provision or application, and to this extent the provisions of the Agreement are severable. In the event that any provision of this Agreement is declared invalid or void, the parties agree to meet promptly upon request of the other party in an attempt to reach an agreement on a substitute provision.

12. Ownership of Improvements. Ownership and title to all materials, equipment and appurtenances installed pursuant to this Agreement shall automatically vest in the Lead Agency. Should the Service be terminated prior the end of this agreement, the Lead Agency shall dispose of the assets reimbursed by the RTA, with all proceeds returned to the RTA.

13. Legal Jurisdiction. Nothing in this Agreement shall be construed as either limiting or extending the legal jurisdiction of the Lead Agency or the Authority.

14. No Joint Venture. It is not intended by this Agreement to, and nothing contained in this Agreement shall be construed to, create any partnership, joint venture or employment relationship between the parties or create any employer-employee relationship between the Lead Agency and any Authority employees, or between Authority and any Lead Agency employees. Neither party shall be liable for any debts, accounts, obligations, nor other

liabilities whatsoever of the other, including (without limitation) the other party's obligation to withhold Social Security and income taxes for itself or any of its employees.

15. No Third Party Beneficiaries. Nothing in the provisions of this Agreement is intended to create duties or obligations to or rights in third parties not parties to this Agreement or affects the legal liability of either party to the Agreement by imposing any standard of care different from the standard of care imposed by law.

16. Compliance with Laws. The parties shall comply with all applicable federal, state and local laws, rules, regulations, standards and executive orders, without limitation to those designated within this Agreement.

a. **Anti-Discrimination.** The provisions of A.R.S. § 41-1463 and Executive Order Number 99-4 issued by the Governor of the State of Arizona are incorporated by this reference as a part of this Agreement.

b. **Americans with Disabilities Act.** This Agreement is subject to all applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 12101-12213) and all applicable federal regulations under the Act, including 28 CFR Parts 35 and 36.

c. **Workers' Compensation.** An employee of either party shall be deemed to be an "employee" of both public agencies, while performing pursuant to this Agreement, for purposes of A.R.S. § 23-1022 and the Arizona Workers' Compensation laws. The primary employer shall be solely liable for any workers' compensation benefits, which may accrue. Each party shall post a notice pursuant to the provisions of A.R.S. § 23-906 in substantially the following form:

All employees are hereby further notified that they may be required to work under the jurisdiction or control or within the jurisdictional boundaries of another public agency pursuant to an intergovernmental agreement or contract, and under such circumstances they are deemed by the laws of Arizona to be employees of both public agencies for the purposes of workers' compensation.

17. Waiver. Waiver by either party of any breach of any term, covenant or condition herein contained shall not be deemed a waiver of any other term, covenant or condition, or any subsequent breach of the same or any other term, covenant, or condition herein contained.

18. Force Majeure. A party shall not be in default under this Agreement if it does not fulfill any of its obligations under this Agreement because it is prevented or delayed in doing so by reason of uncontrollable forces. The term "uncontrollable forces" shall mean, for the purpose of this Agreement, any cause beyond the control of the party affected, including but not limited to failure of facilities, breakage or accident to machinery or transmission facilities, weather conditions, flood, earthquake, lightning, fire, epidemic, war, riot, civil disturbance, sabotage, strike, lockout, labor dispute, boycott, material or energy shortage, casualty loss, acts of God, or action or non-action by governmental bodies in approving or failing to act upon applications for approvals or permits which are not due to the negligence or willful action of the parties, order of any government officer or court (excluding orders promulgated by the parties

themselves), and declared local, state or national emergency, which, by exercise of due diligence and foresight, such party could not reasonably have been expected to avoid. Either party rendered unable to fulfill any obligations by reason of uncontrollable forces shall exercise due diligence to remove such inability with all reasonable dispatch.

19. Notification. All notices or demands upon any party to this Agreement shall be in writing, unless other forms are designated elsewhere, and shall be delivered in person or sent by mail addressed as follows:

The Authority:

Gary G. Hayes, Executive Director
Regional Transportation Authority
177 N. Church, Suite 405
Tucson, AZ 85701

Town of Oro Valley:

Craig Civalier, P.E.
Town Engineer
11000 N. La Cañada
Oro Valley, AZ 85737

Tobin Rosin
Town Attorney
11000 N. La Cañada
Oro Valley, AZ 85737

20. Remedies. Either party may pursue any remedies provided by law for the breach of this Agreement. No right or remedy is intended to be exclusive of any other right or remedy and each shall be cumulative and in addition to any other right or remedy existing at law or in equity or by virtue of this Agreement.

21. Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. The signature pages from one or more counterpart may be removed from such counterpart and attached to a single instrument.

In Witness Whereof, the Town of Oro Valley has caused this Agreement to be executed by the Mayor and Council, upon resolution of the Mayor and Council attested to by the Town Clerk, and the Authority has caused this Agreement to be executed by its Chair of the Board.

REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY:

Lynn Skelton, Board Chair

Date

TOWN OF ORO VALLEY:

Dr. Satish I. Hiremath, Mayor

Date

ATTEST:

Kathryn E. Cuvelier, Town Clerk

Date

The foregoing Agreement between the Town of Oro Valley and the Authority has been approved as to content and is hereby recommended by the undersigned.

Craig Civalier, P.E. Town Engineer
Development and Infrastructure Services
Town of Oro Valley

Date

ATTORNEY CERTIFICATION

The foregoing Agreement by and between the Regional Transportation Authority of Pima County and the Town of Oro Valley has been reviewed pursuant to A.R.S. Section 11-952 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 Agreement.

Regional Transportation Authority of Pima County:

Thomas Benavidez, Attorney for the Authority

Date

Town of Oro Valley:

Tobin Rosen, Town Attorney

Date

Exhibit A
Project 48b – Oro Valley Circulator Transit Service

RTA Ballot Project/Program Number: **Project 48b – Oro Valley Circulator Transit Service**

1. RTA Plan Project Element or Program Category: **Transit**
2. TIP Project Number: 100.06
3. Project Name: **Oro Valley Circulator Service – Sun Shuttle Dial-N-Ride**
4. Type of Work (Pre-design, Design, Right-of-way, Construction, Transit Operations, other)
Pre-Design _____
Design _____
Right-of-Way _____
Construction _____
Transit Operations X
Other _____
5. Project Manager for Status Reports (Include Contact Information)
Aimee Ramsey, Transit Services Administrator, Town of Oro Valley, 229-4980
aramsey@orovalleyaz.gov
6. Authorized representative for signing and submitting payment requests
Aimee Ramsey, Transit Services Administrator, Town of Oro Valley, 229-4980
aramsey@orovalleyaz.gov

and/or

Lynn Garcia, Administrative Coordinator, Town of Oro Valley, 229-4875
lgarcia@orovalleyaz.gov
7. Map of transit routes effected by the IGA – Attachment A
8. Narrative description of scope of Project, what improvements are included and intent of Project (Discuss any problems and how Project addresses same).

It is the intent of the Regional Transit Plan to enhance transit service throughout the greater Oro Valley area. The service contemplated under this Exhibit is scheduled to operate in a dial-n-ride service mode with connections to other regional transit services In addition, this service maybe utilized to help easy capacity levels from Coyote Run as residents of Oro Valley will now have an alternative transit options.

Characteristics Sun Shuttle – General Public

- 5:30 a.m. until 7:00 p.m.
- 8:00 a.m. until 5:00 p.m. 2 vehicles
- Monday through Friday operations
- Curb to Curb service in predefined area (see map)
- Fare equal to the regional fare

9. Total Project cost and breakdown of any other regional, local, federal and/or state funding, if applicable, to meet that cost.

FY 2010/2011

OV Circulator Service – Operating & Capital Costs	\$104,046
RTA funds -	\$74,762
OV funds -	\$27,202
User Fees -	\$2,081

RTA Transit Element Oro Valley Cash Flow for RTA Projects								FY 2010-2011	
Cost Per Hour	\$ 45.00					.02 (Farebox)			
Projected Costs	mon.	Days	Hours	Monthly	Farebox	OV MOE	RTA Net Cost		
Hours/Day 22.5	Jul-10	-	-	\$ -	\$ -	\$ -	\$ -		
	Aug-10	-	-	\$ -	\$ -	\$ -	\$ -		
	Sep-10	-	-	\$ -	\$ -	\$ -	\$ -		
	Oct-10	-	-	\$ -	\$ -	\$ -	\$ -		
	Nov-10	-	-	\$ -	\$ -	\$ -	\$ -		
Days 97	Dec-10	-	-	\$ -	\$ -	\$ -	\$ -		
	Jan-11*	-	-	\$ -	\$ -	\$ -	\$ 2,784		
	Feb-11*	10	225.0	\$ 10,125	\$ 319	\$ 3,038	\$ 9,742		
	Mar-11	23	517.5	\$ 23,288	\$ 466	\$ 6,034	\$ 16,788		
	Apr-11	21	472.5	\$ 21,263	\$ 425	\$ 6,045	\$ 14,792		
	May-11	21	472.5	\$ 21,263	\$ 425	\$ 6,045	\$ 14,792		
	Jun-11	22	495.0	\$ 22,275	\$ 446	\$ 6,040	\$ 15,790		
	FY 2010/2011		2,182.5	\$ 104,046	\$ 2,081	\$ 27,202	\$ 74,762		
Annual Net Costs					RTA CPH	\$ 36.85	\$ 104,046		

**Direct cost of driver training included.*

10. Estimated service start date and duration of service per this Agreement.

February 2011- June 30, 2011
July 1, 2011 - June 30, 2012

11. Projected cost reimbursement timeline (to be used by Authority for cash flow planning).

- Attachment B – FY 2012 Cash Flow
- Attachment C – Sample Billing Statement

12. Net cost is defined as the sum of the total monthly expenditures minus fare box revenues minus “other revenues”.

RTA Transit Element Oro Valley Cash Flow for RTA					FY 2011-2012		
Cost Per Hour	103%		\$ 46.35			.03 (Farebox)	
Monthly Projected	mon.	Days	Hours	Monthly	Farebox	OV MOE	RTA Net Cost
Gross Costs	Jul-11	21	472.5 \$	21,900	\$ 657	\$ 6,253	\$ 14,990
Hours per Day	Aug-11	23	517.5 \$	23,986	\$ 720	\$ 6,352	\$ 16,915
22.5	Sep-11	21	472.5 \$	21,900	\$ 657	\$ 6,352	\$ 14,892
	Oct-11	21	472.5 \$	21,900	\$ 657	\$ 6,352	\$ 14,892
	Nov-11	20	450.0 \$	20,858	\$ 626	\$ 6,352	\$ 13,880
Days	Dec-11	20	450.0 \$	20,858	\$ 626	\$ 6,352	\$ 13,880
251	Jan-12	20	450.0 \$	20,858	\$ 626	\$ 6,352	\$ 13,880
	Feb-12	19	427.5 \$	19,815	\$ 594	\$ 6,352	\$ 12,869
	Mar-12	22	495.0 \$	22,943	\$ 688	\$ 6,352	\$ 15,903
	Apr-12	21	472.5 \$	21,900	\$ 657	\$ 6,352	\$ 14,892
	May-12	22	495.0 \$	22,943	\$ 688	\$ 6,352	\$ 15,903
	Jun-12	21	472.5 \$	21,900	\$ 657	\$ 6,352	\$ 14,892
	FY 2011/2012		5,647.5 \$	261,762	\$ 7,853	\$ 76,121	\$ 177,787
Annual Net Costs					RTA CPH	\$ 31.48	\$ 261,762



**TOWN OF ORO VALLEY
DEPARTMENT OF PUBLIC WORKS - TRANSIT DIVISION**

INVOICE FOR TRANSIT SERVICES

RTA Transit Project #48-B
TIP# 100.06
Oro Valley Circulator Service

DATE: 2/28/2011
DUE DATE: 3/29/2011

Bill to:

Regional Transportation Authority of Pima County
ATTN: Jim Degrood
177 N. Church Ave., Suite 405
Tucson, AZ 85701

Remit to:

Town of Oro Valley - Transit
11000 N La Canada
Oro Valley, AZ 85737

Make checks payable to: Town of Oro Valley

TERMS: NET 30 DAYS

DATE	DESCRIPTION	AMOUNT DUE
	RTA Project 48 Specialized Transit Services	
	Sun Shuttle Call-N-Ride Oro Valley Transit Services	
	<u>BILLING FOR THE PERIOD January 15, 2011 through February 28, 2011</u>	
10/01/10	I. Fully Allocated (Total) Cost per Hour Days in Service Month - Weekdays 10 Daily Hours 22.5 RTA Service Hours 225 Training Hours - Fully Allocated Cost per Hour \$ 45.00 Total Cost per Hour \$ 10,125	
	II. Direct Cost Recurring Costs: RTA Service O&M \$ - Sub-total Direct Recurring Costs \$ - Other Direct Costs (non-recurring): Driver's Hiring/Training \$ 5,758 \$ 5,758	
	Total Cost:	\$ 15,883
	III. Revenue Passengers (User Fees) 319 Less Total Revenue: \$ 319	\$ (319)
	IV. Oro Valley MOE Oro Valley Maintenance of Effort 3,038 Less Total Revenue: \$ 3,038	\$ (3,038)
	Total Amount Due from RTA:	12,526

Sample

Attention Passengers



Service Update

State budget cuts have impacted Coyote Run service levels and staffing .

Please be aware that:

- Reservations dispatch hours will be 8 a.m. to 3 p.m. Please call during this time
- We cannot accommodate same or next day service or changes
- All reservations **MUST** be made 48 hours in advance—**No exceptions**
- Trips in all zones will be limited to 65 passengers per day

Zone service hours will be as follows:

- Zone A—8 a.m. to 5 p.m.*
- Zone B—8:30 a.m. to 4:30 p.m.*
- Zone C—9 a.m. to 3 p.m.*

****Times depicted are first and last pick-up times***

Coyote Run cannot guarantee reservations. Your trip may be cancelled due to driver availability. You will be contacted should we need to cancel your reservation.

ALTERNATIVE: ADA Certified passengers residing south of Tangerine are eligible to ride with Handi-Car. Please call (520) 881-3391 for reservations.

For more information, call the Transit Administrator, Aimee Ramsey, at (520) 229-4980.

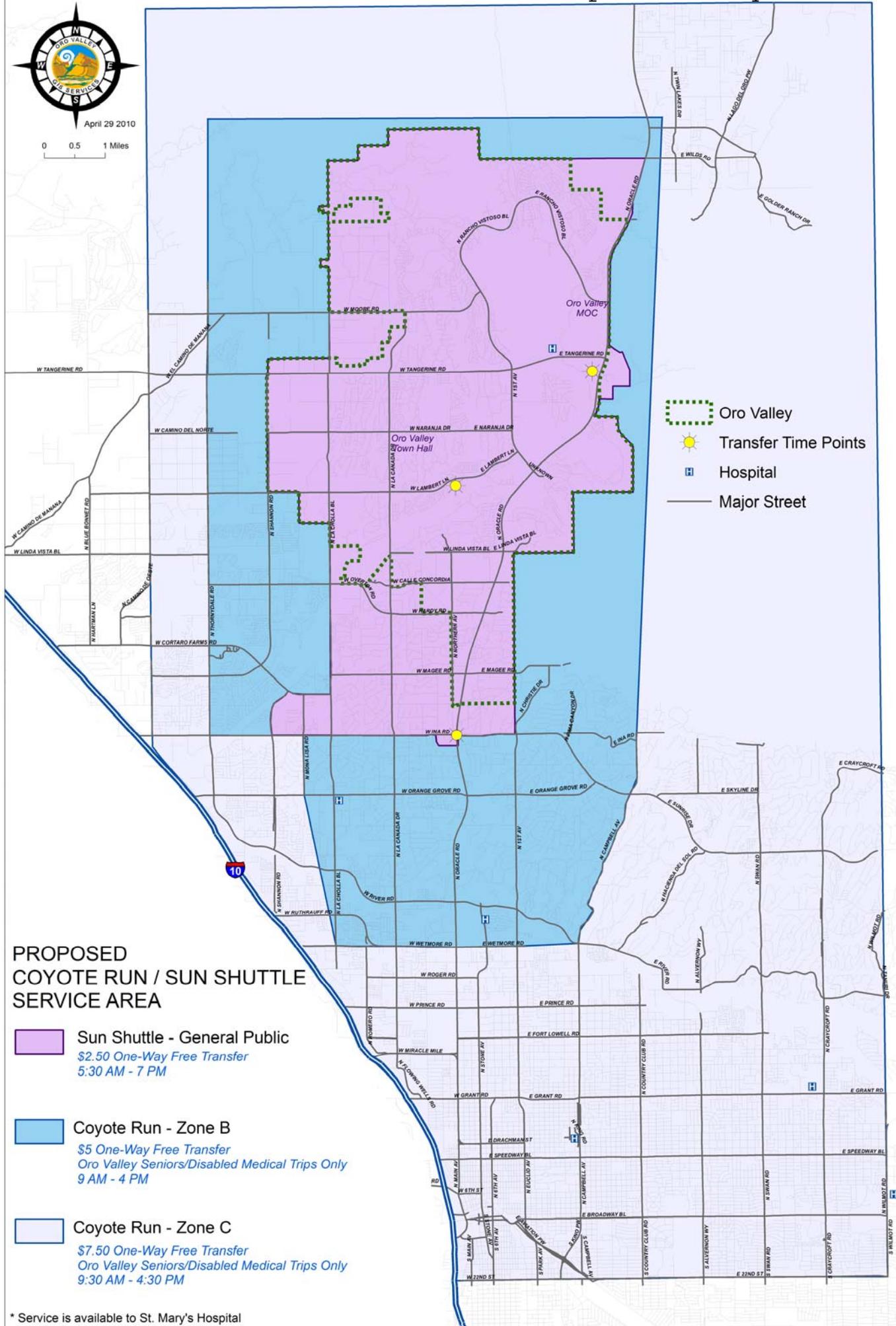
Thank you.

08/19/10



April 29 2010

0 0.5 1 Miles

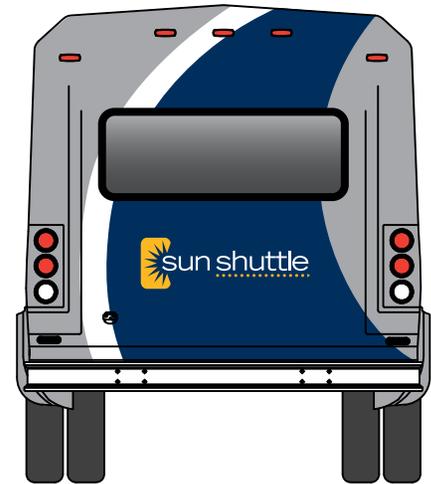
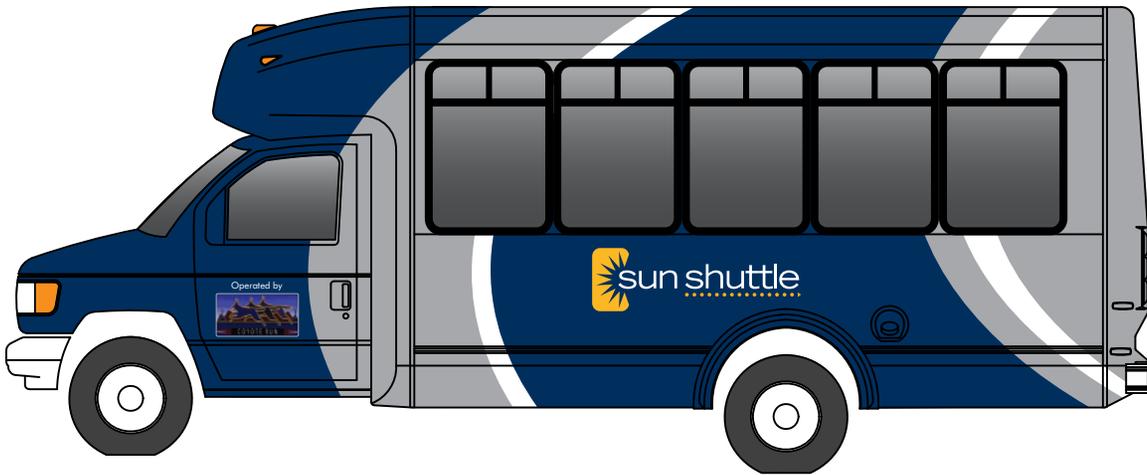
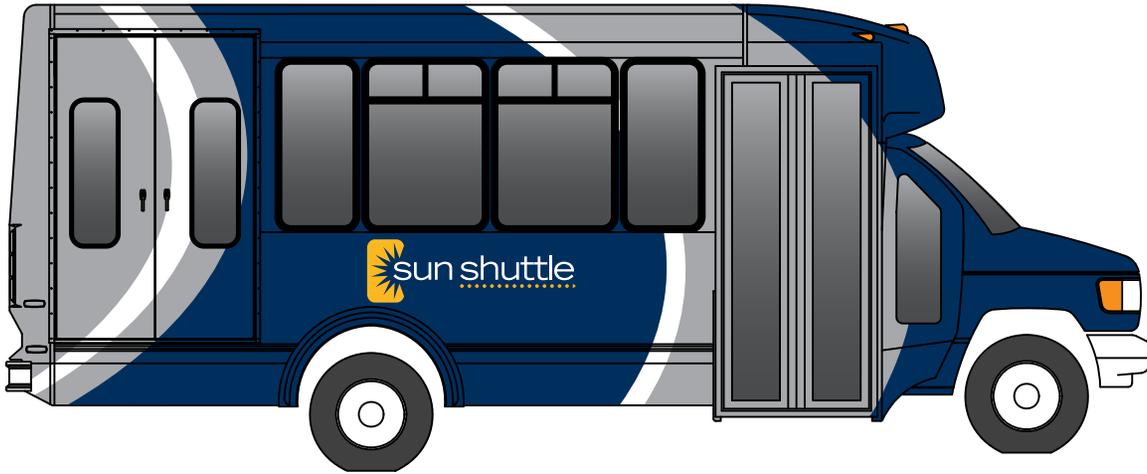


- Oro Valley
- Transfer Time Points
- Hospital
- Major Street

**PROPOSED
COYOTE RUN / SUN SHUTTLE
SERVICE AREA**

- Sun Shuttle - General Public**
\$2.50 One-Way Free Transfer
5:30 AM - 7 PM
- Coyote Run - Zone B**
\$5 One-Way Free Transfer
Oro Valley Seniors/Disabled Medical Trips Only
9 AM - 4 PM
- Coyote Run - Zone C**
\$7.50 One-Way Free Transfer
Oro Valley Seniors/Disabled Medical Trips Only
9:30 AM - 4:30 PM

* Service is available to St. Mary's Hospital



*AEROTECH FORD 220
36" DOOR / REAR LIFT*



Dial-a-Ride: A bus service that can be called to the door by telephone, generally intended for people in need of assistance in moving about but also available to General Public.

General Highlights Sun Shuttle Dial-a-Ride

- Increases service span 5:30 a.m. until 7 p.m.
- Increases service capacity by providing service options to passengers traveling in Zone A
- Releases Coyote Run capacity to handle more specialized services
- Creates regional mobility through transfers
- Fares \$2.50 per trip

If approved tonight implementation timeline and next steps

- Adoption of the IGA by Regional Council
 - January 22, 2011
- Development of Public Information
 - Now until Dec. 16, 2010
- Vehicle Rebranding - RTA
 - Beginning of January 2011
- Farebox Installation – RTA
 - Middle of January 2011
- Driver Hiring and Training – Transit Division
 - January 2011 – February 14, 2011



Item #: F.

Town Council Regular Session

Date: 01/05/2011

Requested by:

Ainsley Legner, PRLCR
Director

Submitted By:

Ainsley
Legner,
Parks
Recreations
Library CR

Department:

Parks Recreations Library CR

Information

SUBJECT:

Reappointment of Valerie D. Pullara to the Historic Preservation Commission with term effective through December 31, 2012

RECOMMENDATION:

Staff recommends reappointment of Valerie D. Pullara to the Historic Preservation Commission.

EXECUTIVE SUMMARY:

Valerie D. Pullara has served on the Historic Preservation since July 1, 2008. She has submitted a letter requesting reappointment for a three-year term to expire December 31, 2013. She has successfully completed the Community Academy and all training requirements.

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to reappoint Valerie D. Pullara to the Historic Preservation Commission for a three-year term to expire December 31, 2013.

Attachments

Link: [Pullara Reappointment Letter](#)

Legner, Ainsley

From: vpullara@comcast.net
Sent: Tuesday, December 14, 2010 6:28 PM
To: Legner, Ainsley
Subject: Reappointment to HPC

Dear Ainsley,

Please accept this email as my official request to be reappointed to the Town of Oro Valley Historic Preservation Commission at the January 5, 2011 Town Council meeting. I have successfully completed the Citizen's Academy and have enjoyed my service on the Historic Preservation Commission and would like to continue to serve on the Commission.

Thank you.
Valerie D. Pullara

12/15/2010



Item #: G.

Town Council Regular Session

Date: 01/05/2011

Requested by:

David Williams, Planning Division Manager

Submitted By:

David Williams, Development Infrastructure Services

Department:

Development Infrastructure Services

Information

SUBJECT:

Appointment of Mike Zinkin as a member to the Oro Valley Board of Adjustment with a term effective through December 31, 2013

RECOMMENDATION:

The interview panel recommends the appointment of Michael Zinkin to the Board of Adjustment for a term effective through December 31, 2013.

EXECUTIVE SUMMARY:

The purpose of this agenda item is to appoint a new member to fill a vacancy on the Board of Adjustment (BOA) created by the expiration of board member John Hickey's term. The member, if approved by Council, will serve a three-year term ending December 31, 2013.

Four applications for BOA membership were received. One applicant did not respond to requests for interview and a second withdrew her application. Two candidates were interviewed. The interview panel used a question and answer format followed by informal discussion with each applicant. The interview panel included outgoing board member John Hickey, as the senior BOA member, Council Liaison Barry Gillaspie, and Planning Division Manager David Williams.

BACKGROUND OR DETAILED INFORMATION:

As outlined in the Town Code and Zoning Code, the Board of Adjustment (BOA) hears and makes decisions on variance requests to the standards in the Zoning Code and appeals from administrative decisions regarding the provisions of the Zoning Code. The BOA is a quasi-judicial body with the only appeal process being to Pima County Superior Court. The BOA is enabled by Arizona Revised Statutes. The BOA is composed of five members appointed by the Town Council and meets, as necessary, the fourth Tuesday of the month at 3:00 p.m in the Council Chambers.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to appoint Michael Zinkin to the Board of Adjustment to serve a three year term ending December 31, 2013.

Attachments

Link: [Zinkin BOA Application](#)



DEC 31 10am 11:35 TOU

ORO VALLEY VOLUNTEER APPOINTMENT APPLICATION

Dear Oro Valley Citizen:

We appreciate your interest in the Town of Oro Valley. This informational form, when completed, will allow us to quickly process your application. A list describing the Town's Boards and Commissions is attached for your reference. Information reflecting the procedures surrounding the appointment process to Boards is also attached. Your application will remain on file for two years from date of receipt.

Your supplying this data will greatly assist us in understanding how we can best use your talents and experience. We thank you kindly for volunteering to serve the Town.

Please note: No volunteer shall serve on more than one standing Board at any time and must have resided in the Town for 1 year.

Please return to the Town Clerk's Office, 11,000 North La Cañada Drive, Oro Valley, Arizona 85737.

Name Zinkin Michael J
Last First Middle

Address 11520 N. Sciro Ave Oro Valley AZ 85737
Street City State Zip

Home Phone 498-4994 ^{cell} Business Phone 471-0321 Email MRZINKIN@MSN.COM

Number of Years in Oro Valley 12+ (Must be a resident of the Town for 1 year.)

Signature [Signature] Date 12/3/10

Please indicate the board or commission you wish to join: Board of Adjustment

Please list your volunteer services in Oro Valley and with other organizations including any boards or commissions on which you have served: (board/commission, civic, educational, cultural, social, etc.)

MEMBER DRE 7/05 - 6/09 Chairman 9/08 - 9/09
CPI Board Twice 2/06 & 12/06
BA - UNIV of AZ. MA-CALIF State Univ. & Heritage

How does your previous volunteer service prepare you for the board or commission appointment for which you have applied? Please describe an issue considered at a meeting of the Board or Commission for which you are applying.

I UNDERSTAND relationships between Boards vs. Staff vs Council

Have you attended the Citizens Planning Institute? Twice Are you willing to attend? _____

Briefly describe your educational/vocational background.
RETIRED Air Traffic Supervisor



Item #: H.

Town Council Regular Session

Date: 01/05/2011

Requested by:

David Williams, Planning Division Manager

Submitted By:

David Williams, Development Infrastructure Services

Department:

Development Infrastructure Services

Information

SUBJECT:

Re-appointment of one member and appointment of two new members to the Oro Valley Planning and Zoning Commission (PZC) with terms effective through December 31, 2012

RECOMMENDATION:

MATERIALS FOR THIS ITEM WILL BE DELIVERED PRIOR TO THE JANUARY 5 MEETING. (The interview schedule has been delayed due to the Holidays)

EXECUTIVE SUMMARY:

The purpose of this agenda item is to re-appoint one member and appoint new members to fill an existing vacancy on the PZC and a new vacancy created by the expiration of Commission Chair Clark Reddin's term. Clark Reddin has served the maximum number of terms permitted. Both members, if approved by Council, will serve terms ending December 31, 2012.

Five applications for PZC membership were received. Four were interviewed, one withdrew. The interview panel used a question and answer format followed by informal discussion with each applicant. The interview panel included outgoing PZC Chair Clark Reddin, Council Liaison Joe Hornat, and Planning Division Manager David Williams.

BACKGROUND OR DETAILED INFORMATION:

As outlined in the Oro Valley Town Code and the Oro Valley Zoning Code Revised, the Planning and Zoning Commission (PZC) provides recommendations to the Town Council on matters related to the General Plan, zoning, conditional uses and other plans, policies, amendments and regulations. The PZC is enabled by Arizona Revised Statutes and serves as the planning agency for the Town. The PZC is composed of seven members appointed by the Town Council and meets the first Tuesday of the month at 6:00 p.m. in Council Chambers.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

MATERIALS PENDING



Item #: 1.

Town Council Regular Session

Date: 01/05/2011

Requested by: Aimee Ramsey, Transit Services Administrator
Submitted By: Aimee Ramsey, Development Infrastructure Services
Department: Development Infrastructure Services

Information

SUBJECT:

RESOLUTION NO. (R)11-03, AUTHORIZING AND APPROVING THE TOWN OF ORO VALLEY DEVELOPMENT AND INFRASTRUCTURE SERVICES DEPARTMENT TRANSIT SERVICES DIVISION COYOTE RUN FARE INCREASES

RECOMMENDATION:

Staff recommends adoption of the proposed fare rate increases to ensure an equitable fare box recovery and to begin to move toward a regional implementation of transit services through consistent policies and fare structures.

EXECUTIVE SUMMARY:

The Town of Oro Valley Development and Infrastructure Services Department Transit Service Division is working with the Regional Transportation Authority (RTA) regarding the future of transit in Oro Valley. A basic fare structure is necessary for staff to proceed on building regional service with consistent policies and procedures. Currently the RTA has several services operating throughout the region, with a base fare of \$2.50 for a demand response type of service. On June 16, 2010, Town Council directed staff to negotiate with the RTA to coordinate Coyote Run and Sun Shuttle Transit services. This resolution, based on Option 3 as presented at the June 16, 2010 Town Council meeting, approves fare increases to mirror those of the regional system shown in the following one-way fare changes: Zone A from \$2.00 to \$2.50, Zone B from \$4.00 to \$5.00 and Zone C from \$6.00 to \$7.50.

BACKGROUND OR DETAILED INFORMATION:

The last Coyote Run fare increase occurred in July 2006. Fares were doubled to offset increasing operational costs and decreasing fare box recovery. The proposed fare change will address increased operational costs and set Coyote Run fares equal to the current regional fare structure for similar services. This creates equity between the two systems for efficient passenger exchange. State funding cuts triggered staff evaluation of service options including fare increases. Option 3 presented to the community at a Public Forum held on May 17th, 2010 included raising fares. Of the 36 attendees, 27 provided comments and 12 supported an increase in fares proposed in Option 3. No comments were received indicating lack of support for the proposed fare change.

The fare increase is needed for three reasons:

1. To address rising operational costs;
2. To create equity between the Town and regional transit systems and initiate a regional fare; and
3. To reduce passenger confusion regarding fares.

FISCAL IMPACT:

During FY 2008/09 fare box recovery totaled \$55,194. This fiscal year the Transit Service Division budgeted \$34,545 from fares, in anticipation of a service reduction. Through October 2010, Coyote Run has collected \$17,058. It is anticipated that the current fare collection will meet the budgeted target estimate. The suggested fare rate increase will help offset the increasing cost of service.

SUGGESTED MOTION:

I MOVE to approve RESOLUTION NO. (R) 11-03, AUTHORIZING AND APPROVING THE TOWN OF ORO VALLEY DEVELOPMENT AND INFRASTRUCTURE SERVICES DEPARTMENT TRANSIT SERVICES DIVISION COYOTE RUN FARE INCREASES.

OR

I MOVE to...

Attachments

Link: [Resolution R11-03 Fare Increases](#)

Link: [Fare Increase Proposal](#)

RESOLUTION NO. (R) 11-03

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, AUTHORIZING AND APPROVING THE TOWN OF ORO VALLEY DEVELOPMENT AND INFRASTRUCTURE SERVICES DEPARTMENT TRANSIT SERVICES DIVISION COYOTE RUN FARE INCREASES

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, in accordance with the United States Department of Transportation Federal Transit Administration, 49 USC, Chapter 53, the Town has a policy regarding public comments for the Development and Infrastructure Services Department Transit Services Division's Coyote Run service changes; and

WHEREAS, on May 17, 2010 at a duly noticed Public Meeting in accordance with the Town's Transit Service Division policy, the Town solicited public comments regarding Coyote Run fare increases; and

WHEREAS, the Town has considered the public comments as part of its decision making process for rate increases and service options; and

WHEREAS, the Mayor and Council held a Public Meeting to deliberate and vote on the proposed Coyote Run fare increases on January 5, 2011.

NOW, THEREFORE, BE IT RESOLVED by Mayor and Council of the Town of Oro Valley, Arizona that the Development and Infrastructure Services Department Transit Services Division Coyote Run Fare Increases, attached hereto as Exhibit "A" and incorporated herein by this reference, are hereby authorized and approved.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona, this 5th day of January, 2011.

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"

**TOWN OF ORO VALLEY DEVELOPMENT AND
INFRASTRUCTURE SERVICES DEPARTMENT**

**TRANSIT SERVICES DIVISION
Coyote Run
Fare Increases**

	Current One-way	Recommended One-way
Zone A	\$2.00	\$2.50 Match regional fare
Zone B	\$4.00	\$5.00
Zone C	\$6.00	\$7.50



**TOWN OF ORO VALLEY
DEVELOPMENT & INFRASTRUCTURE SERVICES
DEPARTMENT
TRANSIT SERVICES DIVISION
Coyote Run**

	Current One-way	Recommended One-way
Zone A (Sun Shuttle)	\$2.00	\$2.50 Match regional fare
Zone B	\$4.00	\$5.00
Zone C	\$6.00	\$7.50

RATIONALE:

- .To continue to address rising operational costs
- .To create equity between the Town and regional transit systems and begin a regional fare
 - . Allow passenger to be exchanged between the two systems
- .To reduce confusion about fares for passengers



Item #: 2.

Town Council Regular Session

Date: 01/05/2011

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

Department: Town Clerk's Office

Information

SUBJECT:

ELECTION OF VICE MAYOR

RECOMMENDATION:

It is recommended that the Mayor and Council elect a new Vice Mayor for calendar year 2011.

EXECUTIVE SUMMARY:

Section 2-1-4 of the Oro Valley Town Code states that "At the first regular meeting in January of each calendar year, the Town Council shall elect one of its members as Vice Mayor by a majority vote. Those Councilmembers eligible each January are only those whose terms will not expire in June of that calendar year."

BACKGROUND OR DETAILED INFORMATION:

The next regular election for the Town of Oro Valley is March/May 2012. Therefore, all members of the Council are eligible for consideration.

Councilmember Garner (currently serving as Vice Mayor)
Councilmember Gillaspie
Councilmember Hornat
Councilmember Snider
Councilmember Solomon
Councilmember Waters

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

Mayor Hiremath will open/close nominations.

I MOVE to elect _____ as Vice Mayor, effective January 05, 2011 - January 04, 2012.



Item #: 3.

Town Council Regular Session

Date: 01/05/2011

Requested by:

Craig Civalier, Town Engineer

Submitted By:

Craig
Civalier,
Development
Infrastructure
Services

Department:

Development Infrastructure Services

Information

SUBJECT:

DISCUSSION AND POSSIBLE ACTION REGARDING RECOMMENDATIONS FOR SAN JOSE PLAZA, ORACLE ROAD/GREENOCK DRIVE, LEFT TURN LANE

RECOMMENDATION:

The Town Engineer recommends the following:

1. Leave San Jose Plaza access in the existing arrangement.

This recommendation is based on the following:

- a. Results from our traffic study showing that the existing access arrangement for San Jose Plaza is operating safely.
- b. There have been no accidents for the southbound left to northbound u-turning traffic.
- c. The widening of Oracle Road to six lanes will make this movement even safer.
- d. Golder Ranch Fire District has constructed and is operating their new fire station at Linda Vista Blvd/Oracle Road to the south and therefore has no objection to the configuration as there is no need for them to have to make a u-turn.
- e. Lastly, the request of the residential neighbors to maintain the existing northbound left turn lane at Greenock Drive would be respected.

2. Work with the San Jose Plaza ownership to provide better signage for the businesses located there. A new monument sign highlighting all of the businesses is suggested.

3. Cross access with Rooney Ranch to the north should be explored to increase access to the plaza.

EXECUTIVE SUMMARY:

Based on Town Council direction, the Town Engineer conducted a traffic study to analyze the possibility of installing a southbound left turn lane on Oracle Road to provide access to the northern driveway for San Jose Plaza. The study was completed in July 2010 and was reviewed by Arizona Department of Transportation (ADOT) and Town engineering staff. The only viable solution ADOT would consider was to swap the existing northbound left turn lane at Greenock Drive for a new southbound left turn lane at the northern driveway of San Jose Plaza on Oracle Road.

A public meeting was held October 28, 2010, at the Hilton El Conquistador Resort, to review this option

as well as other possible solutions presented in the traffic study to the affected residents and businesses. The overwhelming preference of area residents was to not remove the northbound left turn lane at Greenock Drive and to leave the access in the current configuration. The owner of The Loop Restaurant also stated that it was not his intention to remove the northbound left turn lane. His desire was for better access for southbound customers.

The recommendation of the Town Engineer has taken all of the above factors into consideration.

BACKGROUND OR DETAILED INFORMATION:

Chronology of events:

1. July 16, 2009 - Town Council directed the Town Engineer to look into the southbound left turn lane issue at San Jose Plaza.
2. October 7, 2009 - Town Council approved proceeding with the proposed San Jose Plaza Traffic Study as presented by the Town Engineer.
3. January 4, 2010 - Notice to Proceed was given to the engineering firm of Morrison - Mariele to perform the traffic study.
4. July, 2010 - The traffic study was completed.
5. August 11, 2010 - A letter from ADOT was received, stating that the department would only consider swapping the existing northbound left turn lane at Greenock Drive for a new southbound left turn lane at the northern driveway of San Jose Plaza on Oracle Road.
6. October 28, 2010 - A public meeting was held with area residents and businesses.

Possible solutions reviewed with ADOT:

1. Signalizing the intersection of Oracle Road and Greenock

ADOT will not consider this solution because signal warrants are not met and a signal in this location does not meet ADOT signal spacing standards.

2. Southbound left turn lane at the southern San Jose driveway

ADOT will not consider this solution because the location does not meet ADOT median opening spacing standards and impacts to two adjacent left turn lanes.

3. Southbound left turn lane at the northern San Jose driveway

ADOT will only consider this solution if the northbound left turn lane to Greenock Drive is removed and Town Council adopts a resolution in support. There is strong public opposition to this solution.

4. Moving the Plaza's southern driveway north to be in conformance with ADOT's median spacing standards.

ADOT will not consider this solution because a southbound left turn lane at this location would reduce the northbound left turn lane length at Greenock Drive below ADOT standards.

5. Southbound left turn lane north of Oro Valley Wash and installing a driveway crossing over Oro Valley Wash to San Jose Plaza.

ADOT will not consider this solution because of sight distance issue with the northbound left turn lane at Greenock.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to approve the recommendation of the Town Engineer.

OR

I MOVE to...



Item #: 4.

Town Council Regular Session

Date: 01/05/2011

Requested by: Jerene Watson, Town Manager **Submitted By:** Kevin Burke, Town Manager's Office

Department: Town Manager's Office

Information

SUBJECT:

RESOLUTION NO. (R)11-04, APPROVING THE ANNUAL LEGISLATIVE AGENDA OF THE TOWN AND PROTOCOLS GUIDING THE TOWN'S PRIORITIES FOR THE UPCOMING LEGISLATIVE SESSION AND ANY LOBBYING ACTIVITIES

RECOMMENDATION:

Staff recommends approval of Resolution No. (R)11-04.

EXECUTIVE SUMMARY:

Each year, the Town Council approves a general Town of Oro Valley legislative agenda covering state and federal issues. This agenda identifies the recommended legislative priorities of the Town in the upcoming State Legislative Session and will guide the Town's requests and lobbying activities.

The legislative agenda remains flexible due to the unknown nature of bills introduced in the State Legislature, but general concepts and direction are provided for discussion and approval. The issues discussed in this report are based on the needs of the Town and what is known about anticipated legislation.

BACKGROUND OR DETAILED INFORMATION:

History

In order to implement an aggressive legislative program to protect their residents' interests from laws of other levels of government, many cities and towns use the services of a lobbyist, either contracted or a dedicated staff member. The Town of Oro Valley does not have a contract lobbyist or dedicated employee intergovernmental liaison. In recent years this function has been performed generally by members of the management team who have had lobbying experience, specifically, the former Assistant Town Manager (current Town Manager) and the current Town Attorney. At the time of hiring earlier this year, the Assistant to the Town Manager job description included the role of intergovernmental liaison as part of the responsibilities. The Assistant to the Town Manager is being coached in this role by the Town Manager and Attorney.

Arizona League

The Town's intergovernmental liaison works closely with the League of Arizona Cities and Towns, specifically regarding state legislative issues with a strength-in-numbers approach to common interest legislation. The state legislative agenda is developed through involvement in the **League resolutions process**. The Mayor represents the Town of Oro Valley as a voting member of the Resolutions Committee, comprised of mayors from nearly all Arizona municipalities. The adopted League resolutions, included as Exhibit "A," represent the mutual interests of Arizona cities and towns, and guide the League in its lobbying efforts on behalf of all cities and town in the state.

Council Policy

In 2008, *the Town Council established protocol for the legislative efforts of the Town* by approving the general legislative agenda through a resolution (attached) and adoption of a Council Communication that describes specific components of the legislative program. A basic principle in any lobbying is to speak with one voice, a primary point of contact that represents the Town, and this resolution establishes guidelines for those who will represent the Town.

For state legislative efforts, the Council uses staff and designates a Councilmember as Council Liaison to Legislative District 26, currently Councilmember Joe Hornat. The Mayor frequently interacts with other elected officials at all levels of government during the course of his duties and works with staff in ensuring any legislative efforts regionally, statewide or federally are coordinated to the Council-adopted agendas.

For federal legislative efforts, the Council decided to use elected officials and staff who attend the National League of Cities & Towns Congress of Cities in Washington, DC and lobby during that conference. This upcoming conference will be held March 12-16, 2011. Additional trips may be scheduled if it is deemed necessary to work on a federal request.

Typically, federal lobbying efforts are focused on specific earmark requests. The incoming Republican House leadership has extended a moratorium on all earmarks in the House of Representatives, while Senate Republicans have voted to impose a non-binding moratorium on their own members. It is unclear whether Senators McCain and Kyl will follow this moratorium. This is unfortunate because federal funds not earmarked by Congress flow to the executive agencies to be spent at their discretion where needs in the states may not be truly understood. When our elected representatives in Congress do not have the ability to direct taxpayer dollars back to their home districts, it becomes much more difficult to obtain funding for worthy projects that a community has put much effort into, such as Steam Pump Ranch.

The 50th State Legislature

Republicans fared well in the last election, winning all state-wide contests, and increasing their numbers in both chambers: 40 – 20 in the House, and 21 – 9 in the Senate. These numbers give the Republicans a two-thirds “super-majority” in both chambers, meaning that they have the potential to override a gubernatorial veto, or raise taxes without minority party participation. This would include changes to state-shared revenue formulas, although if changed, they are in principle supposed to “hold harmless” cities and towns so that the fiscal impact is neutral.

Majority leadership in both the House and Senate is dominated by representatives from the Phoenix metro area and the Verde Valley, while the minority leadership includes several representatives from the Tucson area. The complete list of members of the 50th Legislature, and the elected leadership of both chambers is attached as Exhibit “B”.

State Legislative Calendar / Process

The Legislature typically operates on a 100-day calendar, although in recent years it has been common for the regular session to extend well beyond 100 days. The Governor also has the authority to call the Legislature into session to address specific issues. The 49th Legislature was also called into nine “Special Sessions” to address unresolved budget issues. It is likely that the 50th Legislature will experience several special sessions before the ongoing state budget crisis is resolved.

The 1st regular session of the 50th Legislature begins Monday January 10, 2011. The Legislature typically conducts business Monday through Thursday, although this session Senate Appropriations sub-committees will meet on Friday as well. The target date for the end of the regular session is Wednesday April 18, 2011.

Over one-thousand bills are introduced in the Legislature each session. In the Senate, all bills must be introduced within three weeks of the start of the session, and in the House, bills must be introduced within four weeks. This means that all bills will be introduced prior to February 7, 2011, although there are provisions that allow members to submit bill amendments throughout the session, which effectively means that a bill with co-sponsors can be introduced at any time during the regular session.

Although members will introduce bills related to every conceivable topic, the state's ongoing fiscal crisis means that the budget will continue to be the primary focus of the Legislature's attention. As of this writing, state revenue is approximately \$41 million below projections for FY 2011, and voter rejection of several ballot initiatives created additional holes in the budget. The state faces an \$825 million deficit this fiscal year, which is expected to grow to approximately \$1.4 billion for FY 2012. Based on statements from the majority leaders, the priorities of the Republican-controlled Legislature are likely to be tax cuts, spending reductions, and immigration issues.

A summary of the elements of the 2011 Legislative Agenda are attached as Exhibit "C".

FISCAL IMPACT:

Any introduced legislation may have the potential for fiscal impact to the Town. Specific fiscal impacts cannot be determined until a bill is introduced and reviewed. During the course of the legislative session, the League of Arizona Cities and Towns reviews each bill for impacts to cities and towns. Town staff may also review legislation of special interest to Oro Valley. Council will be updated during the session regarding major bills and those with fiscal or other significant impact to the Town.

SUGGESTED MOTION:

I MOVE to adopt Resolution No. (R)11-04, approving the annual legislative agenda of the Town of Oro Valley.

Attachments

Link: [Resolution R11-04 Legislative Agenda](#)

Link: [Exhibit "A" - 2011 League Resolutions](#)

Link: [Exhibit "B" - 50th Legislature members](#)

Link: [Exhibit "C" - 2011 Legislative Agenda](#)

RESOLUTION NO. (R) 11-04

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, APPROVING THE ANNUAL LEGISLATIVE AGENDA OF THE TOWN AND PROTOCOLS GUIDING THE TOWN'S PRIORITIES FOR THE UPCOMING LEGISLATIVE SESSION AND ANY LOBBYING ACTIVITIES

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, a major objective of the Town Council is to adopt an aggressive legislative program which strengthens local government, promotes Town goals and defends the Town against legislative actions by State and Federal governments that would weaken local government and/or take away traditional revenue sources; and

WHEREAS, it is vital to the fiscal health and the self determination of the Town to effectively communicate with State Legislators and Federal representatives in order to favorably influence State and Federal legislation, regulations and grant requests; and

WHEREAS, actions taken by the Pima County Board of Supervisors have a direct impact upon the quality of life in Oro Valley, and it is imperative that the Town maintain quality communications with Pima County; and

WHEREAS, the League of Arizona Cities and Towns conducts a legislative analysis and advocacy program on behalf of cities and towns for State issues, which is governed annually by the League resolutions process adopted by cities around the state at the annual conference each fall; and

WHEREAS, the Town desires to be proactive and involved in governmental decision making processes directly affecting the Town legislative priorities identified in the Council Communication dated January 5, 2011 and the League of Arizona Cities and Towns legislative priorities identified in Exhibit "A," and other selected issues as may from time to time be recommended by the League of Arizona Cities and Towns; and

WHEREAS, a key component of the Town's legislative program is face to face meetings between Town representatives and elected officials at the Federal, State and County levels, and coordination with similar efforts made by other regional and local entities such as the Pima Association of Governments (PAG), and Tucson Regional Economic Opportunities, Inc. (TREO).

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Oro Valley, Arizona that the Town Council of Oro Valley does hereby establish the Legislative Agenda for 2011, as set forth in the Council Communication dated January 5, 2011, and authorizes staff to take positions on legislation generally consistent with the Legislative Agenda and such other resolutions and recommendations that from time to time may be presented to the Town.

BE IT FURTHER RESOLVED that Town staff is directed to schedule meetings, as appropriate and convenient, with our congressional, state, county and other local officials to discuss and promote the Town's legislative program, and to continue efforts to improve communications and relationships with the Pima County Board of Supervisors and cities around the state to further our interests in land use, water, transportation, economic development, and public services to our residents.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona, this 5th day of January, 2011.

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”

League of Arizona Cities & Towns Annual Business Meeting
Ratification of Resolutions – August 26, 2010

No.	Resolutions	Resolution Committee Action
1	Defend cities' right to self-collect transaction privilege tax by contracting with a private third party.	Approved
2/12	Urges the Legislature to restore the statutory distribution formula and funding from Lottery proceeds to the Local Transportation Assistance Funds and Arizona State Parks Board Heritage Funds.	Approved
3	Urges the Legislature to identify a permanent, designated funding source to support the development and operation of a comprehensive multi-modal public transportation program in this state. AMENDED LANGUAGE: Ensure no impact to State Shared Revenues	<i>Approved with minor amendment</i>
6/10	Protect and expand critical economic development tools.	Approved
7	Request and encourage the Arizona State Legislature to establish the mechanism for the creation of sustainable energy financing district authority. In addition, encourage the Arizona State Legislature to identify and define energy efficiency and renewable energy as a public benefit that enhances the public good and promotes the health, safety, prosperity, security, and general welfare of the community.	Approved
9	Support a policy that facilitates acquisition of Arizona State Trust Lands by cities and towns to be used for transportation corridors and/or essential public facilities.	Approved
11	Oppose any efforts to extend impact fee moratorium beyond the current three year period.	Approved
13	Urging the Governor and State Legislators to repeal or amend ARS § 36-2031 regarding public intoxication. Each county, municipality, or other political subdivision should be authorized to promulgate and enforce a constitutionally sufficient ordinance governing public intoxication. AMENDED LANGUAGE: By ordinance, a municipality may be authorized to promulgate and enforce public intoxication.	<i>Approved with minor amendment</i>
15	Urges the Legislature to modify state liquor laws to enhance the ability of municipalities to address community related problems associated with liquor establishments, such as requiring the Department of Liquor Licenses and Control and the State Liquor Board give greater consideration to city recommendations on proposed liquor licenses.	Approved
17	Urges the Arizona Congressional Delegation to oppose federal legislation that would place a mandate on local governments to provide collective bargaining rights to employees.	Approved
18	Urges the Governor and the State Legislature to develop and pass legislation that allows greater flexibility in annexing county islands.	Approved
19	Urges the Governor and the State Legislature to develop and pass legislation to address the shortage of physicians in Arizona. The League encourages the Legislature to expand the level of Graduate Medical Education (GME) funding; expand medical school capacity within the state universities; address issues affecting the attraction and retention of physicians from out-of-state; reduce obstacles to medical practice in Arizona; and address any other major issues that affect a physician's decision to locate or remain in Arizona to practice. AMENDED LANGUAGE: Remove references to funding.	<i>Approved with minor amendment</i>

League of Arizona Cities & Towns Annual Business Meeting
Ratification of Resolutions – August 26, 2010

No.	Resolutions	Resolution Committee Action
21	Amend the laws and regulations concerning the Certificate of Necessity (CON) processes and requirements to grant cities & towns the authority to provide emergency ambulance transportation services within their jurisdictions. The State should issue a CON to any city or town that has the ability to provide such services to persons in such jurisdiction.	Approved
22	Requests that statutes, including A.R.S. §39-204, requiring publication of notices, agendas, reports, and other statutorily mandated publications, in a newspaper, be amended to allow cities and towns the option to publish on an official website. This request should be accomplished through the transparency study committee effort established in 2010 by HB 2302; publication of notices; committee	Approved

No.	League Staff Recommendations	Resolution Committee Action
1	Protect and defend the Model City Tax Code	Approved
2	Support reasonable state revenue reform AMENDED LANGUAGE: Remove specific references to expanded sales tax base.	<i>Approved with minor amendment</i>
3	Incorporation reform	Approved
4	Prohibition of unfunded mandates	Approved
5	Job creation and economic development	Approved
6	Standardization of political signs	Approved
7	Transparency	Approved

Members of the 50th Legislature by District/Party

Senate

1. Steve Pierce
2. Jack Jackson Jr. ***
3. Ron Gould
4. Scott Bundgaard ***
5. Sylvia Allen
6. Lori Klein *
7. Nancy Barto **
8. Michele Reagan **
9. Rick Murphy **
10. Linda Gray
11. Adam Driggs **
12. John Nelson
13. Steve Gallardo ***
14. Robert Meza **
15. Kyrsten Sinema **
16. Leah Landrum Taylor
17. David Schapira **
18. Russell Pearce
19. Rich Crandall **
20. John McComish **
21. Steve Yarbrough **
22. Andy Biggs **
23. Steve Smith *
24. Don Shooter *
25. Gail Griffin *
26. Al Melvin
27. Olivia Cajero Bedford **
28. Paula Aboud
29. Linda Lopez
30. Frank Antenori

Total: 21R – 9D

House of Representatives

1. Karen Fann *
Andy Tobin
2. Tom Chabin
Albert Hale **
3. Doris Goodale
Nancy McLain
4. Judy Burges
Jack Harper **
5. Brenda Barton *
Chester Crandell *
6. Amanda Reeve
Carl Seel
7. Heather Carter *
David Burnell Smith ***
8. John Kavanagh
Michele Ugenti *
9. Rick Gray *
Debbie Lesko
10. Jim Weiers
Kimberly Yee
11. Kate Brophy McGee *
Eric Meyer
12. Steve Montenegro
Jerry Weiers
13. Richard Miranda **
Anna Tovar
14. Chad Campbell
Debbie McCune Davis **
15. Lela Alston ***
Katie Hobbs *
16. Ruben Gallego *
Catherine Miranda *
17. Ed Ableser
Ben Arredondo *
18. Cecil Ash
Steve Court
19. Kirk Adams
Justin Olson *
20. Jeff Dial *
Bob Robson ***
21. Tom Forese *
J.D. Mesnard *
22. Eddie Farnsworth ***
Steve Urie *
23. John Filmore *
Frank Pratt
24. Russ Jones
Lynne Pancrazi
25. Peggy Judd *
David Stevens
26. Terri Proud *
Vic Williams
27. Sally Ann Gonzales *
Macario Saldate *
28. Steve Farley
Bruce Wheeler *
29. Matt Heinz
Daniel Patterson
30. David Gowan
Ted Vogt

Total: 40R – 20D

Leadership:

President: Russell Pearce
 Majority Leader: Scott Bundgaard
 Whip: Steve Pierce
 Minority Leader: David Schapira
 Asst. Minority Leader: Leah Landrum Taylor
 Minority Whip: Paula Aboud

Leadership:

Speaker: Kirk Adams
 Majority Leader: Andy Tobin
 Whip: Debbie Lesko
 Minority Leader: Chad Campbell
 Asst. Minority Leader: Steve Farley
 Minority Whip: Matt Heinz

Key: Blue: Democrats Red: Republicans

*New Member ** Member Switching Chambers *** Former Legislator

Exhibit "C"

2011 Legislative Agenda

The following paragraphs provide a summary of key elements of the 2011 Legislative Agenda. Although the legislative agenda should remain flexible due to the as yet unknown nature of bills introduced in the State Legislature, the general concepts and direction are provided here for your discussion and approval.

State Budget Impacts / Revenue Sharing

The major issue of concern for counties, cities and towns will be possible reductions in state-shared revenues. The revenue sharing system was created through the voter initiative process in order to allow local jurisdictions to fund essential services such as public safety and infrastructure without interference from the state. Protection of the revenue sharing system that has been in place since 1972 is a core principle of the League of Arizona Cities and Towns, and will remain a top priority of the Town's legislative agenda.

The Town is also strongly opposed to any mandatory direction from the Legislature regarding the use of own-source revenues. Local jurisdictions maintain the right to determine the manner in which services are delivered to residents, based on the unique needs and desires of the community. Maintenance of local control is a core principle of the League of Arizona Cities and Towns, and opposition to any legislative attempts to erode local decision-making authority is also a top priority of the Town's legislative agenda.

Economic Development Tools

Economic development that creates high-wage jobs and builds on our success as a hub for high-tech and bio-medical research and development and manufacturing is a top priority of the Town. During the last legislative session, the so-called "Jobs Bill" pushed by House Republican leadership contained tools and programs such as a Job Training fund and a "Deal Closing" fund that would help cities and towns remain competitive nationally and internationally. The Town supports legislative efforts to strengthen existing tools and will work to advance the creation of new economic development programs.

Transit Funding

For fiscal year 2011, the State repealed Local Transportation Assistance Funding (LTAF), impacting the Town's ability to provide Coyote Run transit service, and reducing funding for transit services throughout the region. While it is highly unlikely that LTAF will be restored in the foreseeable future, the League of Arizona Cities and Towns has adopted a resolution urging the Legislature to identify a permanent, designated funding source, without impacting state shared revenues, to support the development and operation of a comprehensive multi-modal public transportation program. The Town supports this resolution and will work to advance legislation that will support regional transit programs and the Town's Coyote Run transit service.

Transportation

In addition to the loss of dedicated transit funding, cities and towns have also experienced significant reductions in State Highway Fund revenue due to legislative budget sweeps and the down economy. The Legislature has failed to increase the state gas tax to keep pace with inflation, resulting in steadily declining gas tax revenues that do not allow the state and local jurisdictions to adequately fund the

Annexation / Incorporation

State statutes regarding municipal annexation and incorporation have become overly complex and are a barrier to regional development and fiscal sustainability. The Town supports the League recommendation to create a working group that will examine incorporation statutes and develop a set of recommended reforms. Additionally, the Town supports reforms that would remove barriers to annexation and reduce the need for counties to provide urban services.

Arizona State Trust Land ROW Acquisition

The Town continues to actively plan for the construction of transportation corridors in the northwest region. Particularly with regard to the Arroyo Grande area, many of these planned transportation corridors will pass through State Trust Land. Currently, the Arizona Constitution requires that any State Trust Land considered for disposition be sold at auction to the highest bidder. This requirement means that to acquire right-of-way for public infrastructure projects, cities and towns must compete with private developers, which significantly increases the cost of providing basic services to Town residents. The Town supports a policy that would facilitate acquisition of State Trust Lands by cities and towns to be used for transportation corridors and/or essential public facilities without going to public auction.

Impact Fees

In 2009, the Legislature imposed a two-year moratorium on development impact fees, preventing cities and towns from implementing new or increased fees to fund infrastructure that serves new development. The moratorium has not had a significant impact on the Town because a comprehensive impact fee update was adopted prior to the effective date of the legislation. However, impact fees remain an important source of revenue for the Town, and ensure that current residents do not bear the costs associated with new development. The Town supports the League resolution in opposition to any efforts to extend the impact fee moratorium.

Support for Public Education

Although the Town is not directly involved in education issues, we recognize the importance of public education to the long-term health and vitality of our community. The University of Arizona, Pima Community College, Amphitheater School District, and public charter schools provide the foundation for our future success. The Town will not support any attempts to reduce funding for public education.