

AGENDA
ORO VALLEY TOWN COUNCIL
REGULAR SESSION
September 21, 2011
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE

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

1. Presentation of the John J. Ross Memorial 'Excellence in Law-Related Education' award to Officer Shawn Benjamin
2. Presentation of 'School Resource Officer of the Year' Awards
3. Oro Valley Explorer's competition results

CONSENT AGENDA

(Consideration and/or possible action)

- A. Minutes - June 29, 2011
- B. Fiscal Year 2011/12 Financial Update Through July 2011
- C. Police Department Statistics - July 2011
- D. Request for approval of a Final Plat for Rooney Ranch Parcel B, to resubdivide Lot #1 into two lots, Lots 7 & 8, located at the northwest corner of Oracle Road and First Avenue
- E. Resolution No. (R)11-60, authorizing the Town Clerk to conduct the Primary Election on March 13, 2012 and the General Election on May 15, 2012 as "Ballot By Mail" elections pursuant to A.R.S. § 16-409; and designating the election dates, the deadlines for voter registration and the place and last date for candidates to file nomination papers
- F. Resolution No. (R)11-61, Authorizing and approving a Slope Easement Acquisition Agreement between the Town of Oro Valley and Deloy E. and Maria D. Wolfley for a portion of Parcel 224-27-2900 for the Lambert Lane Project between La Canada Drive and Pusch View Lane
- G. Resolution No. (R)11-62 and Resolution No. (R)11-63, Authorizing and Approving two Renewable Energy Credit Purchase Agreements between the Town Of Oro Valley and Tucson Electric Power Company
- H. Resolution No. (R)11-64, Approving a sponsorship program between the Town of Oro Valley and Pusch Ridge Pet Clinic regarding Mutt Mitt stations located in Canada Del Oro Riverfront Park and James D. Kriegh Park
- I. Resolution No. (R)11-65, Supporting the Pima County Office of Emergency Management and Homeland Security application for pre-disaster mitigation funds from the Federal Emergency Management Agency (FEMA) hazard mitigation program for buffelgrass removal.

REGULAR AGENDA

- 1. PUBLIC HEARING: ORDINANCE NO. (O)11-22 AMENDING THE ORO VALLEY ZONING CODE REVISED, BY AMENDING CHAPTER 23, ZONING DISTRICTS, SECTION 23.3, TABLE OF PERMITTED USES, CHAPTER 25, USE REGULATIONS, SECTION 25.1, REQUIREMENTS FOR SPECIFIC USES AND CHAPTER 31, DEFINITIONS RELATING TO OUTDOOR DISPLAY OF MERCHANDISE FOR COMMERCIAL BUSINESSES
- 2. DISCUSSION AND POSSIBLE ACTION REGARDING ORO VALLEY ZONING CODE REVISED, CHAPTER 28, SIGNS, PERTAINING TO THE USE AND REGULATION OF A-FRAME SIGNS
- 3. DISCUSSION REGARDING POLICE DEPARTMENT RESPONSE CRITERIA, STATISTICAL REPORTS AND ALTERNATIVES TO ENHANCE OVERALL PERFORMANCE

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: 9/14/11 at 5:00 PM by 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.



Town Council Regular Session

Item # 1.

Meeting Date: 09/21/2011

Presentation of plaque to Officer Shawn Benjamin for John J. Ross Memorial Award

Information

Subject

Presentation of the John J. Ross Memorial 'Excellence in Law-Related Education' award to Officer Shawn Benjamin

Summary

Representatives from the Arizona Foundation for Legal Services and Education are here this evening to present a plaque to Officer Shawn Benjamin for her recently announced John J. Ross Memorial 'Excellence in Law-Related Education' award.

She was nominated for this award by Lt. Kara Riley, who detailed the following:

Officer Shawn Benjamin goes above and beyond to educate her students in fun and creative ways. She taught 18 different Law Related Education subjects this past year, including "sexting" and "bullying".

In addition to her classroom instruction, her students have participated in the Forensics Science program.

She also helped her students create and submit a skit for the LawforKids.org website. The student performed video skits are used online for kids across Arizona to learn about different laws important to youth. Utilizing students helps make the content more real for youth, while actively engaging the creators in many aspects of a law they might face.

Not only does Ofc. Benjamin teach a significant number of subjects, she participates in many community groups that are all attached to the youth of our community, including drug awareness.

She shows her dedication to her students by doing more than what is required of her. She is an amazing role model and leader.



Town Council Regular Session

Item # 2.

Meeting Date: 09/21/2011

Presentation

Information

Subject

Presentation of 'School Resource Officer of the Year' Awards

Summary

Attached are the nominations for Officer Shawn Benjamin and Officer Dan Horetski submitted to the Arizona School Resource Officer's Association for 'Officer of the Year' as prepared by their Supervisor, Sgt. Bruce Thomas.

It is unusual that the Association awarded two officers the honor in one year, as they generally only choose one; however, this year they made an exception and awarded both the officers this honor, as they were so impressed with all that they do for their school community.

Their plaques were awarded at the State Conference held in Prescott, Arizona in June.

Attachments

Officer Benjamin

Officer Horetski

Nomination for Officer of the Year Arizona School Resource Officers Association

As Supervisor of the School Resource Unit for the Oro Valley Police Department it is difficult to nominate one person from this unit as Officer of the Year for working with our youth, as every member of this unit is here because they want to be. All of the SRO's are dedicated to the safety and well being of the youth in our community. However; one person does stand out as being exemplary for her dedication, drive, and tenaciousness in attacking the problems of the youth in our high schools. That person is Officer Shawn Benjamin, one of two school resource officers at Canyon del Oro High School.

Officer Benjamin came to this unit a little over three years ago and has made a definite impact on her school community. She has built a strong relationship with Amphi School officials, employees, parents, students and teachers. She took the initiative and was instrumental in bringing the "Mad Dog" and R5 drug presentations to all the High school students in Oro Valley.

She has built a strong partnership with the Meth Free Alliance program and over the past three years, she has been able to procure grant funding for the Forensics Program at CDO high. She actively teaches in those classes each year (well over 200 hours per year). She has taken the Forensic Program students to state as well as regional competitions and brought home trophies. She is an active advisor for our Police Explorer Program and has guided them in the State Competitions which resulted in many trophies for their outstanding performance.

Shawn has held numerous Parent Drug Awareness Nights, given multitudes of classroom presentation related to drug use and awareness. She brought the Wake up Oro Valley program from the Meth Free Alliance to Canyon del Oro High and has partnered with DEA, the Meth Free Alliance, Pima County, Town of Marana, City of Tucson, Northwest Fire District, and the Oro Valley Optimist Club to bring a Pharmaceutical Disposal program to Oro Valley which is becoming a model for the nation.

As you can see from the list above, she is extremely active in the area of drug use prevention in our community. Besides the list, she spreads her enthusiasm about all her involved programs where ever she goes and always finds time to help in any other youth program in our community including the Teen Academy, helping to get the forensic program established in our other schools, etc.

Officer Shawn Benjamin definitely deserves recognition for her dedication to our youth.

Sgt. Bruce Thomas
Oro Valley Police Department
11,000 N. La Canada
Oro Valley, Arizona 85737

Nomination for Officer of the Year Arizona School Resource Officer Association

School Resource Officer Dan Horetski is a living example of what an SRO should look like. He is fully engaged in his environment and it is obvious to all that deal with him on a daily basis that he loves the challenge of his job. He has worked in about every division of the police department and is a very well rounded officer but it is obvious he loves working with the young people in our community. He even gave up a promotion as a Detective to return to his job as an SRO at Canyon del Oro High School in Oro Valley. When he is not working at the school as an SRO, he is usually there on his own time coaching various sports or assisting in other capacities.

He brings skills to his job that he has learned while working in the other divisions of the police department. He recently used his Detective skills to solve a theft problem that had been plaguing the school for some time by placing an infrared camera in the area of the thefts. Dan easily transitions from the role of enforcer to the classroom and back again as needed in his daily routine. He is in his element when he teaches in the classrooms. He has taught Drivers Education, Healthy Lifestyles, Search and Seizure, Forensics, Warrants, Juvenile Law, Juvenile DUI, and has been a guest speaker at the UofA Law School on Juvenile Law on several occasions.

He is an excellent representation of what a Law Enforcement Officer should be and represents this Department favorably. His cases are always thoroughly investigated and he strives to do what is best for the student he is dealing with at the time.

School Resource Officer Dan Horetski IS the officer of the year for our unit and Police Department should be considered for the honor by our State Association.

Sgt. Bruce Thomas
Oro Valley Police Department
11,000 N. La Canada
Oro Valley, Arizona 85737



Town Council Regular Session

Item # 3.

Meeting Date: 09/21/2011

Presentation of results of recent Oro Valley Explorer's activities.

Information

Subject

Oro Valley Explorer's competition results

Summary

Sixteen Oro Valley Explorer's participated in a competition held in Gunnison Colorado July 10 - 14, 2011 with the following results:

Eight Awards were received by the OVPD Explorer Post.

1. 2nd Place - High Risk Traffic Stop
2. 3rd Place - Interview and Interrogation
3. 3rd Place - Custody and Control
4. 1st Place - Prisoner Processing
5. 3rd Place - High Risk Traffic Stop (We placed twice in this event)
6. 5th Place - High Risk Traffic Stop (We place multiple times in this event)
7. 4th Place - High Risk Traffic Stop (I guess we dominated this event.)
8. 4th Place - High Risk Entry

The Sahuarita Explorer Academy was held July 25-29, with graduation on July 30, 2011

Seven Explorers attended and graduated this academy, with the following receiving awards:

Explorer Mason Solberg received the "Most Improved Award".

Explorer Cheyenne Sanchez received the "Female Physical Training Award".

Mayor Satish Hiremath, Chief Daniel Sharp, Deputy Chief Larry Stevens, and Lieutenant Kara Riley were in attendance at graduation.



Town Council Regular Session

Item # A.

Meeting Date: 09/21/2011

Requested by: Julie Bower, Town Clerk

Submitted By:

Mike Standish, Town
Clerk's Office

Department: Town Clerk's Office

Information

SUBJECT:

Minutes - June 29, 2011

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

N/A

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to (approve, approve with the following changes) the June 29, 2011 minutes.

Attachments

June 29, 2011 Minutes

**MINUTES
ORO VALLEY TOWN COUNCIL
SPECIAL SESSION/STUDY SESSION
June 29, 2011
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE**

SPECIAL SESSION

CALL TO ORDER

Mayor Hiremath called the meeting to order at 6:00 p.m.

ROLL CALL

PRESENT: Satish Hiremath, Mayor
Bill Garner, Councilmember
Joe Hornat, Councilmember
Steve Solomon, Councilmember
Lou Waters, Councilmember

ABSENT: Barry Gillaspie, Councilmember

EXCUSED: Mary Snider, Vice Mayor

- 2. Appointment of two members to the Oro Valley Conceptual Design Review Board (CDRB) with staggered terms effective through December 31, 2012 and December 31, 2013.**

Councilmember Waters recommended Dick Eggerding, the co-founder of Greater Oro Valley Arts Council and Rachel Childers who attended the University of Arizona with a major in Art History to the Conceptual Design Review Board.

MOTION: A motion was made by Councilmember Waters and seconded by Councilmember Hornat to appoint Rachel Childers to the Conceptual Design Review Board with her term ending December 31, 2012 and to appoint Dick Eggerding to the Conceptual Design Review Board with his term ending December 31, 2013. These initial terms shall not count against the appointees term limits.

MOTION carried, 5-0.

- 3. Discussion and possible action regarding the formation of a Council work group for the examination of the Coyote Run transit system.**

Mayor Hiremath stated that he had erroneously appointed Councilmember Waters and Councilmember Solomon to a sub-committee without the presence of the Council.

MOTION: A motion was made by Mayor Hiremath and seconded by Councilmember Hornat to appoint Councilmember Waters and Councilmember Solomon to the sub-committee to work on the examination of the Coyote Transit System.

Councilmember Garner asked if it would be prudent to have Councilmember Gillaspie present.

Councilmember Solomon called the question.

MOTION carried, 4-1 with Councilmember Garner opposed.

Mayor Hiremath recessed the Special Session at 6:05 p.m.

STUDY SESSION

Mayor Hiremath convened the Study Session at 6:05 p.m.

ROLL CALL

PRESENT:

Satish Hiremath, Mayor
Bill Garner, Councilmember
Joe Hornat, Councilmember
Steve Solomon, Councilmember
Lou Waters, Councilmember

ABSENT:

Barry Gillaspie, Councilmember(arrived at 6:10 p.m.)

EXCUSED:

Mary Snider, Vice Mayor

1. Discussion Regarding Temporary Relief Strategies for Businesses

Economic Development Manager Amanda Jacobs requested direction from Council for a temporary relief program that would assist businesses during the current and future economic downturns.

Ms. Jacobs discussed the tools that were used to help local businesses which included the Business Navigator and business retention and expansion program as well as the Shop Oro Valley and Dine Oro Valley programs. The CDRB had been established and the Sign Code was updated.

Councilmember Gillaspie arrived at 6:10 p.m.

Mayor Hiremath stated that Council needed to develop temporary relief strategies for businesses depending upon economic factors at that time.

Councilmember Waters stated that sales tax revenue dropped 29 months of the last 30 months and that the town needed more than a temporary solution. He felt that structural changes would be needed to the town's business relief program.

Councilmember Solomon stated that the businesses he spoke with said that the temporary A-frame signs made a large impact on their businesses and recommended that provisions should be made to extend the use of A-frames.

Councilmember Hornat asked if A-frames were ever allowed.

Ms. Jacobs said A-frames were allowed during the temporary sign waiver program from August 1, 2010 through April 15, 2011.

Councilmember Hornat asked Finance Director Stacey Lemos if there was a further drop in sales tax.

Ms. Lemos stated the largest drop was in construction sales tax.

Councilmember Garner stated that business relief programs should be based on national, state or local economic indicators.

Councilmember Solomon said another tool that could be utilized was to reduce the 4% construction sales tax to 2% to spur more construction in town.

Councilmember Gillaspie said the construction sales tax could be scaled back if there were specific benefits to the community.

Mayor Hiremath opened the public hearing.

Oro Valley resident Bill Adler said construction sales tax could be enhanced if the town recruited new businesses and if zoning restrictions were relaxed. He recommended changing ordinances to provide relief.

Councilmember Waters asked Mr. Adler if amending the General Plan was a quick process.

Mr. Adler stated that a General Plan amendment was very time consuming because of the current five criteria that must be addressed. He recommended reducing the criteria to one so that the process would be quicker.

Councilmember Gillaspie advised Council to direct staff to move forward on a relief package that would not amend the Code.

Oro Valley resident Don Bristow said businesses needed to take a proactive part in solving their own problems. He recommended that the town should pursue discount cards for restaurants and felt that A-Frames hadn't performed well.

Interim Town Manager Greg Caton was developing a plan in conjunction with Ms. Jacobs to bring forth economic development programs and opportunities for Council consideration.

Oro Valley resident Harold Adair stated that Texas Governor Rick Perry, was actively pursuing businesses in Arizona to move to Texas. He recommended that the town work with other municipalities to get more business in the town.

Oro Valley resident Dave Perry, President and CEO of the Northern Pima County Chamber of Commerce stated that Oro Valley sales tax revenue had declined 29 months out of the last 36 months. He said that the business community wanted predictability and certainty about structure, regulation and taxation. He urged Council to consider relief options that would assist struggling business owners.

Councilmember Garner noted that Texas was able to attract an enormous amount of business to the state due to their tax structure at the state level.

Council directed staff to move forward with temporary relief strategies.

Mayor Hiremath closed the Study Session and reconvened the Special Session at 6:39 p.m.

SPECIAL SESSION

- 1. PUBLIC HEARING - ORDINANCE NO. (O)11-18, RELATING TO FIRE PROTECTION AND PREVENTION; PROHIBITING THE USE OF FIREWORKS AND THE SALE OF FIREWORKS OTHER THAN PERMISSIBLE CONSUMER FIREWORKS WITHIN THE TOWN OF ORO VALLEY, EXCEPT AS PROVIDED HEREIN, AMENDING THE ORO VALLEY TOWN CODE BY AMENDING CHAPTER 10, OFFENSES, BY ADDING A NEW ARTICLE 10-13; FIREWORKS**

Town Attorney Tobin Rosen gave an overview of the item.

Mr. Rosen stated that the City of Tucson had banned fireworks due to the wildfire danger. The town, along with Golder Ranch Fire District, recommended an emergency ordinance that would restrict and prohibit the use of permissible consumer fireworks within the town.

Councilmember Hornat asked if the ordinance would be permanent.

Mr. Rosen stated it would be a permanent prohibition but Council could choose a temporary ordinance.

Councilmember Garner asked if Chief Karrer could inform Council on how many firework incidents had occurred within the town.

Fire Chief Randy Karrer was only aware of one incident which involved an illegal aerial firework.

Councilmember Garner clarified that the ordinance would prohibit any firework that would leave the ground.

Councilmember Solomon requested clarification on what the hazard was from these devices on the environment.

Chief Karrer was concerned that even the small fireworks that wouldn't leave the ground, such as sparklers, posed a very high fire risk.

Councilmember Solomon asked if a fire were to start in a dry area, would there be a high probability of high winds endangering neighboring homes.

Chief Karrer stated with high winds and low humidity, fires were very hard to stop and a few weeks of rain would not help. He applauded General Manager Lynn Ericksen of the Hilton El Conquistador Resort for cancelling their fireworks show because of the extreme conditions.

Councilmember Solomon asked what the recommended criteria would be when conditions improved.

Chief Karrer stated the criteria would be related to humidity, wind speed and temperature. Council had passed a plan on how the town would protect its open spaces and the concern was that if there was a fire in this area, the result would be devastating.

Councilmember Waters felt that a temporary ban on fireworks was necessary due to the dry conditions.

Councilmember Garner agreed there should be a temporary ban on fireworks but not a permanent ban.

Councilmember Gillaspie asked Mr. Rosen whether or not fireworks were illegal in Oro Valley prior to the passage of the state law.

Mr. Rosen stated prior to the passage of the state law last year, fireworks were illegal throughout the state of Arizona. The law allowed the sale and use of permissible

fireworks but the law did give cities and towns the ability to regulate the use but not the sale of permissible fireworks.

Councilmember Waters asked what the liabilities would be for anyone who violated the ordinance and started the fire.

Mr. Rosen stated the liability would extend to the individual who violated the ordinance and that if an emergency response was necessary, the individual would be liable for the cost of the response.

Mayor Hiremath opened the Public Hearing.

John Munger, resident of Tucson, representative for TNT Fireworks reviewed statistics that covered years 2001 through 2009. Fireworks were responsible for a very small proportion of the number of acres burned. He believed that a permanent ban was unnecessary but had agreed that individuals who started fires should be held responsible for paying for the emergency response.

Councilmember Solomon felt that a permanent fireworks ban was unnecessary.

Lynn Erickson, General Manager of the Hilton El Conquistador Golf and Tennis Resort stated it was a tradition to have a firework show but with the dangerous conditions this year, the hotel would not have a fireworks display. The safety of staff and community was what motivated the decision to cancel the firework display. Instead of a fireworks display, the hotel would replace it with a laser light show and postpone the firework show until Labor Day weekend.

Mayor Hiremath closed the Public Hearing.

MOTION: A motion was made by Councilmember Waters and seconded by Councilmember Hornat to adopt Ordinance No. (O)11-18, relating to fire protection and prevention; prohibiting the use of fireworks and the sale of fireworks other than permissible consumer fireworks within the Town of Oro Valley, except as provided herein, amending the Oro Valley Town Code by amending Chapter 10, offenses, by adding a new article 10-13; fireworks; whereas, on a temporary basis, the Town Fire Marshall in consultation with Town officials may lift the use restrictions.

MOTION TO AMEND: A motion was made by Councilmember Gillaspie and seconded by Councilmember Waters to amend the motion to specify that the restriction on the use of fireworks be temporary and that it be evaluated on a monthly basis with recommendation from the Fire Marshall to the Town of Oro Valley for approval by the Town Council.

MOTION TO AMEND THE AMENDMENT: A motion was made by Councilmember Gillaspie and seconded by Councilmember Waters to allow the temporary ban to be lifted on consultation and action by the Town Fire Marshall and appropriate Town officials.

MOTION AS AMENDED carried, 6-0.

FUTURE AGENDA ITEMS

No future agenda items were requested.

ADJOURNMENT

MOTION: A motion was made by Councilmember Hornat and seconded by Councilmember Waters to adjourn the meeting at 7:19 p.m.

MOTION carried, 6-0.

Prepared by:

Sylvia Sepulveda
Licensing & Customer Service 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 29th day of June 2011. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2011.

Julie K. Bower, CMC-MMC
Town Clerk



Town Council Regular Session

Item # B.

Meeting Date: 09/21/2011

Requested by: Wendy Gomez

Submitted By:

Wendy Gomez, Finance

Department: Finance

Information

SUBJECT:

Fiscal Year 2011/12 Financial Update Through July 2011

RECOMMENDATION:

N/A

EXECUTIVE SUMMARY:

Revised Format to Reports

The July financial reports are presented in a slightly new format in response to Council requests for additional information related to the new categories of fund balance that are now in place per the Governmental Accounting Standards Board Statement 54 (GASB 54). The new layout also follows the format used in the preparation of the Town's audited financial statements, specifically the Statement of Revenues, Expenditures and Changes in Fund Balances.

All *REVENUES* are shown first, then *EXPENDITURES* are shown. The difference between the revenues and expenditures equals the *EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES*. Then, *TRANSFERS IN* and *TRANSFERS OUT* are listed. (These are amounts that are either transferred in from other Town funds or transferred out to other Town funds). The net total of *TRANSFERS IN* and *TRANSFERS OUT* is equal to *TOTAL OTHER FINANCING SOURCES (USES)*.

The combined total of *EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES* and *TOTAL OTHER FINANCING SOURCES (USES)* equals the *CHANGE IN FUND BALANCE*. At the bottom of the page, the entire *BEGINNING FUND BALANCE* as of July 1, 2011 is shown for each fund, separated by category as prescribed by GASB 54. Finally, the entire estimated *ENDING FUND BALANCE* for June 30, 2012 is shown. The *ENDING FUND BALANCE* is calculated by adding the *CHANGE IN FUND BALANCE* amount to the *BEGINNING FUND BALANCE* total.

Across the top of the table, the first column shows all actual amounts through the month of July 2011. The second column shows the adopted FY 2011/12 budget amounts. The third column is the percentage of revenues received and expenditures recorded in July compared to the budget amounts. The fourth column shows the year-end estimates for each category. The fifth column shows the dollar difference between the year-end estimates and the adopted budget amounts, and the last column shows the percentage difference between the year-end estimates and the adopted budget amounts.

General Fund

Attachment A shows General Fund revenues and expenditures through July as well as year-end estimates for each category. Through July, revenue collections, including transfers in, totaled \$1,831,856, and expenditures, including transfers out, totaled \$1,080,779.

The General Fund budget for FY 11/12 included \$180,000 in unspent carryforward funds from the Capital Asset Replacement Fund (CARF) to be spent on computer network upgrades that are in process from last fiscal year. These unspent CARF funds were included in the General Fund beginning fund balance at 7/1/2011 and are expected to be fully spent during this fiscal year. This explains why the adopted budget column for the General Fund shows a planned \$180,000 decrease in fund balance.

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

Revenues	\$25,036,018
<u>Less:</u>	
Expenditures	(25,582,411)
<u>Plus:</u>	
Other Financing Sources	<u>902,574</u>
Est. Increase in Fund Balance	\$ 356,181

General Fund Revenues

- Revenues through July total \$1,782,513 which represents 7.1% of the budgeted FY 11/12 revenues.
- Revenues are estimated to come in on budget at this point only one month into the fiscal year. However, staff will continue to monitor revenue collections and may adjust year-end estimates based on actual trends.
- Although the distribution by revenue category has changed, the total amount of General Fund revenues budgeted for this fiscal year are 10% below what was collected five years ago, in FY 06/07

General Fund Major Revenue Categories

Local Sales Tax

- Fiscal year to date General Fund collections are \$848,516 (1% less than FY 10/11 through July)
- Estimated to come in on budget

State-Shared Revenues

- Income Tax - fiscal year to date is \$288,458 (9.7% decrease from FY 10/11 through July)
- Sales Tax - fiscal year to date is \$258,562 (4.6% increase from FY 10/11 through July)
- Vehicle License Tax - fiscal year to date is \$135,251 (2.6% increase from FY 10/11 through July)

General Fund Expenditures

- Expenditures through July total \$1,080,779, which represents 4.1% of the budgeted FY 11/12 expenditures
- Expenditures are estimated to come in under budget by about \$508,000, or by about 1.9%
- Expenditure projection reflects estimated vacancy savings (savings from positions that will remain unfilled or will be refilled at a later date). **Note that vacancy savings are estimates and are subject to change.**

See Attachment A for additional detail on the General Fund, and Attachments B and C for additional detail on the Highway Fund and Bed Tax Fund. See Attachment D for estimated vacancy savings. See Attachment E for a fiscal year to date consolidated summary of all Town funds.

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

Information only.

Attachments

Attachment A-General Fund

Attachment B - Highway Fund

Attachment C - Bed Tax Fund

Attachment D - Vacancy Savings Report

Attachment E - Summary All Funds



General Fund

% Budget Completion through July --- 8.3%

	Actuals thru 07/2011	Budget	% Actuals to Budget	Year End Estimate *	YE \$ Variance to Budget	YE % Variance to Budget
REVENUES:						
LOCAL SALES TAX	848,516	12,401,316	6.8%	12,401,316	-	0.0%
LICENSES & PERMITS	95,279	1,126,894	8.5%	1,126,894	-	0.0%
FEDERAL GRANTS	12,022	805,533	1.5%	805,533	-	0.0%
STATE GRANTS	10,385	288,500	3.6%	288,500	-	0.0%
STATE/COUNTY SHARED	682,271	8,187,264	8.3%	8,187,264	-	0.0%
OTHER INTERGOVERNMENTAL	-	591,160	0.0%	591,160	-	0.0%
CHARGES FOR SERVICES	98,494	1,237,851	8.0%	1,237,851	-	0.0%
FINES	14,855	190,000	7.8%	190,000	-	0.0%
INTEREST INCOME	19,504	22,000	88.7%	50,000	28,000	127.3%
MISCELLANEOUS	1,187	157,500	0.8%	157,500	-	0.0%
TOTAL REVENUES	1,782,513	25,008,018	7.1%	25,036,018	28,000	0.1%

	Actuals thru 07/2011	Budget	% Actuals to Budget	Year End Estimate *	YE \$ Variance to Budget	% Variance to Budget
EXPENDITURES:						
COUNCIL	59,285	220,573	26.9%	220,573	-	0.0%
CLERK	14,802	456,089	3.2%	456,089	-	0.0%
MANAGER	22,695	877,167	2.6%	697,297	(179,870)	-20.5%
HUMAN RESOURCES	18,152	482,649	3.8%	482,649	-	0.0%
FINANCE	26,623	722,199	3.7%	722,199	-	0.0%
INFORMATION TECHNOLOGY	46,873	1,252,797	3.7%	1,252,797	-	0.0%
GENERAL ADMINISTRATION	104,922	2,141,767	4.9%	2,141,767	-	0.0%
LEGAL	29,625	841,832	3.5%	841,832	-	0.0%
COURT	28,135	781,625	3.6%	738,572	(43,053)	-5.5%
DEV & INFRASTRUCTURE SVCS	117,402	3,340,679	3.5%	3,203,324	(137,355)	-4.1%
PARKS, REC, LIBRARY, & CULT RSCS	138,178	2,876,702	4.8%	2,876,702	-	0.0%
POLICE	474,086	12,096,513	3.9%	11,948,610	(147,903)	-1.2%
TOTAL EXPENDITURES	1,080,779	26,090,592	4.1%	25,582,411	(508,181)	-1.9%

EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES	701,734	(1,082,574)		(546,393)	536,181	
TRANSFERS IN						
Bed Tax Fund - Gen Fund Allocation	49,343	675,000	7.3%	675,000	-	0.0%
Bed Tax Fund - Transit Subsidy	-	450,926	0.0%	450,926	-	0.0%
TRANSFERS OUT						
Debt Service Fund	-	(223,352)	0.0%	(223,352)	-	0.0%
TOTAL OTHER FINANCING SOURCES (USES)	49,343	902,574	5.5%	902,574	-	0.0%
CHANGE IN FUND BALANCE	751,077	(180,000)		356,181	536,181	

BEGINNING FUND BALANCE **

Assigned - CARF Carryforward	180,000	180,000	-
Assigned - Comp. Absences & Unemploy Resrv	1,598,407	1,598,407	-
Unassigned	9,231,864	9,231,864	-
TOTAL BEGINNING FUND BALANCE	11,010,271	11,010,271	-

ENDING FUND BALANCE **

Assigned - CARF Carryforward	-	-	-
Assigned - Comp. Absences & Unemploy Resrv	1,598,407	1,598,407	-
Unassigned	9,231,864	9,588,045	356,181
TOTAL ENDING FUND BALANCE	10,830,271	11,186,452	356,181

* Year-end estimates are subject to further revision.

** Fund balance amounts are unaudited estimates, subject to further revision.



Highway Fund

% Budget Completion through July --- 8.3%

	Actuals thru 07/2011	Budget	% Actuals to Budget	Year End Estimate *	YE \$ Variance to Budget	YE % Variance to Budget
REVENUE:						
LOCAL SALES TAX	24,639	367,400	6.7%	367,400	-	0.0%
LICENSES & PERMITS	2,825	42,000	6.7%	42,000	-	0.0%
STATE GRANTS	-	487,000	0.0%	487,000	-	0.0%
STATE/COUNTY SHARED	198,039	2,376,464	8.3%	2,376,464	-	0.0%
CHARGES FOR SERVICES	1,250	15,000	8.3%	15,000	-	0.0%
INTEREST INCOME	431	10,700	4.0%	10,700	-	0.0%
MISCELLANEOUS	1,015	10,000	10.1%	10,000	-	0.0%
TOTAL REVENUES	228,199	3,308,564	6.9%	3,308,564	-	0.0%

	Actuals thru 07/2011	Budget	% Actuals to Budget	Year End Estimate *	YE \$ Variance to Budget	YE % Variance to Budget
EXPENDITURES:						
ADMINISTRATION	32,629	669,143	4.9%	669,143	-	0.0%
TRANSPORTATION ENGINEERING	18,193	1,799,590	1.0%	1,799,590	-	0.0%
PAVEMENT MANAGEMENT	8,202	175,336	4.7%	126,611	(48,725)	-27.8%
STREET MAINTENANCE	27,369	840,753	3.3%	840,753	-	0.0%
TRAFFIC ENGINEERING	19,540	608,455	3.2%	608,455	-	0.0%
TOTAL EXPENDITURES	105,933	4,093,277	2.6%	4,044,552	(48,725)	-1.2%

EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES	122,266	(784,713)		(735,988)	48,725	
TRANSFERS IN	-	-		-	-	
TRANSFERS OUT						
Twnwide Road Impact Fund - Lambert Lane	-	(400,000)	0.0%	(400,000)	-	0.0%
TOTAL OTHER FINANCING SOURCES (USES)	-	(400,000)		(400,000)	-	0.0%
CHANGE IN FUND BALANCE	122,266	(1,184,713)		(1,135,988)	48,725	

BEGINNING FUND BALANCE **

Assigned - Comp. Absences & Unemploy Resrv	169,194	169,194	-
Committed	3,485,754	3,485,754	-
TOTAL BEGINNING FUND BALANCE	3,654,948	3,654,948	-

ENDING FUND BALANCE **

Assigned - Comp. Absences & Unemploy Resrv	169,194	169,194	-
Committed	2,301,041	2,349,766	48,725
TOTAL ENDING FUND BALANCE	2,470,235	2,518,960	48,725

* Year-end estimates are subject to further revision.

** Fund balance amounts are unaudited estimates, subject to further revision.



Bed Tax Fund

% Budget Completion through July --- 8.3%

	Actuals thru 07/2011	Budget	% Actuals to Budget	Year End Estimate *	YE \$ Variance to Budget	YE % Variance to Budget
REVENUE:						
BED TAXES	59,020	899,626	6.6%	899,626	-	0.0%
INTEREST INCOME	1,250	1,800	69.4%	5,000	3,200	177.8%
TOTAL REVENUES	60,270	901,426	6.7%	904,626	3,200	0.4%

	Actuals thru 07/2011	Budget	% Actuals to Budget	Year End Estimate *	YE \$ Variance to Budget	YE % Variance to Budget
EXPENDITURES:						
ECONOMIC DEVELOPMENT	161	235,981	0.1%	235,981	-	0.0%
TOTAL EXPENDITURES	161	235,981	0.1%	235,981	-	0.0%
EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES	60,109	665,445		668,645	3,200	
TRANSFERS IN	-	-	0.0%	-	-	0.0%
TRANSFERS OUT						
General Fund Allocation	(49,343)	(675,000)	7.3%	(675,000)	-	0.0%
Transit Subsidy - Gen Fund	-	(450,926)	0.0%	(450,926)	-	0.0%
TOTAL OTHER FINANCING SOURCES (USES)	(49,343)	(1,125,926)	4.4%	(1,125,926)	-	0.0%
CHANGE IN FUND BALANCE	10,766	(460,481)		(457,281)	3,200	

BEGINNING FUND BALANCE **

Committed	<u>840,705</u>	<u>840,705</u>	-
TOTAL BEGINNING FUND BALANCE	840,705	840,705	-
ENDING FUND BALANCE **			
Committed	<u>380,224</u>	<u>383,424</u>	<u>3,200</u>
TOTAL ENDING FUND BALANCE	380,224	383,424	3,200

* Year-end estimates are subject to further revision.

** Fund balance amounts are unaudited estimates, subject to further revision.

FY 11/12 Town Vacancy Report as of July 31, 2011		
Fund	Vacant FTEs	Estimated FY 11/12 Savings
General Fund	7.88	662,536
<i>Less Budgeted Vacancy Savings</i>		<u>(154,356)</u>
Net General Fund		508,180
Highway Fund	1.00	69,647
<i>Less Budgeted Vacancy Savings</i>		<u>(20,922)</u>
Net Highway Fund		48,725
Stormwater Utility Fund	–	17,209

CONSOLIDATED YEAR-TO-DATE FINANCIAL REPORT THROUGH JULY, 2011

ATTACHMENT E

Fund	Actual FY 11/12 Begin Bal. *	Revenue	Transfer In	Total In	Capital Leases/ Transfer Out	Personnel	O&M	Capital	Contingency	Debt Service	Total Out	Left in Accounts Thru July, 2011
General Fund - Unassigned	9,231,864	1,782,513	49,343	1,831,856	344	787,468	285,716	7,250	-	-	1,080,779	9,982,941
General Fund - Assigned	1,778,407											1,778,407
Highway Fund - Committed	3,485,754	228,199	-	228,199	-	83,036	22,898	-	-	-	105,933	3,608,019
Highway Fund - Assigned	169,194											169,194
Seizure & Forfeiture - State	168,592	9,997	-	9,997	-	-	1,269	-	-	-	1,269	177,320
Seizure & Forfeiture - Justice	457,506	72,946	-	72,946	-	-	1,182	1,083	-	-	2,265	528,188
Bed Tax Fund - Committed	840,705	60,270	-	60,270	49,343	1	160	-	-	-	49,504	851,471
RTA Fund	-	-	-	-	-	-	15	-	-	-	15	(15)
Impound Fee Fund	-	4,650	-	4,650	-	1,944	-	-	-	-	1,944	2,706
Municipal Debt Service Fund	1,501,084	16	-	16	-	-	2,173	-	-	464,386	466,559	1,034,541
Oracle Road Debt Service Fund	4,987	-	-	-	-	-	-	-	-	-	-	4,987
Alternative Water Resources Dev Impact Fee Fund	2,674,855	124,362	-	124,362	-	-	-	-	-	-	-	2,799,217
Potable Water System Dev Impact Fee Fund	7,295,885	42,693	-	42,693	-	-	-	3,146	-	-	3,146	7,335,432
Townwide Roadway Development Impact Fee Fund	2,496,546	22,253	-	22,253	-	-	-	-	-	115,467	115,467	2,403,333
Parks & Recreation Impact Fee Fund	323,843	13,535	-	13,535	-	-	-	-	-	-	-	337,378
Library Impact Fee Fund	83,211	3,482	-	3,482	-	-	-	-	-	-	-	86,693
Police Impact Fee Fund	73,379	2,935	-	2,935	-	-	-	-	-	-	-	76,315
General Government Impact Fee Fund	105,587	3,556	-	3,556	-	-	-	-	-	-	-	109,143
Naranja Park Fund	258,821	-	-	-	-	-	-	-	-	-	-	258,821
Water Utility	8,838,472	438,199	-	438,199	-	99,527	214,180	787	-	-	314,494	8,962,177
Stormwater Utility	368,172	658	-	658	1,781	7,616	14,342	20,921	-	-	44,659	324,170
Fleet Maintenance Fund	-	36,356	-	36,356	-	5,540	1,858	-	-	-	7,398	28,958
Total	40,156,864	2,846,621	49,343	2,895,964	51,467	985,131	543,795	33,187	-	579,853	2,193,433	40,859,395

* Beginning balances are unaudited estimates, subject to further revision.



Town Council Regular Session

Item # C.

Meeting Date: 09/21/2011

Submitted By: Catherine Hendrix, Police
Department

Information

SUBJECT:

Police Department Statistics - July 2011

Attachments

July 2011 Statistics

ORO VALLEY POLICE DEPARTMENT POLICE ACTIVITY SUMMARY

2011	TOTAL	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Total Calls	9696	1389	1407	1498	1327	1391	1268	1416					
Commercial Veh Enforcement	155	23	27	2	22	25	40	16					
Residential Burglaries****	43	3	4	9	6	5	6	10					
Non-Residential Burglaries****	13	0	1	0	4	2	5	1					
All Burglary Attempts****	8	2	1	2	0	1	0	2					
Thefts	341	69	37	50	41	52	43	49					
Vehicle Thefts****	19	4	4	2	3	1	1	4					
Recovered Stolen Vehicles****	4	2	0	0	0	0	1	1					
Attempted Vehicle Thefts****	1	0	0	0	1	0	0	0					
DUI	101	13	11	20	8	19	15	15					
Liquor Laws	32	5	4	2	5	7	5	4					
Drug Offenses	100	18	18	14	18	14	10	8					
Homicides	0	0	0	0	0	0	0	0					
Robbery	5	0	0	1	1	1	2	0					
Assault	82	6	13	16	16	8	11	12					
Total Arrests***	1084	171	149	151	161	163	131	158					
Assigned Cases	461	58	87	80	58	50	67	61					
Alarms (Residential)	475	47	65	57	63	72	74	97					
Alarms (Business)	263	38	30	33	23	35	28	76					
K9 Searches	151	37	14	24	0	16	27	33					
First Aid Calls	1475	189	235	230	230	218	173	200					
Accidents	286	54	39	39	48	35	40	31					
Citations (Traffic)**	1912	436	308	283	269	308	308	**					
Warnings	2819	515	368	338	271	447	408	472					
Repair Orders	451	60	103	27	77	73	51	60					
Public Assists*	1010	115	183	188	153	182	95	94					
Reserve Man Hours	0	0	0	0	0	0	0	0					
Dark House Checks*	9433	1027	1460	1062	935	1565	1447	1937					
Drug Task Force Arrest	55	9	8	19	16	2	1	0					
CVAP Dark House Cks	4629	176	683	291	410	945	826	1298					
CVAP Public Assists	401	52	83	62	52	82	31	39					
CVAP Total Hours	8038.5	1010	1820	1245	1024.5	1095	855	989					

(Arrest stats updated for the year 7/19/10)

* 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.

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

	Jan-Jul 2009	Jan-Jul 2010	Jan-Jul 2011		Jul-09	Jul-10	Jul-11
Total Calls	9749	9946	9696		1420	1393	1416
Commercial Veh Enforcement	##	76	155		##	1	16
Residential Burglaries	44	30	43		8	4	10
Non-Residential Burglaries****	8	14	13		0	0	1
All Burglary Attempts****	7	4	8		3	0	2
Thefts	305	349	341		47	61	49
Vehicle Thefts	12	16	19		2	4	4
Recovered Stolen Vehicles****	5	4	4		0	1	1
Attempted Vehicle Theft****	2	5	1		0	1	0
DUI	148	132	101		19	10	15
Liquor Laws	41	27	32		8	2	4
Drug Offenses	113	104	100		16	9	8
Homicides	0	0	0		0	0	0
Robbery	2	3	5		0	1	0
Assault	66	66	82		2	10	12
Total Arrests***	1474	1189	1084		222	118	158
Assigned Cases	456	419	461		51	56	61
Alarms (Residential)	576	527	475		97	100	97
Alarms (Business)	229	313	263		57	55	76
K9 Searches	161	159	151		38	30	33
First Aid Calls	1391	1375	1475		182	190	200
Accidents	326	276	286		47	23	31
Citations (Traffic)**	5070	3894	**		679	588	**
Warnings	4121	3889	2819		544	614	472
Repair Orders	582	744	451		79	67	60
Public Assists*	1208	1300	1010		152	141	94
Reserve Man Hours	1509	835.5	0		262.5	67	0
Dark House Checks*	7144	8331	9433		1703	2219	1937
Drug Task Force Arrest	265	78	55		18	2	0
CVAP Dark House Cks	3376	5124	4629		1119	1474	1298
CVAP Public Assists	410	542	401		56	59	39
CVAP Total Hours	8057	9995.5	8038.5		1141.5	1497	989

New Category as of 1/1/10

Note: Drug Task Force Arrests do not include Gang Task Force or JTTF arrests

Note: Citation counts adjusted to the correct monthly stat column for months Feb-Mar-Apr

* 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.

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

ORO VALLEY POLICE DEPARTMENT MONTHLY BREAKDOWN OF CITATIONS BY VIOLATION

Citations 2011	TOTAL	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
TOWN CODE	167	57	14	19	4	31	42						
TITLE 28 VIOLATIONS													
SIZE, WEIGHT, LOAD	2	1	0	0	0	1	0						
INSURANCE VIOLATION	408	96	69	51	47	69	76						
REGISTRATION VIOLATION	255	68	41	30	37	32	47						
DRIVERS LICENSE VIOLATION	209	48	36	34	25	33	33						
DUI	86	13	11	20	8	19	15						
RECKLESS/AGGRESSIVE DRIVING	6	1	2	1	0	2	0						
SPEEDING	549	126	78	85	100	79	81						
LANE VIOLATIONS	91	13	18	16	16	14	14						
RED LIGHT	58	18	9	8	2	13	8						
STOP SIGN	26	10	3	1	4	4	4						
FAILURE TO YIELD	46	9	6	7	8	11	5						
SEATBELT VIOLATION	37	9	9	6	5	5	3						
CHILD RESTRAINT	5	0	0	2	0	1	2						
EQUIPMENT VIOLATIONS	35	2	11	6	7	5	4						
PARKING	9	6	0	1	0	1	1						
LITTERING	11	1	3	1	1	3	2						
ALL OTHER CITATIONS	79	15	12	14	9	16	13						
Total Citations	1912	436	308	283	269	308	308						

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

**ORO VALLEY POLICE DEPARTMENT
JULY 2011**

Priority 1		# of calls	%
Dispatch Time < 1 minute		19	95%
> 1 minute		1	5%
Travel Time < 4 minutes		17	85%
> 4 minutes		3	15%
Total Response Time			
< 5 minutes		17	85%
> 5 minutes		3	15%
Total Calls		20	

Priority 2		# of calls	%
Dispatch Time < 2 minute		65	97%
> 2 minute		2	3%
Travel Time < 6 minutes		55	82%
> 6 minutes		12	18%
Total Response Time			
< 8 minutes		61	91%
> 8 minutes		6	9%
Total Calls		67	

Priority 3		# of calls	%
Dispatch Time < 5 minute		309	99%
> 5 minute		2	1%
Travel Time <10 minutes		291	94%
>10 minutes		20	6%
Total Response Time			
< 15 minutes		308	99%
> 15 minutes		3	1%
Total Calls		311	

Priority 4		# of calls	%
Dispatch Time < 10 minute		801	98%
> 10 minute		18	2%
Travel Time < 20 minutes		808	99%
> 20 minutes		11	1%
Total Response Time			
< 30 minutes		810	99%
> 30 minutes		9	1%
Total Calls		819	



Town Council Regular Session

Item # D.

Meeting Date: 09/21/2011

Requested by: Karen Berchtold

Submitted By:

Karen Berchtold,
Development Infrastructure
Services

Department: Development Infrastructure Services

Information

SUBJECT:

Request for approval of a Final Plat for Rooney Ranch Parcel B, to resubdivide Lot #1 into two lots, Lots 7 & 8, located at the northwest corner of Oracle Road and First Avenue

RECOMMENDATION:

Staff recommends approval, subject to the conditions in Attachment 1.

EXECUTIVE SUMMARY:

Home Depot USA, Inc., represented by The WLB Group, Inc., requests approval of a Final Plat to resubdivide an existing parcel to create a new parcel at Rooney Ranch Area B (Attachment 2). The new parcel will be located in the existing Home Depot Center parking area at the eastern portion of the center, adjacent to Oracle Road. A Taco Bell Restaurant is proposed to be developed on the site. The Taco Bell Development Plan/Preliminary Plat was approved by Town Council at the July 6, 2011 meeting.

Site Conditions:

- 10.08 acre parcel with Home Depot Center building and parking area

Proposed Improvements:

Two lots-

- 9.61 acre lot for existing Home Depot Center and parking
- .47 acre lot for proposed Taco Bell Restaurant and parking

BACKGROUND OR DETAILED INFORMATION:

The Zoning Code and State statutes require that Town Council approve the Final Plat.

Final Plat review includes confirmation that:

- The Final Plat conforms to the Preliminary Plat
- Comments from Town departments and outside agencies have been addressed
- Improvement Plans are deemed approvable
- Easement information is complete
- Required survey information has been provided
- State and local subdivision requirements have been met

The Final Plat meets applicable Zoning Code requirements.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to (approve, approve with conditions, or deny) the Final Plat for Rooney Ranch Parcel B, Resubdivision of Lot #1, Lots 7 & 8, subject to the conditions in Attachment 1.

Attachments

Attachment 1 - Conditions of Approval

Attachment 2 - Final Plat

ATTACHMENT 1
Conditions of Approval

**Final Plat for Rooney Ranch Parcel B,
Resubdivision #1, Lots 7 & 8
OV1209-11A**

1. Prior to submittal of the final mylar, comments from Pima County Addressing letter dated June 6, 2011 shall be addressed.
2. A copy of any resubmitted Final Plat shall be transmitted to Tucson Electric Power.

GENERAL NOTES

- GROSS AREA OF SUBDIVISION = 10.08 ACRES (439,038 S.F.).
NET BUILDING AREA = 3.04 ACRES (132,323 S.F.)
- THE NUMBER OF COMMERCIAL LOTS = 2.
THE MINIMUM LOT SIZE IS 0.67 AC (29,050 SF).
THE AVERAGE LOT SIZE IS 5.04 AC (219,519 SF).
- EXISTING AND PROPOSED ZONING IS ROONEY RANCH PAD AREA B.
- PROPERTY IS WITHIN THE ORACLE ROAD SCENIC CORRIDOR OVERLAY DISTRICT (ORSCOD), PER ORO VALLEY ZONING CODE SECTION 24.5.A.1.b.i., "DEVELOPMENT AREA B OF THE ROONEY RANCH PAD IS EXEMPT FROM THE FOLLOWING PROVISIONS: SECTION 24.5.E.3.b.i. & ii. (FRONT SETBACKS) AND SECTION 24.5.E.3.c.i. BUILDING BULK."
- LOT SQUARE FOOTAGE AS FOLLOWS:
LOT 7 418,577 S.F.
LOT 8 20,461 S.F.
TOTAL: 439,038 S.F.
- APPROXIMATE BUILDING SQUARE FOOTAGE AS FOLLOWS:
LOT 7 129,568 S.F. (PER ASSESSOR RECORDS)
LOT 8 2,755 S.F. (PROPOSED)
TOTAL: 132,323 S.F.
- FRONT SETBACK PER ROONEY RANCH PAD = 2:1 RATIO WITH BUILDING HEIGHT.
SETBACK FOR C-2 USES = 60 FEET FROM ORACLE ROAD.
REAR SETBACK = 30 FEET.
- MAXIMUM BUILDING HEIGHT PER ROONEY RANCH PAD = 25 FEET FOR ALL BUILDING WITHIN 100 FEET OF ORACLE ROAD. ALL OTHERS = 33 FEET TO TOP OF PARAPET. CAMPANILES AND CLOCK TOWERS, AND OTHER SIGNIFICANT VERTICAL ARCHITECTURE STATEMENTS OF THE MISSION VERNACULAR, SHALL HAVE A MAXIMUM OF 45 FEET.
- MAXIMUM DENSITY PER ROONEY RANCH PAD = FLOOR AREA RATIO OF 0.40.
APPROXIMATE EXISTING DENSITY = FLOOR AREA RATIO OF 0.25.
- APPROXIMATE EXISTING BUILDING AREA = 129,568 S.F.
- MINIMUM LANDSCAPE REQUIREMENTS PER ROONEY RANCH PAD = 15% (SUBJECT TO "I" OF THE LANDSCAPE POLICY).
APPROXIMATE EXISTING LANDSCAPE AREA = 20% (82,708 S.F.)
- PARKING PER ROONEY RANCH PAD = 1 SPACE PER 300 SQUARE FEET.
AMOUNT OF EXISTING PARKING SPACES PROVIDED AS FOLLOWS:
PARKING SPACES = 488 SPACES
HANDICAP ACCESSIBLE SPACES = 9 SPACES (2 VAN ACCESSIBLE)
TOTAL: 497 SPACES
NOTE: FUTURE USES OF THE PADS IS CONTINGENT UPON THE EXISTING TOTAL NUMBER OF PARKING SPACES IN THE LOT BEING ADEQUATE FOR THE DEVELOPMENT.
- BASIS OF BEARING, THE NORTH-SOUTH MID SECTION LINE OF SECTION 7, TOWNSHIP 12 SOUTH, RANGE 14 EAST, G.S.R.M., PIMA COUNTY, ARIZONA SAID BEARING BEING S 0°20'38" E.
- RESPONSIBILITY FOR MAINTENANCE, CONTROL, SAFETY, AND LIABILITY OF PRIVATE SEWERS, DRAINAGEWAYS, DRAINAGE EASEMENTS, AND COMMON AREAS HAS BEEN ESTABLISHED BY THE "AMENDED AND RESTATED RESTRICTION AGREEMENT AND GRANT OF EASEMENTS FOR ROONEY RANCH CENTER-B", DOCKET 11210, PAGE 0479.
- DEVELOPMENT PLANS WILL BE SUBMITTED FOR COMMERCIAL LOTS OR PADS PRIOR TO THE ISSUANCE OF ANY PERMITS BY THE TOWN ENGINEER AND/OR BUILDING OFFICIAL.
- A DRAINAGE REPORT IS ON FILE WITH THE TOWN OF ORO VALLEY.
- FOR ADDITIONAL GENERAL NOTES, REFER TO DEVELOPMENT PLAN APPROVED 12/02/1998.
- DRAINAGE WILL NOT BE ALTERED, DISTURBED, OR OBSTRUCTED WITHOUT THE APPROVAL OF THE ORO VALLEY TOWN COUNCIL.
- THE ON-SITE SEWERS ARE EXISTING AND BOTH PRIVATE AND PUBLIC.
- TOTAL MILES OF NEW ROADS = 0.
- REFER TO "AMENDED AND RESTATED RESTRICTION AGREEMENT AND GRANT OF EASEMENTS FOR ROONEY RANCH CENTER-B" DOCKET 11210, PAGE 0479; DOCKET 8694, PAGE 943; DOCKET 8694, PAGE 951; DOCKET 10147, PAGE 1028 (RECIPROCAL EASEMENT), AND FIRST AMENDMENT TO DEVELOPMENT AGREEMENT AND GRANT OF EASEMENT (I.E. 60' INGRESS/EGRESS EASEMENT) DOCKET 10147, PAGE 942 FOR CROSS USE AND ACCESS AGREEMENTS.
NOTE: THE OWNERS OF LOTS 7 AND 8 SHOWN ON THIS PLAT GRANT TO THE OWNERS AND THEIR PERMITTEES OF LOTS 2 THRU 6 OF ROONEY RANCH PARCEL B, RECORDED IN BOOK 65 OF MAPS & PLATS, PAGE 22 A NON-EXCLUSIVE EASEMENT FOR VEHICULAR AND PEDESTRIAN ACCESS AND PARKING.
- NO FURTHER SUBDIVISION OF ANY LOT OR PARCEL SHOWN WILL BE DONE WITHOUT THE WRITTEN APPROVAL OF THE ORO VALLEY TOWN COUNCIL.
- THE PROPERTY OWNER, HIS SUCCESSORS, ASSIGNS, OR A DESIGNATED HOMEOWNERS ASSOCIATION AGREES TO 1) KEEP ALL REQUIRED LANDSCAPED AREAS MAINTAINED IN A WEED-FREE, TRASH-FREE CONDITION, 2) REPLACE ANY DEAD PLANT MATERIALS WITHIN 90 DAYS, AND 3) MAINTAIN THE IRRIGATION SYSTEM IN PROPER WORKING ORDER.

DEDICATION

WE, THE UNDERSIGNED, HEREBY WARRANT THAT WE ARE ALL AND THE ONLY PARTY HAVING ANY RECORD TITLE INTEREST IN THE LANDS SHOWN ON THIS PLAT AND WE CONSENT TO THE SUBDIVISION OF SAID LAND IN THE MANNER SHOWN HEREON. WE HEREBY DEDICATE TO THE PUBLIC ALL RIGHTS-OF-WAY SHOWN HEREON, INCLUDING ALL STREETS, EASEMENTS (DRAINAGEWAYS, ALLEYS), UTILITY EASEMENTS AS SHOWN HEREON ARE DEDICATED FOR THE PURPOSE OF INSTALLATION AND MAINTENANCE OF UTILITIES AND SEWERS. EXCLUSIVE EASEMENTS FOR TOWN USES AS SHOWN HEREON ARE HEREBY DEDICATED TO THE TOWN OF ORO VALLEY.

WE, THE UNDERSIGNED, OUR SUCCESSORS AND ASSIGNS, DO HEREBY SAVE THE TOWN OF ORO VALLEY, ITS SUCCESSORS AND ASSIGNS, THEIR EMPLOYEES, OFFICERS, AND AGENTS HARMLESS FROM ANY AND ALL CLAIMS FOR DAMAGES RELATED TO THE USE OF SAID LANDS NOW AND IN THE FUTURE BY REASON OF FLOODING, FLOWAGE, EROSION, OR DAMAGE CAUSED BY WATER, WHETHER SURFACE, FLOOD, OR RAINFALL. IT IS FURTHER UNDERSTOOD AND AGREED THAT NATURAL DRAINAGE SHALL NOT BE ALTERED, DISTURBED, OR OBSTRUCTED OTHER THAN AS SHOWN HEREON WITHOUT THE WRITTEN APPROVAL OF THE TOWN OF ORO VALLEY TOWN COUNCIL.

WE HEREBY CONVEY TO THE TOWN OF ORO VALLEY, PIMA COUNTY, AND ALL PUBLIC UTILITY COMPANIES EASEMENTS AS SHOWN HEREON FOR THE PURPOSE OF ACCESS, INSTALLATION, AND MAINTENANCE OF PUBLIC UTILITIES, PUBLIC SEWERS, AND OTHER USES AS DESIGNATED BY THIS PLAT.

TITLE TO THE LAND OF ALL COMMON AREAS SHALL BE VESTED IN AN ASSOCIATION OF INDIVIDUAL LOT OWNERS AS ESTABLISHED BY COVENANTS, CONDITIONS, AND RESTRICTIONS RECORDED IN DOCKET 11210 AT PAGES 479 IN THE OFFICE OF THE PIMA COUNTY RECORDER AND AMENDED BY COVENANTS, CONDITIONS, AND RESTRICTIONS RECORDED IN DOCKET AT PAGES _____ IN THE OFFICE OF THE PIMA COUNTY RECORDER. EACH AND EVERY LOT LOT OWNER WITHIN THE SUBDIVISION SHALL BE A MEMBER OF THE ASSOCIATION, WHICH WILL ACCEPT ALL RESPONSIBILITY FOR THE CONTROL, MAINTENANCE, SAFETY, AND LIABILITY OF ALL COMMON AREAS WITHIN THIS SUBDIVISION AS SHOWN HEREON.

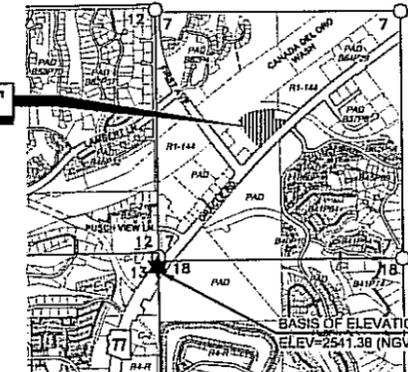
HOME DEPOT USA, INC. A DELAWARE CORPORATION

BY: _____

STATE OF _____ }
COUNTY OF _____ } SS

ON THIS _____ DAY OF _____, 2011, BEFORE ME _____ OF _____ PERSONALLY APPEARED _____ THE _____ OF HOME DEPOT USA, INC. A DELAWARE CORPORATION, AND BEING AUTHORIZED SO TO DO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES: _____



LOCATION MAP
SCALE: A PORTION OF SECTION 7, TOWNSHIP 12 SOUTH, RANGE 14 EAST, G & S.R.M., TOWN OF ORO VALLEY, PIMA COUNTY, ARIZONA
SCALE: 3" = 1 MILE

APPROVALS

I, _____, CLERK OF THE TOWN OF ORO VALLEY, HEREBY CERTIFY THAT THIS PLAT WAS APPROVED BY THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY ON THE _____ DAY OF _____, 2011.

CLERK, TOWN OF ORO VALLEY _____ DATE: _____

PIMA COUNTY REGIONAL WASTEWATER RECLAMATION DEPARTMENT _____ DATE: _____

TOWN OF ORO VALLEY TOWN ENGINEER _____ DATE: _____

PLANNING DIVISION MANAGER _____ DATE: _____

ASSURANCES

ASSURANCE IN THE FORM OF _____ FROM _____ IN THE AMOUNT OF _____ AS RECORDED IN DOCKET _____ PAGE _____ HAS BEEN PROVIDED TO GUARANTEE DRAINAGE AND STREET IMPROVEMENTS, INCLUDING MONUMENTS, AND UTILITY IMPROVEMENTS (ELECTRIC, TELEPHONE, GAS, SEWER AND WATER) IN THIS SUBDIVISION.

MAYOR - TOWN OF ORO VALLEY _____ DATE: _____

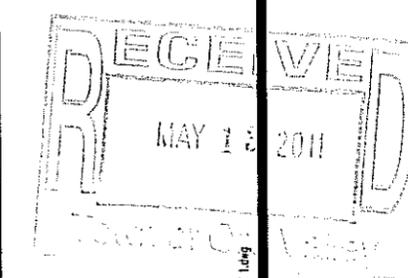
WATER ADEQUACY

THE TOWN OF ORO VALLEY HAS BEEN DESIGNATED BY THE ARIZONA DEPARTMENT OF WATER RESOURCES AS HAVING AN ASSURED WATER SUPPLY, PURSUANT TO ARS §45-576 AND HEREBY CERTIFIES IN WRITING TO SUPPLY WATER TO THIS SUBDIVISION.

WATER UTILITY DIRECTOR _____ DATE: _____

RECORDING DATA

Sequence _____
Fee _____
State of Arizona _____
County of Pima _____
I hereby certify that the instrument was filed for record at the request Of _____ Date _____ Time _____
Witness my hand and Official Seal day and year above written.
F. ANN RODRIGUEZ, County Recorder
BY _____ Deputy



CERTIFICATION

I HEREBY CERTIFY THAT THE BOUNDARY SURVEY SHOWN ON THIS PLAT WAS PERFORMED UNDER MY DIRECTION AND THAT ALL EXISTING AND/OR PROPOSED SURVEY MONUMENTS AND MARKERS SHOWN ARE CORRECTLY DESCRIBED. I FURTHER CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY DIRECTION.

JACK A. BUCHANAN, R.L.S. NO. 12214



OWNER/DEVELOPER

HOME DEPOT USA INC
PROPERTY TAX DEPT RE # 0481
PO BOX 105842
ATLANTA, GA 30348-5842

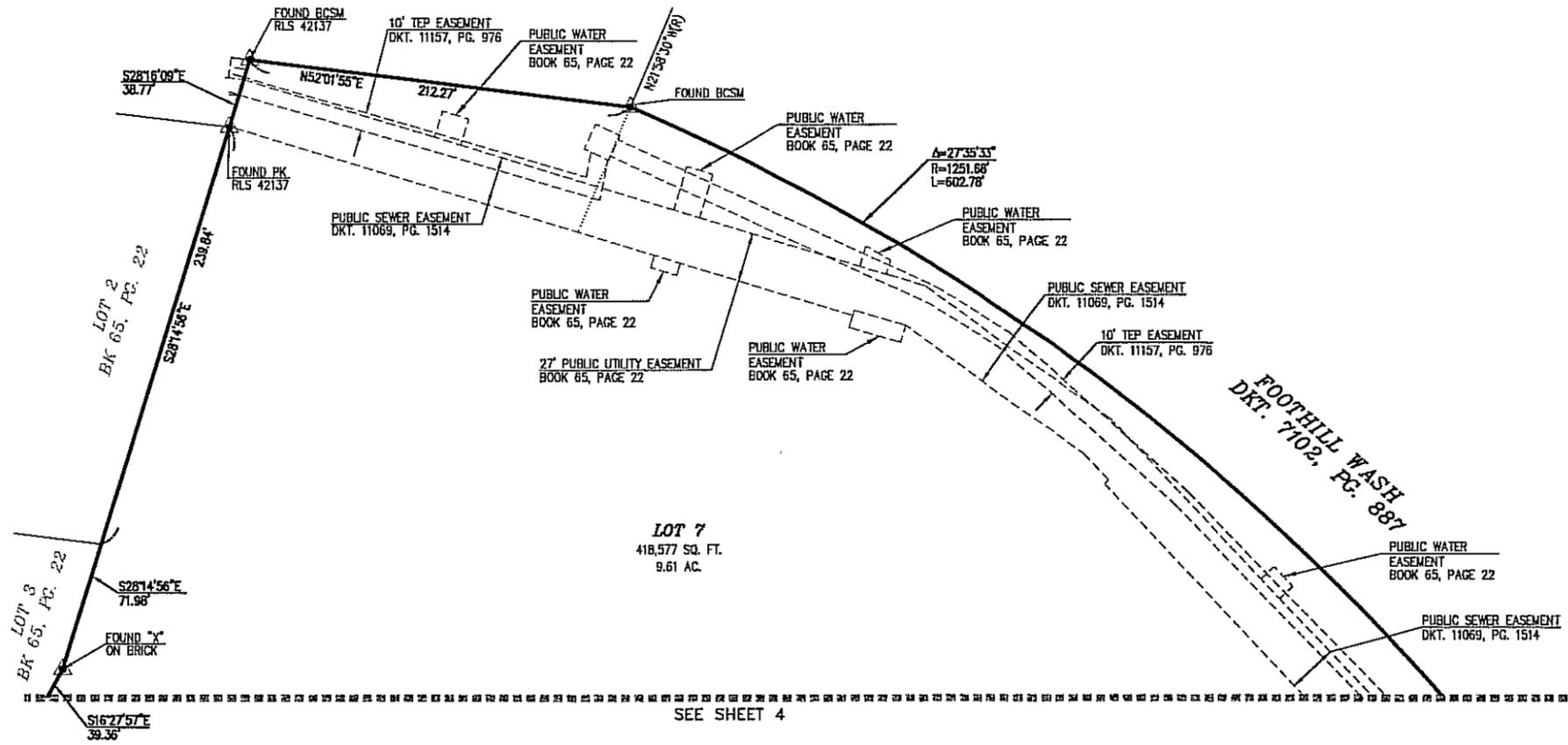
FINAL PLAT FOR ROONEY RANCH PARCEL B RESUB. #1, LOTS 7 AND 8

A RESUBDIVISION OF LOT 1 OF ROONEY RANCH PARCEL B, LOTS 1 THRU 6, RECORDED IN BOOK 65 M&P, PAGE 22 WITHIN OF SECTION 7, TOWNSHIP 12 SOUTH, RANGE 14 EAST, G & S.R.M. TOWN OF ORO VALLEY, PIMA COUNTY, ARIZONA

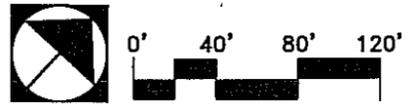
APRIL 2011
181057-V-001-0106

OV12-09-11A
SHEET 1 OF 4

The WLB Group Inc. **WLB**
Engineering Planning Surveying
Landscape Architecture Urban Design
Offices located in Tucson, Phoenix and Flagstaff, Arizona and Las Vegas, Nevada.
444 East Broadway
Tucson, Arizona (520) 881-7480



The **WLB** Group Inc.
 Engineering Planning Surveying
 Landscape Architecture Urban Design
 Offices located in Tucson, Phoenix and
 Flagstaff, Arizona and Las Vegas, Nevada.
 4444 East Broadway
 Tucson, Arizona (520) 881-7480



FINAL PLAT FOR
ROONEY RANCH PARCEL B
RESUB. #1, LOTS 7 AND 8
 A RESUBDIVISION OF LOT 1 OF ROONEY RANCH PARCEL B,
 LOTS 1 THRU 6, RECORDED IN BOOK 65 M&P, PAGE 22
 WITHIN OF SECTION 7,
 TOWNSHIP 12 SOUTH, RANGE 14 EAST, G & S.R.M.
 TOWN OF ORO VALLEY, PIMA COUNTY, ARIZONA
 APRIL 2011 0V12-09-11A
 181057-V-001-0106 SCALE: 1"=40' SHEET 3 OF 4

181057-V-001-0106-001 Home Depot Resub for Taco Bell/FINAL PLAT 3.dwg



Town Council Regular Session

Item # E.

Meeting Date: 09/21/2011

Submitted By: Julie Bower, Town Clerk's Office

Department: Town Clerk's Office

Information

SUBJECT:

Resolution No. (R)11-60, authorizing the Town Clerk to conduct the Primary Election on March 13, 2012 and the General Election on May 15, 2012 as "Ballot By Mail" elections pursuant to A.R.S. § 16-409; and designating the election dates, the deadlines for voter registration and the place and last date for candidates to file nomination papers

RECOMMENDATION:

Staff recommends that Council approve the resolution calling the Primary and General Elections and that the Clerk be authorized to conduct both elections by mail. Oro Valley voters appear to be comfortable with voting by mail and there are no consolidated elections scheduled that would affect the Town's Primary or General Election.

EXECUTIVE SUMMARY:

The attached resolution calls March 13, 2012 as the date to conduct the Primary Election for the purposes of nominating candidates whose names shall appear on the ballot at the May 15, 2012 General Election for three Council seats. Any candidate receiving a majority of the votes cast at the Primary Election shall be declared elected and will not be required to run at the General Election.

The deadline to register to vote in the March 13, 2012 Primary Election is February 13, 2012 and April 16, 2012 for the May 15, 2012 General Election.

Candidates must file nomination papers with the Town Clerk's office by 5:00 p.m. on Wednesday, December 14, 2011 in order for their names to appear on the Primary Election Ballot.

The resolution also authorizes the Town Clerk to conduct mail ballot elections for both the Primary and General Election.

BACKGROUND OR DETAILED INFORMATION:

Pursuant to ARS §16-204, for cities or towns with a population that is less than 175,000, primaries are held on the second Tuesday in March and general elections are held on the third Tuesday in May.

Residents interested in running for a seat on Council may obtain a Candidate Handbook from the Town Clerk's office during normal business hours. Nomination papers may be filed no sooner than 8:00 a.m. on Monday, November 14, 2011 and no later than 5:00 p.m. on Wednesday, December 14, 2011.

The Pima County Recorder provides election services to the Town. There are no consolidated elections anticipated for the spring election cycle so both the Primary and General Election will be conducted as mail ballot elections.

The Town began conducting mail ballot elections in Spring 2002 with the goal of increasing voter turn-out. Voters enjoy the convenience of mail ballots and voter participation has increased. Ballots are sent out approximately 26 days prior to the election, which allows voters time to review the ballots and vote in the privacy of their own homes. Return postage is prepaid and voters may either mail their ballots or drop them off at Town Hall by 7:00 p.m. on Election Day.

In 2010, the primary was conducted as a mail ballot election and voter turnout was 42%. The general election was consolidated with the state sales tax election and was therefore conducted as a polling place election. Voter turnout was 61% and it is interesting to note that 68% of those voters requested an early ballot by mail.

FISCAL IMPACT:

\$110,000 has been budgeted in the General Fund (Town Clerk's department budget - Elections) for the March 13, 2012 Primary Election and the May 15, 2012 General Election.

SUGGESTED MOTION:

I MOVE to adopt Resolution No. (R)11-60, designating March 13, 2012 as the Primary Election date and May 15, 2012 as the General Election date and authorizing the Town Clerk to conduct the elections by mail.

Attachments

Reso 11-60

Reso 11-60 Spanish

RESOLUTION NO. (R)11-60

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, AUTHORIZING THE TOWN CLERK TO CONDUCT THE PRIMARY ELECTION ON MARCH 13, 2012 AND THE GENERAL ELECTION ON MAY 15, 2012 AS “BALLOT BY MAIL” ELECTIONS PURSUANT TO A.R.S. § 16-409; AND DESIGNATING THE ELECTION DATES, THE DEADLINES FOR VOTER REGISTRATION AND THE PLACE AND LAST DATE FOR CANDIDATES TO FILE NOMINATION PAPERS

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

WHEREAS, pursuant to A.R.S. § 16-409(A), cities and towns have the option to conduct any election with Mail Ballots on the approved consolidated election dates; and

WHEREAS, evidence shows that mail balloting yields higher voter participation; and

WHEREAS, evidence shows that mail ballots delivered by the United States Postal Service remain secure and confidential; and

WHEREAS, to protect against voter fraud, the Pima County Recorder’s Office individually matches every voter signature affixed to each returned ballot envelope against the voter’s signature on file from his or her voter registration form; and

WHEREAS, the database maintained by the Pima County Recorder’s Office makes it impossible for a voter to vote more than one ballot.

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

SECTION 1. The Town Clerk is authorized to conduct “Ballot By Mail” elections for the Primary Election to be held on March 13, 2012 and the General Election to be held on May 15, 2012 in accordance with A.R.S. Title 16. The ballots shall be mailed to each registered voter in the Town of Oro Valley on the 26th day prior to each Election.

SECTION 2. The deadline to register to vote in the Primary Election is March 13, 2012, and in the General Election, April 16, 2012.

SECTION 3. Qualified Town residents interested in running for Council may file nomination papers with the Office of the Town Clerk no earlier than 8:00 a.m. on Monday, November 14, 2011 and no later than 5:00 p.m. on December 14, 2011.

SECTION 4. The Town of Oro Valley, Arizona through adoption of this resolution agrees that the Town will pay postage for return of voted ballots by U.S. Mail during the "Ballot By Mail" elections.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley this 21st day of September, 2011.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie K. Bower, Town Clerk

Tobin Rosen, Town Attorney

Date: _____

Date: _____

RESOLUCIÓN NO. (R)11-60

UNA RESOLUCIÓN DEL ALCALDE Y CONCEJO DE LA CIUDAD DE ORO VALLEY, ARIZONA, AUTORIZANDO AL SECRETARIO MUNICIPAL A LLEVAR A CABO LA ELECCIÓN PRIMARIA EL 13 DE MARZO, 2012 Y LA ELECCIÓN GENERAL EL 15 DE MAYO, 2012 COMO ELECCIONES DE "VOTACIÓN POR CORREO" CONFORME A.R.S. § 16-409; Y DESIGNANDO LAS FECHAS DE ELECCIÓN, LAS FECHAS LÍMITE PARA EL REGISTRO DE VOTANTES Y EL LUGAR Y ÚLTIMA FECHA PARA QUE LOS CANDIDATOS REGISTREN PAPELES DE NOMINACIÓN

CONSIDERANDO, que la Ciudad de Oro Valley es una corporación municipal dentro del Estado de Arizona y se le han otorgado todos los derechos, privilegios y beneficios, y tiene derecho a las inmunidades y exenciones otorgadas a las municipalidades y subdivisiones políticas bajo la Constitución y leyes del Estado de Arizona y de los Estados Unidos; y

CONSIDERANDO, conforme a A.R.S. § 16-409(A), que las ciudades y poblados tienen la opción de llevar a cabo cualquier elección con Votación por Correo en la fechas consolidadas de elección aprobadas; y

CONSIDERANDO, que la evidencia muestra que la votación por correo produce mayor participación de votantes; y

CONSIDERANDO, que la evidencia muestra que las boletas entregadas por el Servicio Postal de los Estados Unidos se mantienen seguras y confidenciales; y

CONSIDERANDO, que la Oficina Catastral del Condado de Pima, para proteger contra el fraude de votantes, compara manualmente toda firma de votante firmada en cada sobre de boleta retornada contra la firma del votante registrada en su formulario de registro como votante; y

CONSIDERANDO, que la base de datos mantenida por la Oficina Catastral del Condado de Pima hace imposible que un votante vote en más de una boleta.

AHORA, POR TANTO, el Alcalde y Concejo de la Ciudad de Oro Valley, Arizona, RESUELVEN QUE:

SECCIÓN 1. Se autoriza al Secretario Municipal a llevar a cabo elecciones de "Votación por Correo" para la Elección Primaria a celebrarse el 13 de marzo, 2012 y la Elección General a celebrarse el 15 de mayo, 2012, conforme A.R.S. Título 16. Las

boletas se enviarán por correo a cada votante registrado en la Ciudad de Oro Valley el día número 26 anterior a cada Elección.

SECCIÓN 2. La fecha límite para registrarse para votar en la Elección Primaria es el 13 de marzo, 2012, y en la Elección General el 16 de abril, 2012.

SECCIÓN 3. Los residentes calificados de la Ciudad interesados en ser candidatos para el Concejo pueden registrar los papeles de candidatura en la Oficina de la Secretaría Municipal no antes de las 8:00 a.m. del lunes 14 de noviembre, 2011 y no más tarde de las 5:00 p.m. del 14 de diciembre, 2011.

SECCIÓN 4. La Ciudad de Oro Valley, Arizona mediante la adopción de esta resolución acuerda que la Ciudad pagará el porte para retorno de las boletas con voto por el Correo de los EE.UU. durante las elecciones de “Votación por Correo”.

APROBADO Y ADOPTADO por el Alcalde y Concejo de la Ciudad de Oro Valley, Arizona, este día 21 de Septiembre, 2011.

CIUDAD DE ORO VALLEY

Dr. Satish I. Hiremath, Alcalde

DOY FE:

APROBADO EN CUANTO A FORMA:

Julie K. Bower, Secretaria Municipal

Tobin Rosen, Abogado Municipal

Fecha: _____

Fecha: _____



Town Council Regular Session

Item # F.

Meeting Date: 09/21/2011

Requested by: Jose Rodriguez

Submitted By:

Jose Rodriguez,
Development Infrastructure
Services

Department: Development Infrastructure Services

Information

SUBJECT:

Resolution No. (R)11-61, Authorizing and approving a Slope Easement Acquisition Agreement between the Town of Oro Valley and Deloy E. and Maria D. Wolfley for a portion of Parcel 224-27-2900 for the Lambert Lane Project between La Canada Drive and Pusch View Lane

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

During the design of Lambert Lane Project, it was determined that additional area outside the right-of-way would be required in order to tie the new road section into the adjacent property elevations. This area is outside the right-of-way and identified as a Slope Easement on property described as Pima County Tax Parcel No. 224-27-2900 and owned by Deloy E. and Maria D. Wolfley. In lieu of court proceedings and pursuant to its power of eminent domain, Town staff and Owner were able to work together on a Slope Easement Acquisition Agreement.

The Town hired AXIA Real Estate Appraisers which appraised the Slope Easement at Forty Four Thousand Dollars (\$44,000.00). Deloy E. and Maria D. Wolfley (Owners) are willing to cooperate with the Town and grant the Slope Easement at the appraised value (attached as Exhibit Agreement). The easement will be paid from the Lambert Lane Project fund which has appropriated funds for right-of-way acquisitions.

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

There is no fiscal impact. The cost of the Slope Easement, (\$44,000.00) will be paid from Lambert Lane Project funds.

SUGGESTED MOTION:

I MOVE to (approve or deny) Resolution No. (R)11-61, Authorizing and approving a Slope Easement Acquisition Agreement between the Town of Oro Valley and Deloy E. and Maria D. Wolfley.

Attachments

Reso 11-61

Exhibit A - Easement Acquisition Agreement

RESOLUTION NO. (R)11-61

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, AUTHORIZING AND APPROVING A SLOPE EASEMENT ACQUISITION AGREEMENT BETWEEN THE TOWN OF ORO VALLEY AND DELOY E. AND MARIA D. WOLFLEY FOR A PORTION OF PARCEL 224-27-2900 FOR THE LAMBERT LANE PROJECT BETWEEN LA CANADA DRIVE AND PUSCH VIEW LANE

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

WHEREAS, pursuant to A.R.S. § 9-276, the Town is authorized to lay out, maintain, control and manage public roads within its jurisdictional boundaries; and

WHEREAS, Deloy E. and Maria D. Wolfley (“Owner”) own real property located at 10401 N. Pecan Place, Oro Valley, Arizona 85737, Parcel Number 224-27-2900; and

WHEREAS, the Town requires a slope easement outside the right-of-way on the Owner’s property for the Lambert Lane Project, OV 30 99/00 07, between La Cañada Drive and Pusch View Lane; and

WHEREAS, the Town and Owner desire to enter into an Easement Acquisition Agreement in order to set forth the terms and conditions of the Agreement; and

WHEREAS, it is in the best interest of the Town to approve the Easement Acquisition Agreement between the Town and the Owner to allow the Town legal access for the Lambert Lane Project.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Oro Valley that Easement Acquisition Agreement between the Town of Oro Valley and Deloy E. and Maria D. Wolfley, attached hereto as Exhibit “A” and incorporated herein by this reference, is hereby authorized and approved.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley this 21st day of September, 2011.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

APPROVED AS TO FORM:

Tobin Rosen, Town Attorney

ATTEST:

Julie K. Bower, Town Clerk

Date: _____

Date: _____

EXHIBIT “A”

TOWN OF ORO VALLEY EASEMENT ACQUISITION AGREEMENT

This Easement Acquisition Agreement ("Agreement") is made by and between Deloy E. and Maria D. Wolfley TR (the "Owner"), and the Town of Oro Valley, a political subdivision of the State of Arizona (the "Town").

1. **Property.** The Owner is the owner of a parcel of property within Oro Valley located at Parcel # 224-27-2900 (the Owner's "Property") as described in Exhibit "A", including all improvements located thereon.
2. **Easement Title.** The Town has determined the need to acquire easements on, over, under and through the Owner's Property. In lieu of court proceedings and further to its power of eminent domain, the Town agrees to acquire a Slope Easement to the Property. The Slope Easement transferring said easement from Owner to the Town shall be in substantial conformance with the Slope Easement form attached hereto as Exhibit "B". The Town shall also acquire a Temporary Construction Easement in substantial form, attached hereto as Exhibit "C".
3. **Slope Easement.** The Owner shall convey to the Town the Property, free and clear of all liens and encumbrances and subject only to those matters identified in the Title Report, attached hereto as Exhibit "D".
4. **Forms.** Any and all other closing documents shall be done on forms to be provided by the Town's title company of choice.
5. **Title Search.** In the event the title to the Property cannot be cleared to the satisfaction of the Town pursuant to a title search, this agreement shall be void.
6. **Security Interest.** Monies payable under this Agreement may be due to holders (the "Lienholders") of certain notes secured by mortgages or deeds of trusts, up to and including the total amount of unpaid principal, interest and penalty on the notes, if any, and shall, upon demand by the Lienholders, be paid to the Lienholders. Owner shall obtain from the Lienholders releases for any fee transfer for the Property.
7. **Payment.** The Owner acknowledges, agrees and elects a money payment of Forty Four Thousand Dollars (\$44,000.00) which includes the cost of all easements and which payment is in lieu of the Town's installation of a six (6) foot wall and re-vegetation of the Property.

8. **Waiver.** The Owner accepts Forty Four Thousand Dollars (\$44,000.00) as full and final payment for all damages resulting from the project. The Owner hereby agrees to release any and all civil and criminal claims that may exist now or in the future against the Town, its officers, agents or employees, their heirs or assigns arising out of the Town's ownership of the Slope Easement. This waiver is for valuable consideration, given freely and covers any and all claims not only for Owner, but also for Owner's heirs and assigns.
9. **Closing.** Closing shall be on or before the 30th day after the date of execution of this Agreement.
10. **Environmental Representations.** The Owner hereby represents and warrants that, to the best of Owner's knowledge, no pollutants, contaminants, toxic or hazardous substances, wastes or materials have been stored, used or are located on the Property or within any surface or subsurface waters thereof; that no underground tanks have been located on the Property; that the Property is in compliance with all Federal, State and local environmental laws, regulations and ordinances; and that no legal action of any kind has been commenced or threatened with respect to the Property.
11. **Environmental Indemnification.** The Town and the Owner agree that neither party is assuming any obligation of the other party relating to any potential liability, if any, arising from the environmental condition of the Property, and each party shall remain responsible for its obligations as set forth by law.
12. **Environmental Inspection Rights.** The Owner shall permit Town to conduct such inspections of the Property as the Town deems necessary to determine the environmental condition of the Property. If the investigations reveal the presence of contamination or the need to conduct environmental clean up, Owner shall conduct the clean up of the Property adequate to bring the Property into compliance prior to closing or the Town may terminate this Agreement. If environmental inspection reveals possible contamination, the parties hereby mutually agree to extend date of closing for a reasonable time for Owner to complete environmental clean up.
13. **No Leases.** The Owner warrants that there are no oral or written leases on any portion of the Property.
14. **Closing Costs.** Expenses incidental to transfer the Slope Easement, including title reports, recording fees, escrow fees, releases and Owners Title Insurance Policy, shall be paid 100% by Town.
15. **Right of Entry.** The Owner hereby grants to Town, its agents and contractors a right-of-entry to the Property upon execution of this Agreement for the purposes of Construction of Slope Improvements located therein.

ATTEST:

APPROVED AS TO FORM:

Julie K. Bower, Town Clerk

Tobin Rosen, Town Attorney

Date: _____

Date: _____

EXHIBIT “A”

Legal Description



Southwest Survey Solutions, LLC

P.O. Box 2128
Hogley, AZ 85236
(O) 480-414-4121
(F) 888-870-6203

Owner: Wolfley Family Living Trust

PIN Number: 224-27-2900

Purpose: Slope Easement

Legal Description: That portion of Lot - 178, of Monte Del Oro, a subdivision in Pima County, Arizona, according to the map or Plat thereof of record in the office of the County Recorder of Pima County, Arizona, in book 27 of maps and plats, page 99, being more particularly described as follows:

Commencing at the Southwest corner of said Lot - 178:

Thence North 89 degrees 08 minutes 32 seconds East (measured) (North 89 degrees 39 minutes 06 seconds East, record) along the South line of said Lot - 178, said line also being the Northerly right of way line of Lambert Lane as it now exists, a distance of 12.00 feet (record and measured) to the point of beginning, said point being the Southeast corner of a drainage and maintenance easement for the town of Oro Valley, Arizona as recorded per docket 11862 page 3248 dated August 13, 2002 in Pima County, Arizona:

Thence North 00 degrees 30 minutes 34 seconds West, (measured) (North 00 degrees 00 minutes 00 seconds West, record) along the East line of said drainage and maintenance easement a distance of 15.00 feet (measured) to a point:

Thence North 89 degrees 08 minutes 32 seconds East (measured) a distance of 107.81 feet (measured) to a point of curvature:

Thence Easterly along a curved line concave to the North having a central angle of 03 degrees 59 minutes 02 seconds (measured) with a radius of 1,820.40 feet (measured) an arc length of 126.58 (measured) to a point at the intersection of a curved line said line being the Easterly line of said Lot - 178 also being the Westerly right of way line of Pecan Place:

Thence Southwesterly along said curved line being concave to the Northwest having a central angle of 66 degrees 47 minutes 02 seconds (measured) with a radius of 25.00 feet (record and measured) and arc length of 29.14 feet (measured) to a point of compound curvature, said point being on the South line of said Lot - 178 also being on the Northerly right of way line of Lambert Lane as it now exists:

Thence Westerly along said South line of Lot - 178 said line being a curved line concave to the North having a central angle of 03 degrees 15 minutes 39 seconds (measured) (03 degrees 15 minutes 31 seconds, record) with a radius of 1,835.40 feet (measured) (1,834.86, record) an arc length of 104.45 feet (measured) (104.35 feet, record) to a point of tangency:

Thence South 89 degrees 08 minutes 32 seconds West (measured) (South 89 degrees 39 minutes 06 seconds West, record) along the South line of said Lot - 178 a distance of 107.90 feet (measured) to the point of beginning.

Containing: 3,427 sq. feet 0.08 acres

Frank A. Korycane



EYP 6/30/2013



Lambert Lane

CURVE DATA

1

$R = 1820.40'$
 $A = 126.58'$
 $D = 03^\circ 59' 02''$
 $T = 63.31'$

2

$R = 25.00'$
 $A = 29.14'$
 $D = 66^\circ 47' 02''$
 $T = 16.48'$

3

$R = 1835.40'$
 $A = 104.45'$
 $D = 03^\circ 15' 39''$
 $T = 52.24'$

224-27-2890
 Greth Frank K
 & Shery Ann

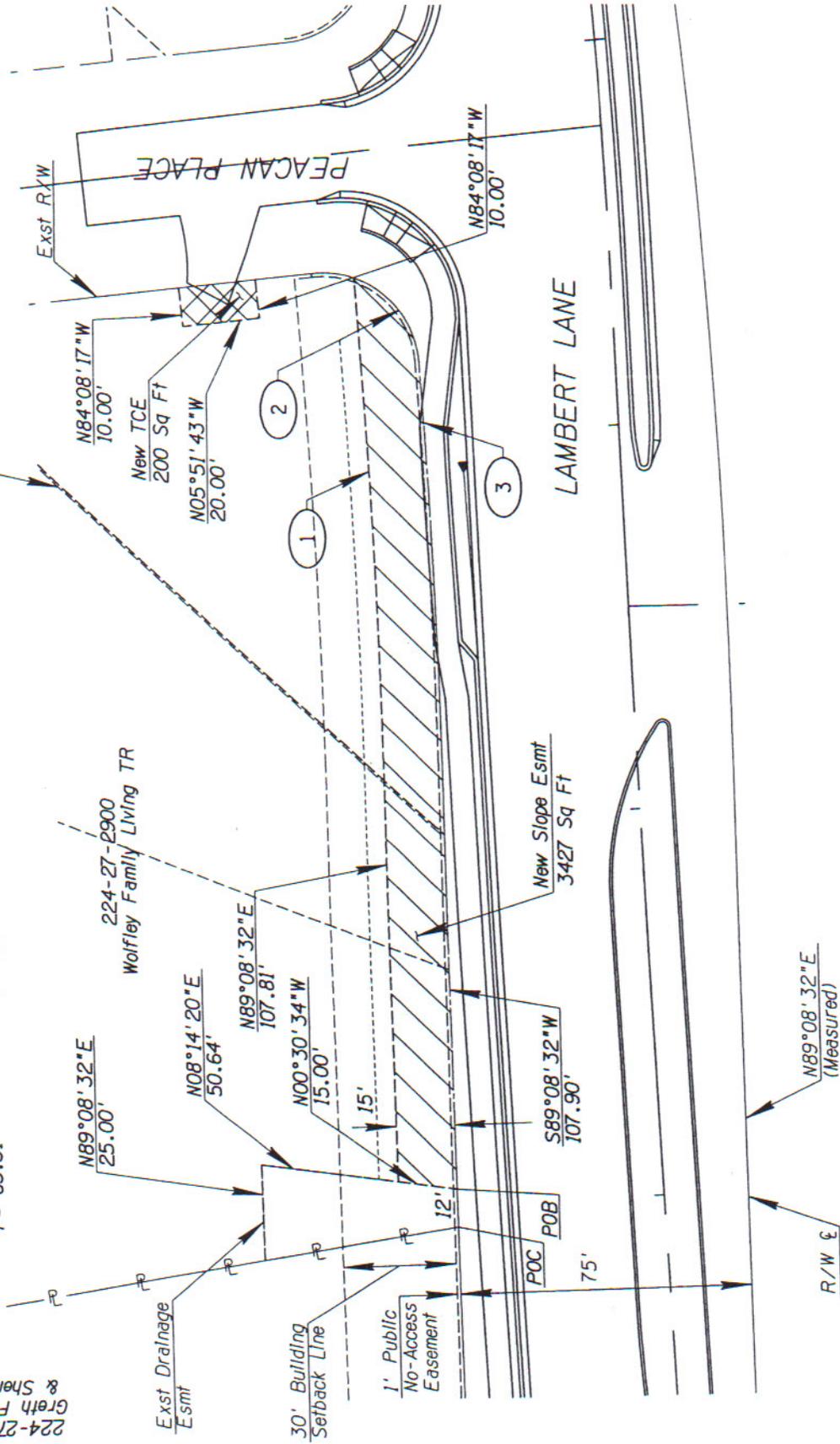


EXHIBIT “B”

Slope Easement

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

SLOPE EASEMENT

Deloy E. and Maria D. Wolfley TR

Grantors does hereby convey unto the Town of Oro Valley (Grantee), a municipal corporation of the State of Arizona, a Slope Easement on the Property described in Exhibit "A".

The Grantee shall have the right to construct a slope on the above described property. Grantors waive and release Grantee from all claims for damages or compensation for and on account of constructing and sloping the above property.

Dated this 23 day of Feb., 2011.

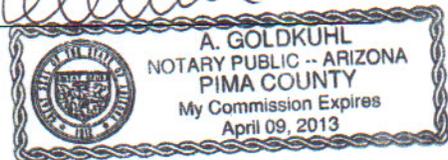
Deloy E. Wolfley
Grantor

Maria D. Wolfley
Grantor

STATE OF ARIZONA)
) ss
COUNTY OF PIMA)

This instrument was subscribed, sworn to, and acknowledged before me this 23 day of 23 Feb., 2011.

My Commission Expires: April 09, 2013
Notary Public



GRANTEE

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie K. Bower, Town Clerk

Tobin Rosen, Town Attorney

Date: _____

Date: _____

EXHIBIT "C"

TEMPORARY CONSTRUCTION EASEMENT

EXHIBIT "C"

TEMPORARY CONSTRUCTION EASEMENT

For and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, Deloy E. and Maria D. Wolfley ("Grantors") do hereby grant to the Town of Oro Valley, a municipal corporation of the State of Arizona ("Grantee"), a Temporary Construction Easement in connection with the construction of Lambert Ln. Roadway Improvements ("Project"). The purpose of this Temporary Construction Easement is to allow Grantee, its agents, contractors and assigns, to use the property, as described herein, for construction of the Project and appurtenances. This Temporary Construction Easement shall be on, over and across real property legally situated in the Town of Oro Valley, Arizona, more particularly described in Exhibit "A" attached hereto and incorporated herein by reference ("Premises").

The term of this easement shall be 600 calendar days, commencing on OCTOBER 3, 2011 with completion on MAY 31, 2013 with an option to continue beyond the term for an additional 30 calendar days. In the event completion of the Project occurs earlier than the term of this easement, Grantee shall terminate this easement by written notice to Grantors.

Grantors covenant to and with Grantee and its assigns that it is lawfully seized and possessed of the Premises, that it has good and lawful right to grant said easement interest and that it warrants and will defend the title to said easement interest against all claims.

Grantee shall repair and restore the Premises to a like and equivalent condition as existed prior to the construction activity and shall be responsible for any damage, claims or loss occurring on the property during the term of this easement caused by Grantee's negligent use of the property or by negligent acts or conduct of its employees, agents, contractors or assigns.

Dated this 23 day of Feb., 2011.

Deloy E. Wolfley
GRANTOR

Maria D. Wolfley
GRANTOR

Deloy E. Wolfley
Printed Name

MARIA D. WOLFLEY
Printed Name

EXHIBIT “D”

Title Report

1. z-Special Report

No. 5320201

SPECIAL REPORT

SCHEDULE A

1. This report is for informational purposes only and is not to be considered as a commitment to issue any form of Title Insurance Policy. This report is for the sole use and benefit of the parties set forth in Number 2 below and liability is hereby limited to the amount of the fee paid.

This report was prepared from only those items of public record shown in the title plant indices of the issuing company to show the condition of title as reflected by same. Those items to which the hereinafter described land is subject are set forth in Schedule B, Part Two. No attempt has been made to reflect the condition of title relating to the items set forth in Schedule B, Part One.

2. For the use and benefit of:

Town of Oro Valley

3. The Title to the fee estate in the land described herein is at this date hereof vested in:

Frank Greth and Shery Ann Greth, husband and wife as joint tenants with right of survivorship, as to Lot 177 of Parcel No. 1; Deloy E. Wolfley and Maria D. Wolfley as Co-Trustees of The Wolfley Family Living Trust dated September 25, 1997, as to Lot 178 of Parcel No. 1; Danny J. Hughes and Donna Lynn Hughes, as Trustees of the "Hughes Family Trust dated February 08, 2007 as to Parcel No. 2 and James A. Hunsberger and Penelope Hunsberger, as Co-Trustees under the Hunsberger Trust dated December 19, 2001, as to Parcel No. 3

4. The land referred to in this report is situated in Pima County, Arizona, and is described as:

SEE EXHIBIT "A" ATTACHED HEREIN

Search made to July 15, 2010 at 7:30 A.M.

FIRST AMERICAN TITLE INSURANCE COMPANY

By: Kim Fulcher/djm (602)685-7281

EXHIBIT "A"

PARCEL NO. 1:

LOTS 177 AND 178, OF MONTE DEL ORO, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF PIMA COUNTY, ARIZONA, RECORDED IN BOOK 27 OF MAPS, PAGE 99 AND MINOR PLAT CHANGE RECORDED AS DOCKET 12950, PAGE 550 AND RECORDED AS DOCKET 13794, PAGE 638.

EXCEPT ALL COAL AND OTHER MINERALS, AS RESERVED IN PATENT FROM UNITED STATES OF AMERICA.

PARCEL NO. 2:

THAT CERTAIN PORTION OF LOT 187, OF MONTE DEL ORO, A SUBDIVISION OF PIMA COUNTY, ARIZONA, ACCORDING TO THE MAP OR PLAT THEREOF OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF PIMA COUNTY, ARIZONA, IN BOOK 27 OF MAPS AND PLATS AT PAGE 99 AND MINOR PLAT CHANGE RECORDED AS DOCKET 12950, PAGE 550 AND RECORDED AS DOCKET 13794, PAGE 638 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 187, SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE ALONG THE NORTH LINE OF SAID LOT 187 AT NORTH 85 DEGREES 04 MINUTES 07 SECONDS EAST, A DISTANCE OF 201.66 FEET, TO A POINT;

THENCE SOUTH 05 DEGREES 20 MINUTES 54 SECONDS EAST, A DISTANCE OF 347.10 FEET, TO A POINT OF NON TANGENT CURVATURE, WITH THE RADIUS AT NORTH 12 DEGREES 31 MINUTES 17 SECONDS WEST, ON THE SOUTH LINE OF SAID LOT 187 AND ALSO LYING ON THE NORTHERLY RIGHT OF WAY OF LAMBERT LANE AS IT NOW EXISTS;

THENCE ALONG A CURVE CONCAVE TO THE NORTH ALONG THE NORTH RIGHT OF WAY OF LAMBERT LANE, WITH A CENTRAL ANGLE OF 05 DEGREES 25 MINUTES 54 SECONDS A RADIUS OF 1,834.86 FEET, AN ARC DISTANCE OF 173.94 FEET TO A POINT OF COMPOUND CURVATURE;

THENCE ALONG A CURVE CONCAVE TO THE NORTHEAST WITH A CENTRAL ANGLE OF 91 DEGREES 45 MINUTES 08 SECONDS A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 40.03 FEET, TO A POINT OF TANGENCY LAYING ON THE WEST LINE OF SAID LOT 187 AND THE EASTERLY RIGHT OF WAY LINE OF PECAN PLACE;

THENCE ALONG THE WEST LINE OF SAID LOT 187 AT NORTH 05 DEGREES 20 MINUTES 54 SECONDS WEST, A DISTANCE OF 274.16 FEET, TO A POINT OF CURVATURE;

THENCE ALONG A CURVE CONCAVE TO THE EAST, WITH A CENTRAL ANGLE OF 04 DEGREES 37 MINUTES 40 SECONDS EAST, A RADIUS OF 780.00 FEET, AN ARC DISTANCE OF 63.00 FEET TO THE POINT OF BEGINNING.

EXCEPT ALL COAL AND OTHER MINERALS, AS RESERVED IN PATENT FROM UNITED STATES OF AMERICA.

PARCEL NO. 3:

~~LOT 187, OF MONTE DEL ORO, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF PIMA COUNTY, ARIZONA, RECORDED IN BOOK 27 OF MAPS, PAGE 99 AND MINOR PLAT~~

CHANGE RECORDED AS DOCKET 12950, PAGE 550 AND RECORDED AS DOCKET 13794, PAGE 638.

EXCEPT ALL COAL AND OTHER MINERALS, AS RESERVED IN PATENT FROM UNITED STATES OF AMERICA.

EXCEPT A PORTION OF THE LAND DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 187, SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE ALONG THE NORTH LINE OF SAID LOT 187 AT NORTH 85 DEGREES 04 MINUTES 07 SECONDS EAST, A DISTANCE OF 201.66 FEET, TO A POINT;

THENCE SOUTH 05 DEGREES 20 MINUTES 54 SECONDS EAST, A DISTANCE OF 347.10 FEET, TO A POINT OF NON TANGENT CURVATURE, WITH THE RADIUS AT NORTH 12 DEGREES 31 MINUTES 17 SECONDS WEST, ON THE SOUTH LINE OF SAID LOT 187 AND ALSO LYING ON THE NORTHERLY RIGHT OF WAY OF LAMBER LANE AS IT NOW EXISTS;

THENCE ALONG A CURVE CONCAVE TO THE NORTH ALONG THE NORTH RIGHT OF WAY OF LAMBERT LANE, WITH A CENTRAL ANGLE OF 05 DEGREES 25 MINUTES 54 SECONDS A RADIUS OF 1,834.86 FEET, AN ARC DISTANCE OF 173.94 FEET TO A POINT OF COMPOUND CURVATURE;

THENCE ALONG A CURVE CONCAVE TO THE NORTHEAST WITH A CENTRAL ANGLE OF 91 DEGREES 45 MINUTES 08 SECONDS A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 40.03 FEET, TO A POINT OF TANGENCY LAYING ON THE WEST LINE OF SAID LOT 187 AND EASTERLY RIGHT OF WAY LINE OF PECAN PLACE;

THENCE ALONG THE WEST LINE OF SAID LOT 187 AT NORTH 05 DEGREES 20 MINUTES 54 SECONDS WEST, A DISTANCE OF 274.16 FEET, TO A POINT OF CURVATURE;

THENCE ALONG THE CURVE CONCAVE TO THE EAST, WITH A CENTRAL ANGLE OF 04 DEGREES 37 MINUTES 40 SECONDS EAST, A RADIUS OF 780.00 FEET, AN ARC DISTANCE OF 63.00 FEET TO THE TRUE POINT OF BEGINNING.

SCHEDULE B

PART ONE:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.

Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, liens, or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water; whether or not the aforementioned matters excepted are shown by the public records.
6. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
7. Lack of a right of access to and from the land.

SCHEDULE B

(All recording data refers to records in the office of the County Recorder in the County in which the land is situated.)

EXCEPTIONS:

1. Taxes for the full year of 2010.
(The first half is due October 1, 2010 and is delinquent November 1, 2010. The second half is due March 1, 2011 and is delinquent May 1, 2011.)
2. Any charge upon said land by reason of its inclusion in Monte Del Oro Homeowners Association.
3. The right to enter upon said land and prospect for and remove all coal, oil, gas, minerals or other substances, as reserved in the Patent to said land.
4. Easements, restrictions, reservations, conditions and set-back lines as set forth on the plat recorded as Book 27 of Maps, Page 99, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).

Thereafter Minor Plat change recorded as Docket 12950, Page 550 and recorded as Docket 13794, Page 638.

5. Covenants, conditions and restrictions in the document recorded as Docket 5981, Page 132; document recorded as Docket 6252, Page 570 and amended as Docket 7155, Page 225, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin, to the extent such covenants, conditions or restrictions violate Title 42, Section 3604(c), of the United States Codes.
6. The terms, conditions and provisions contained in the document entitled "Agreement" recorded June 04, 2010 as Docket 13823, Page 556.

(Affects Lot Nos. 177, 178 of Parcel No. 1)
7. All matters as set forth in Resolution No. (R)02-60, recorded August 13, 2002 as Docket 11862, Page 3248.

(Affects Lot No. 178 of Parcel No. 1)
8. All matters as set forth in Lambert Lane Right of Way Retracement Survey, recorded as Book 71 of Surveys, Page 1.

-
9. All matters as set forth in Record of Survey, recorded as Book 57 of Surveys, Page 74.

(Affects Lot Nos. 2 and 3)

10. An easement for drainage, maintenance and incidental purposes, recorded as Docket 11862, Page 3244.

(Affects Lot No. 177)

11. An easement for right of way and incidental purposes, recorded as Docket 6008, Page 928.

12. An easement for communications facilities and incidental purposes, recorded as Docket 9833, Page 1216.

(Affects Lot No. 3)

13. A Deed of Trust to secure an indebtedness of \$317,500.00, recorded December 11, 2007 as Docket 13199, Page 3619.

Dated: December 10, 2007

Trustor: Frank Greth, Sherry Ann Greth, husband & wife

Trustee: JPMorgan Chase Bank, N.A.

Beneficiary: Mortgage Electronic Registration Systems, Inc and JPMorgan Chase Bank, N.A.

(Affects Lot No. 177 of Parcel No. 1)

14. A Deed of Trust to secure an indebtedness of \$354,907.00, recorded June 27, 2008 as Docket 13337, Page 486.

Dated: June 20, 2008

Trustor: Deloy E Wolfley and Maria D Wolfley, husband and wife and Rodney M Wolfley, an unmarried man

Trustee: Lawyers Title of Arizona, Inc., an Arizona corporation

Beneficiary: Mortgage Electronic Registration Systems, Inc and GMAC Mortgage, LLC f/k/a GMAC Mortgage corporation

(Affects Lot No. 178 of Parcel No. 1)

15. A Deed of Trust to secure an indebtedness of \$105,050.00, recorded February 26, 2007 as Docket 12999, Page 2169.

Dated: February 05, 2007

Trustor: Danny J. Hughes and Donna Lynn Hughes, husband and wife and Floyd Hughes, a single man, by Danny J. Hughes, his/her attorney in fact, whose power of attorney is attached hereto, joint tenants with full rights of survivorship

Trustee: Title Source, Inc.

Beneficiary: Mortgage Electronic Registration System, Inc and Quicken Loans Inc.

(Affects Parcel No. 2)

16. A Deed of Trust to secure an indebtedness in a Revolving Loan Agreement with a credit limit in the principal amount of \$100,000.00, together with any and all other obligations secured thereby, recorded June 24, 2008 as Docket 13334, Page 2843.

Dated: February 08, 2007

Trustor: Danny J. Hughes and Donna Lynn Hughes, trustees of the Hughes Family Trust dated February 8, 2007

Trustee: U.S. Bank Trust Company National Association

Beneficiary: U.S. Bank National Association N.D.

(Affects Parcel No. 2)

17. Water rights, claims or title to water, whether or not shown by the public records.

End of Schedule B



Town Council Regular Session

Item # G.

Meeting Date: 09/21/2011

Requested by: Bayer Vella

Submitted By:

Bayer Vella, Development
Infrastructure Services

Department: Development Infrastructure Services

Information

SUBJECT:

Resolution No. (R)11-62 and Resolution No. (R)11-63, Authorizing and Approving two Renewable Energy Credit Purchase Agreements between the Town Of Oro Valley and Tucson Electric Power Company

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

The Renewable Energy Credit Purchase Agreements include terms and conditions for the Town to receive one-time rebate payments for installation of two solar thermal systems. Solar energy will be used to heat water at the James D. Kreigh swimming pool and the OVPD building. The primary components of the agreement include the following:

1. The Town will be paid \$41,736.58 for the JDK system and \$13,510.00 for the OVPD system.
2. The Town will assign all Renewable Energy Credits (RECs) to TEP in exchange for the incentive payments.
3. The Town must maintain the systems over the contract term.

Both of the solar thermal systems have been installed and are now operational.

BACKGROUND OR DETAILED INFORMATION:

This is a standard agreement used by TEP for all "commercial" grade solar thermal system installations in the region. The contract provides for the solar incentive payment and all associated conditions. It is important to note that the total rebate amounts exceed the original estimates in the Town energy project pro forma.

Another key element of the contract includes assignment of all Town Renewable Energy Credits (RECs) to TEP. In sum, the Arizona Corporation Commission (ACC) has assigned a credit/value system to each renewable energy project. It has value because each utility must accumulate a minimum number of RECs to achieve ACC compliance. TEP is purchasing the Towns RECs by offering a one time rebate.

Conservation & Sustainability staff is responsible for ensuring the performance of the solar thermal systems. In the next few months, the Town will launch energy tracking software to monitor performance. All of the equipment associated with this contract has been purchased with previously approved funding. Satisfaction of the REC Agreement terms does not require additional funding beyond routine

maintenance of the equipment.

FISCAL IMPACT:

Tucson Electric Power will pay the Town a one-time rebate of \$55,246.58. These monies and anticipated energy savings will be used to retire the Clean Renewable Energy Bonds (CREBS) sold by the Town.

SUGGESTED MOTION:

I MOVE to (adopt or deny) Resolution No. (R)11-62 and Resolution No. (R)11-63, Authorizing and Approving two Renewable Energy Credit Purchase Agreements between the Town of Oro Valley and Tucson Electric Power Company.

Attachments

Reso 11-62

Attachment #1, Exhibit A, TEP Contract - Solar Heating Pool..pdf

Reso 11-63

Attachment #2, Exhibit A, TEP Contract - Solar Thermal OVPD.pdf

RESOLUTION NO. (R)11-62

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, AUTHORIZING AND APPROVING AN UP FRONT INCENTIVE RENEWABLE ENERGY CREDIT PURCHASE AGREEMENT BETWEEN THE TOWN OF ORO VALLEY AND TUCSON ELECTRIC POWER COMPANY FOR A SOLAR POOL HEATING SYSTEM

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

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

WHEREAS, Tucson Electric Power (“TEP”) has implemented a purchase program to provide financial incentives to its customers to install renewable generating equipment; and

WHEREAS, the Town desires to install, maintain and own a solar pool heating system and have title to the environmental credits, attributes and benefits; and

WHEREAS, it is in the best interest of the Town to enter into the Up Front Incentive Renewable Energy Credit Purchase Agreement for a solar pool heating system, attached hereto as Exhibit “A” and incorporated herein by this reference, with TEP in order to set forth the terms and conditions of the Agreement.

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

1. The Up Front Incentive Renewable Energy Credit Purchase Agreement for a solar pool heating system between the Town of Oro Valley and the Tucson Electric Power, attached hereto as Exhibit “A” and incorporated herein by this reference, is hereby authorized and approved.
2. The Mayor and any other administrative officials are hereby authorized to take such steps as 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 21st day of September, 2011.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie K. Bower, Town Clerk

Tobin Rosen, Town Attorney

Date: _____

Date: _____

EXHIBIT "A"



A UniSource Energy Company

Up Front Incentive Renewable Energy Credit Purchase Agreement (Solar Pool Heating)

This Up Front Incentive Renewable Energy Credit Purchase Agreement ("**Agreement**") is hereby made and entered into as of the ___ day of _____, 20__ ("**Effective Date**"), by and between Tucson Electric Power Company, an Arizona corporation ("**Company**"), and _____ ("**Customer**"). Company and Customer may be referred to individually herein as a "**Party**" or collectively as the "**Parties**."

RECITALS

- A. Company desires to increase the number of renewable electricity generation facilities and the consumption of renewable electricity within its service territory, while concurrently reducing the cost of renewable electricity generation systems for its customers;
- B. Customer intends to install, maintain and own a renewable electricity generation system and have title to the RECs (as defined below) associated with such system;
- C. Company is subject to certain state regulatory requirements governing its use of renewable resources to supply energy to its customers, including those provided under the Renewable Energy Standard and Tariff (as defined below);
- D. To further Company's continuing commitment to develop and encourage the use of renewable energy resources and to better ensure compliance with regulatory requirements, Company has implemented a REC purchase program to provide financial incentives to its customers to install renewable generating equipment; and
- E. Customer desires to participate in Company's REC purchase program and Company desires for Customer to participate in the program under the terms and conditions contained in this Agreement.

AGREEMENT

1. DEFINITIONS

1.1. "Commissioning Package" means written verification signed by the Customer System installer and the Customer confirming that the Customer System has been installed in conformance with the Customer's approved Program reservation and is ready for operation.

- 1.2. “Conformance Inspection” means an inspection performed by Company to verify the Customer System has been installed and operates in conformance with the Customer’s Program reservation.
- 1.3. “**Customer System**” means the solar pool heating system located at the Premises.
- 1.4. “**Installation Deadline**” means the date that is three hundred sixty-five (365) days after the Reservation Confirmation Date.
- 1.5. “**Premises**” means Customer’s facilities located at 23 W. Calle Concordia, Oro Valley, Arizona.
- 1.6. “**Proof of Project Advancement**” means documentation submitted to Company demonstrating that the installation of the Customer System is progressing on schedule and is staged for completion on or before the Reservation Confirmation Date. Such documentation may include a project or installation agreement between the Customer and the Customer System installer, building and/or construction permits, and any other documentation evidencing project advancement set forth in the Program or required by Company.
- 1.7. “**Program**” means the Tucson Electric Power Company Renewable Energy Credit Purchase Program Definition 2010-2014, as may be amended from time to time.
- 1.8. “**Reservation Confirmation Date**” means the date Customer’s Program reservation request is approved by Company under the Program.
- 1.9. “**REC**” means any and all environmental credits, attributes and benefits, including greenhouse gas or emissions reductions and any associated credits, environmental air quality credits, offsets, allowances and benefits howsoever entitled, actual SO₂, NO_x, CO₂, CO, Carbon, VOC, mercury, and other emissions avoided, credits towards achieving local, national or international renewable portfolio standards, green tags and any and all other green energy or other environmental benefits associated with the generation of renewable energy (regardless of how any present or future law or regulation attributes or allocates such characteristics), including those created under the REST.
- 1.10. “**Renewable Energy Standard and Tariff**” or “**REST**” means the Arizona Renewable Energy Standard and Tariff codified at A.A.C. R14-2-1801 *et seq.*, as may be amended from time to time.
- 1.11. “**System Qualifications**” means all equipment, installation and other general requirements pertaining to the solar pool heating system as set forth in the Program.
- 1.12. “**Term**” shall have the meaning set forth in Section 13.1 below.

1.13. “**Up Front Incentive**” or “**UFI**” means a one-time incentive payment based on the Customer System capacity or estimated energy kilowatt-hour (“**kWh**”) production, as applicable, rather than on measured system output.

2. PROGRAM TIMELINE

Customer agrees to perform its obligations with respect to the Customer System hereunder in an expeditious manner, including, but not limited to, submitting Proof of Project Advancement to Company within one hundred and twenty (120) days of the Reservation Confirmation Date, ensuring Company is provided with copies of the applicable construction permits as soon as practicable after installation of the Customer System is complete, and meeting all Program requirements on or before the Installation Deadline. Failure to perform such obligations may result in cancellation of the Customer System Program reservation.

3. CUSTOMER RENEWABLE ENERGY SYSTEM

Customer owns the Customer System and will be solely responsible for its cost, operation and maintenance. The Parties acknowledge and agree that, to qualify for participation in the Program, the Customer System must comply with all System Qualifications and Program requirements.

4. SYSTEM INSTALLATION

The Customer System must have been installed at the Premises by a qualified installer in accordance with the installation requirements set forth in the System Qualifications and the Program. Customer or its designee shall be solely responsible for the installation of the Customer System, including selecting a qualified installer and paying all installation costs and expenses.

5. SYSTEM INSPECTIONS

Customer will notify Company when the installation of the Customer System is complete by providing Company with a Commissioning Package and a copy of the applicable construction permits associated with the installation. Company may thereafter conduct a Conformance Inspection. If the Company determines the Customer System is not in compliance with the System Qualifications for any reason, Company will notify Customer of such noncompliance. Company will have no further obligation under this Agreement until all such deficiencies are remedied by Customer to Company’s reasonable satisfaction and the Customer System is in compliance with the System Qualifications. Company shall have the right to conduct periodic inspections of the Customer System during the Term upon notice to Customer. Such inspections may include, without limitation, reading the Customer System’s production meter as necessary to verify compliance with the System Qualifications. Customer shall provide Company with reasonable access to the Customer System to conduct any such inspection.

6. UP-FRONT INCENTIVE PAYMENT

6.1. **Conditions Precedent.** Subject to: (i) Customer’s execution and delivery of this Agreement and a properly completed Form W-9 to Company, (ii) Company’s receipt of the Commissioning Package, (iii) Company’s determination that the Customer System is in compliance with the System Qualifications (including by passing any required Conformance Inspection) and (iv) the Customer System being operational by the Installation Deadline, Company shall pay Customer the UFI described in this Section 6.

6.2. Customer System UFI. Company shall pay Customer a UFI for the Customer System in the amount of \$750 plus \$ 0.50 per kilowatt hour of net renewable energy production up to a maximum of \$200,750, as determined by Company during the Customer System Conformance Inspection, as prorated by any de-rating for off-angle and shading using the applicable chart and the calculation procedure in the Program.

6.3. Payments. Any UFI payment determined by Company to be owed to Customer hereunder shall be paid to Customer within thirty (30) days after the Customer System passes the Conformance Inspection described under Section 5 above.

6.4 Payments Constitute Taxable Income. The IRS considers any UFI payment made to Customer to be taxable income to Customer, even if the payment is assigned to a third party. Accordingly, Customer shall deliver to Company a properly completed IRS Form W-9 prior to Company's execution of this Agreement to enable Company to issue an IRS-required Form 1099 for any UFI payment made to Customer.

7. OWNERSHIP OF RENEWABLE ENERGY CREDITS

Customer hereby irrevocably and unconditionally assigns and transfers to Company any and all RECs derived from the installation and use of the Customer System during the Term. Company's right to RECs hereunder shall commence when the Company determines the Customer System is in compliance with the System Qualifications (including by passing any required Conformance Inspection) and continue thereafter for the Term of the Agreement. Customer shall not sell, trade, assign or otherwise transfer, or permit to be sold, traded, assigned or otherwise transferred, any RECs derived from the installation and use of the Customer System to any party other than Company during such time Company is entitled to receive such RECs hereunder. Upon Company's request, Customer shall provide Company with reasonable documentation evidencing its ownership of such RECs and transfer thereof to Company.

8. CUSTOMER SYSTEM REMOVAL

Neither the Customer System nor any components thereof may be removed from the Premises during the Term without Company's prior written consent. Any such removal of the Customer System shall constitute a material breach of this Agreement and will subject Customer to the UFI refund obligations set forth in Section 13.5 below.

9. CUSTOMER REPRESENTATIONS

Customer hereby represents and warrants to Company that the following statements are true and correct as of the Effective Date and will be true and correct at the time of any transfer by Customer to Company of any RECs hereunder:

9.1. Customer is the true and lawful owner of, and has good title to, all RECs transferred from Customer to Company hereunder, free and clear of all liens and encumbrances;

9.2. Each REC transferred from Customer to Company hereunder meets the requirements of the REST;

9.3. Neither Customer nor, to Customer's knowledge, any third party has sold, traded, assigned or otherwise transferred any RECs to be transferred from Customer to Company hereunder to any party other than Company;

9.4. Customer has full power and authority to execute and deliver this Agreement and to perform its obligations hereunder, including, without limitation, the transfer of any RECs to Company; and

9.5. Customer is in full compliance with all applicable federal, state and local laws, regulations, ordinances and codes governing the production and/or sale of electricity.

10. WARRANTY

COMPANY MAKES NO REPRESENTATIONS OR WARRANTIES OF ANY KIND HEREUNDER, EXPRESS OR IMPLIED, INCLUDING, WITHOUT LIMITATION, ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE WITH RESPECT TO ITS PERFORMANCE HEREUNDER. WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, COMPANY MAKES NO REPRESENTATIONS OR WARRANTIES WITH RESPECT TO THE CUSTOMER SYSTEM, ITS OPERATION, SAFETY, INSTALLATION OR COMPLIANCE WITH ANY BUILDING OR SAFETY CODES, RULES OR REGULATIONS, AND TO THE MAXIMUM EXTENT PERMITTED BY LAW, COMPANY HEREBY DISCLAIMS ANY AND ALL LIABILITY ASSOCIATED THEREWITH.

11. LIMITATION OF LIABILITY

COMPANY'S ENTIRE LIABILITY ARISING OUT OF ITS PERFORMANCE UNDER THIS AGREEMENT SHALL BE LIMITED TO DIRECT ACTUAL DAMAGES STEMMING FROM CLAIMS DIRECTLY ATTRIBUTABLE TO COMPANY'S GROSS NEGLIGENCE OR WILLFUL MISCONDUCT. IN NO EVENT SHALL COMPANY, ITS EMPLOYEES OR AGENTS BE LIABLE TO CUSTOMER FOR ANY SPECIAL, INDIRECT, PUNITIVE OR CONSEQUENTIAL DAMAGE, HOWEVER CAUSED, RESULTING FROM COMPANY'S PERFORMANCE HEREUNDER.

12. INDEMNIFICATION

Customer agrees to indemnify, defend and hold harmless Company, its affiliates and parent company, and all their officers, directors, shareholders, employees and agents from and against any and all costs, claims, liability, judgments and expenses of any nature whatsoever, which arise from damage to property or from injury or death which occurs as a result of the purchase, installation or maintenance of the Customer System. Customer's obligation to indemnify hereunder shall survive termination of this Agreement.

13. TERM AND TERMINATION

13.1. Term. This Agreement shall commence on the Effective Date and, unless earlier terminated as provided herein, shall continue until December 31 of the 20th full calendar year after the Customer System passes the Conformance Inspection (the "**Term**").

13.2. Company Termination. Company may terminate this Agreement:

- i. on thirty (30) days written notice to Customer in the event Customer commits a material breach of this Agreement or the Program and fails to cure the same within such thirty (30) day period;

ii. immediately in the event that Customer: (a) makes an assignment or any general arrangement for the benefit of creditors, (b) files a petition or otherwise commences, authorizes or acquiesces in the commencement of a proceeding or cause under the bankruptcy or similar law for the protection of creditors, or has such petition filed against it and such proceeding remains undismissed for thirty (30) days after filing or (c) otherwise becomes bankrupt or insolvent (however evidenced);

iii. upon (30) days prior written notice to Customer if the Customer System is not in compliance with the System Qualifications (including by passing the Conformance Inspection) by the Installation Deadline and Company does not grant an extension; or

iv. immediately upon written notice to Customer in the event the Customer System Program reservation is cancelled by Company under the Program, including for a failure to meet any project advancement requirements under the Program.

13.3. Force Majeure. Either Party may terminate the Agreement as provided in Section 14.8 below.

13.4. Mutual Agreement. The Agreement may be terminated at any time by mutual written agreement of the Parties.

13.5. Effect of Termination. In the event of Company's termination of the Agreement for Customer's breach under Section 13.2(i) (including as a result of the removal of the Customer System from the Premises in violation of Section 8 above), Section 13.2(ii), 13.3, or if the Parties terminate the Agreement under Section 13.4 above, in addition to any other legal rights and remedies available to Company, Customer shall immediately refund to Company a pro-rata amount of the UFI paid to Customer hereunder corresponding to the number of months remaining in the Term. In the event of Company's termination of this Agreement under Section 13.2(iii) or 13.2(iv) above, neither Party shall have any further obligation to the other hereunder and neither Party shall have any liability to the other stemming from such termination.

14. MISCELLANEOUS

14.1. Modification, Waiver and Severability. This Agreement may not be modified or supplemented except by written instrument signed by the Parties. No waiver of any default or breach hereof shall be deemed a waiver of any other default or breach hereof. If any part of this Agreement is finally adjudicated void and/or unenforceable, such part shall be deemed severed from this Agreement which shall otherwise remain in full force and effect.

14.2. Assignment. This Agreement and the rights, duties and obligations hereunder may not be assigned or delegated by the Customer without the prior written consent of Company.

14.3. Governing Law and Venue. This Agreement shall be governed by the laws of the State of Arizona, without regard to the choice of law provisions thereof. Venue for

any dispute arising hereunder shall be any court of competent jurisdiction located in Pima County, Arizona.

14.4. Entire Agreement. This Agreement is the final integration of the agreement between the Parties with respect to the matters covered by it and supersedes any prior understanding or agreements, oral or written, with respect thereto.

14.5. Counterparts. This Agreement may be executed in any number of counterparts, all of which taken together shall constitute one and the same agreement.

14.6. Titles and Captions. Titles or captions contained in this Agreement are inserted for convenience and for reference only and in no way define, limit, extend or describe the scope of this Agreement or the intent of any provision hereof.

14.7. Expenses and Attorney's Fees. In any actions between the Parties to enforce any of the terms of this Agreement the prevailing Party shall be entitled to recover expenses, including reasonable attorney's fees.

14.8. Force Majeure. Neither Party shall be liable to the other for failure to perform its obligations hereunder to the extent such failure results from causes beyond its reasonable control, including strikes, climatic conditions, acts of God, governmental laws, regulations, orders or requirements, interruptions of power or unavailability of equipment or supplies (each a "**Force Majeure Event**"). Provided, if any Force Majeure Event claimed by a Party continues for an uninterrupted period of more than one hundred and eighty (180) days, then the other Party may, at any time following the end of such period, immediately terminate this Agreement upon written notice to the affected Party, without further obligation to the affected Party, except as to payment of any costs and liabilities incurred before the effective date of such termination.

14.9. Forward Contract. The Parties agree that this Agreement and the transactions contemplated hereunder shall constitute a "forward contract" and that Company is a "forward contract merchant" within the meaning of the United States Bankruptcy Code.

14.10. Customer Sale of Premises. In the event Customer sells or otherwise transfers the Premises, Customer's successor-in-interest shall expressly assume all of Customer's obligations hereunder in writing by executing an assignment and Assumption Agreement in the form of Attachment A attached hereto and incorporated herein (the "**Assignment Agreement**"), and this Agreement shall not be affected, nor shall Company's rights hereunder be disturbed in any way, including, without limitation, Company's continued right to all RECs assigned pursuant to Section 7 above. Customer shall provide Company with an executed Assignment Agreement at the time of the sale or transfer of the Premises. Any failure to comply with this Section 14.10 shall be considered a material breach of the Agreement.

14.11. Compliance with Law. Customer shall comply with all applicable federal, state and local laws, regulations, ordinances and codes at all times in performing under this Agreement.

14.12. Conflict of Interest. This Agreement is subject to the provisions of A.R.S. § 38-511 which provides in pertinent part that the state, its political subdivisions or any

department of either may, within three years after its execution, cancel any contract, without penalty or further obligation, made by the state, its political subdivisions, or any of the departments or agencies of either if any person significantly involved in initiating, negotiating, securing, drafting or creating the Agreement on behalf of the state, its political subdivisions or any of the departments or agencies of either is, at any time, while the Agreement or any extension of the Agreement is in effect, an employee or agent of any other party to the Agreement in any capacity to the Agreement with respect to the subject matter of the Agreement.

14.13. Survival. After expiration or termination of this Agreement, those provisions which specifically provide for survival beyond expiration or termination, and all provisions regarding warranty and limitation of liability, shall survive indefinitely or until the expiration of the time period specified elsewhere in this Agreement with respect to the provision in question.

14.14. No Third Party Beneficiaries. This Agreement shall not confer any rights or remedies upon any person other than the Parties and their respective successors and permitted assigns.

14.15. Taxes. Customer shall pay all local, state and federal taxes, levies, duties and assessments of every nature whatsoever which may be imposed or due in connection with the RECs sold to Company hereunder. Customer shall hold Company harmless from any and all future liability on account of any and all such taxes, levies, duties and assessments.

14.16. Notices. All notices under this Agreement shall be in writing and shall be given by personal service (including receipted confirmed facsimile), or by certified or registered mail, return receipt requested, or by recognized overnight courier service to the Parties at the addresses set forth below. All notices shall be deemed given upon the actual receipt thereof.

Company: **Tucson Electric Power Company**
PO Box 711
Tucson, Arizona 85702
Fax: (520) 918-8350
Attn: Renewable Resources

Customer: _____

Phone: _____
Fax: _____

ACCEPTED AND AGREED as of the Effective Date.

TUCSON ELECTRIC POWER COMPANY

ATTACHMENT #1, EXHIBIT A

By: _____

Print Name: _____

Title: _____

CUSTOMER

By: _____

Print Name: _____

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

APPROVED AS TO FORM:

Tobin Rosen, Town Attorney

Date: _____

ATTEST:

Julie K. Bower, Town Clerk

Date: _____

ATTACHMENT #1, EXHIBIT A

ATTACHMENT A
FORM OF
ASSIGNMENT AND ASSUMPTION AGREEMENT
(see attached)

ASSIGNMENT AND ASSUMPTION AGREEMENT

This Assignment and Assumption Agreement (the "**Assignment**") dated as of _____ 20__ ("**Effective Date**"), is made by and between _____ ("**Seller**"), _____ ("**Buyer**") and Tucson Electric Power Company ("**Company**"). Seller, Buyer and Company may be referred to herein collectively as the "**Parties**" or individually as a "**Party**."

RECITALS

Seller is a party to a Renewable Energy Credit Purchase Agreement with Company dated _____, 20__ (the "**REC Agreement**"). The REC Agreement pertains to the Customer System (as defined in the REC Agreement) located at _____ (the "**Premises**") that the Seller intends to sell to the Buyer; and

The REC Agreement requires that any purchaser of the Premises assume Seller's obligations under the REC Agreement. Incident to the sale of the Premises by Seller to Buyer, the Parties desire to effect the required assumption by this Assignment.

NOW, THEREFORE, in consideration of these premises and of the mutual promises herein contained, the Parties hereby agree as follows:

AGREEMENT

1. **ASSIGNMENT.** Incident to the sale of the Premises, Seller hereby assigns and transfers to Buyer the REC Agreement and all of Seller's right, interest, obligations and liabilities thereunder effective upon the sale of the Premises. Buyer hereby accepts the assignment of the REC Agreement from Seller, and assumes all of Seller's obligations and liabilities thereunder effective upon the sale of the Premises. Company hereby consents to such assignment and assumption of the REC Agreement. The Assignment does not affect the REC Agreement or Company's rights thereunder, including, without limitation, Company's continued right to any credits assigned thereunder.

2. **MISCELLANEOUS.** This Assignment may not be modified or supplemented except by written instrument signed by the Parties. This Assignment and the rights, duties and obligations hereunder may not be assigned or delegated by Buyer or Seller without the prior written consent of Company. This Assignment may be executed in any number of counterparts, all of which taken together shall constitute one and the same agreement.

ACCEPTED AND AGREED as of the Effective Date.

BUYER

SELLER

By: _____
Name: _____

By: _____
Name: _____

TUCSON ELECTRIC POWER COMPANY

By: _____
Name: _____
Title: _____

ATTACHMENT #1, EXHIBIT A

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie K. Bower, Town Clerk

Tobin Rosen, Town Attorney

Date: _____

Date: _____

RESOLUTION NO. (R)11-63

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, AUTHORIZING AND APPROVING AN UP FRONT INCENTIVE RENEWABLE ENERGY CREDIT PURCHASE AGREEMENT BETWEEN THE TOWN OF ORO VALLEY AND TUCSON ELECTRIC POWER COMPANY FOR SMALL COMMERCIAL SOLAR WATER HEATING – SPACE HEATING

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

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

WHEREAS, Tucson Electric Power (“TEP”) has implemented a purchase program to provide financial incentives to its customers to install renewable generating equipment; and

WHEREAS, the Town desires to install, maintain and own a small commercial solar water heating - space heating system and have title to the environmental credits, attributes and benefits; and

WHEREAS, it is in the best interest of the Town to enter into the Up Front Incentive Renewable Energy Credit Purchase Agreement for a small commercial solar water heating - space heating system, attached hereto as Exhibit “A” and incorporated herein by this reference, with TEP in order to set forth the terms and conditions of the Agreement.

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

1. The Up Front Incentive Renewable Energy Credit Purchase Agreement for a small commercial solar water heating - space heating system between the Town of Oro Valley and the Tucson Electric Power, attached hereto as Exhibit “A” and incorporated herein by this reference, is hereby authorized and approved.
2. The Mayor and any other administrative officials are hereby authorized to take such steps as 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 21st day of September, 2011.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie K. Bower, Town Clerk

Tobin Rosen, Town Attorney

Date: _____

Date: _____

EXHIBIT "A"



A UniSource Energy Company

Up Front Incentive Renewable Energy Credit Purchase Agreement (Small Commercial Solar Water Heating - Space Heating)

This Up Front Incentive Renewable Energy Credit Purchase Agreement (“**Agreement**”) is hereby made and entered into as of the ___ day of _____, 20__ (“**Effective Date**”), by and between Tucson Electric Power Company, an Arizona corporation (“**Company**”), and _____ (“**Customer**”). Company and Customer may be referred to individually herein as a “**Party**” or collectively as the “**Parties**.”

RECITALS

- A. Company desires to increase the number of renewable electricity generation facilities and the consumption of renewable electricity within its service territory, while concurrently reducing the cost of renewable electricity generation systems for its customers;
- B. Customer intends to install, maintain and own a renewable electricity generation system and have title to the RECs (as defined below) associated with such system;
- C. Company is subject to certain state regulatory requirements governing its use of renewable resources to supply energy to its customers, including those provided under the Renewable Energy Standard and Tariff (as defined below);
- D. To further Company’s continuing commitment to develop and encourage the use of renewable energy resources and to better ensure compliance with regulatory requirements, Company has implemented a REC purchase program to provide financial incentives to its customers to install renewable generating equipment; and
- E. Customer desires to participate in Company’s REC purchase program and Company desires for Customer to participate in the program under the terms and conditions contained in this Agreement.

AGREEMENT

1. DEFINITIONS

- 1.1. “**Acceptance Test**” means an inspection and/or other verification by Company to confirm the Customer System has been installed and operates in conformance with Customer’s Program reservation and the System Qualifications.
- 1.2. “**Customer System**” means the solar water heating or space heating system located at the Premises.
- 1.3. “**Installation Deadline**” means the date that is one hundred eighty (180) days after the Reservation Confirmation Date.
- 1.4. “**Premises**” means Customer’s facilities located at 11000 N. La Canada Drive, Oro Valley, Arizona.
- 1.5. “**Proof of Project Advancement**” means documentation submitted to Company demonstrating that the installation of the Customer System is progressing on schedule, including, without limitation, building and/or construction permits and any other documentation evidencing project advancement as set forth in the Program or as required by Company.
- 1.6. “**Program**” means the Tucson Electric Power Company Renewable Energy Credit Purchase Program Definition 2010-2014, as may be amended from time to time.
- 1.7. “**Reservation Confirmation Date**” means the date Customer’s Program reservation request is approved by Company under the Program.
- 1.8. “**REC**” means any and all environmental credits, attributes and benefits, including greenhouse gas or emissions reductions and any associated credits, environmental air quality credits, offsets, allowances and benefits howsoever entitled, actual SO₂, NO_x, CO₂, CO, Carbon, VOC, mercury, and other emissions avoided, credits towards achieving local, national or international renewable portfolio standards, green tags and any and all other green energy or other environmental benefits associated with the generation of renewable energy (regardless of how any present or future law or regulation attributes or allocates such characteristics), including those created under the REST.
- 1.9. “**Renewable Energy Standard and Tariff**” or “**REST**” means the Arizona Renewable Energy Standard and Tariff codified at A.A.C. R14-2-1801 *et seq.*, as may be amended from time to time.
- 1.10. “**System Qualifications**” means all equipment, installation and other general requirements pertaining to the solar water heating and space heating systems as set forth in the Program.

1.11. “**Term**” shall have the meaning set forth in Section 13.1 below.

1.12. “**Up Front Incentive**” or “**UFI**” means a one-time incentive payment based on the Customer System capacity or estimated energy kilowatt-hour (“**kWh**”) production, as applicable, rather than on measured system output.

2. PROGRAM TIMELINE

Customer agrees to perform its obligations with respect to the Customer System hereunder in an expeditious manner, including, but not limited to, submitting Proof of Project Advancement to Company within sixty (60) days of the Reservation Confirmation Date, ensuring Company is provided with copies of the applicable city/county final inspection paperwork as soon as practicable after installation of the Customer System is complete, and meeting all Program requirements on or before the Installation Deadline. Failure to perform such obligations may result in cancellation of the Customer System Program reservation.

3. CUSTOMER RENEWABLE ENERGY SYSTEM

Customer owns the Customer System and will be solely responsible for its cost, operation and maintenance. The Parties acknowledge and agree that, to qualify for participation in the Program, the Customer System must comply with all System Qualifications and Program requirements.

4. SYSTEM INSTALLATION

The Customer System must have been installed at the Premises in accordance with the installation requirements set forth in the System Qualifications and the Program. Customer or its designee shall be solely responsible for the installation of the Customer System, including selecting a qualified installer and paying all installation costs and expenses.

5. ACCEPTANCE TEST AND INSPECTIONS

Customer will notify Company when the installation of the Customer System is complete by providing Company with a copy of the applicable city/county final inspection permit associated with the installation. Following its receipt of such notice and permit, Company will perform an Acceptance Test on the Customer System to verify the installation and system performance are in compliance with the System Qualifications. If the Company determines the Customer System is not in compliance with the System Qualifications for any reason, Company will notify Customer of such noncompliance. Company will have no further obligation under this Agreement until all such deficiencies are remedied by Customer to Company’s reasonable satisfaction and the Customer System is in compliance with the System Qualifications. Unless otherwise indicated in the Customer System reservation request, Company shall have the right to conduct periodic inspections of the Customer System during the Term upon notice to Customer. Such inspections may include, without limitation, reading the Customer System’s solar production and/or performance meter as necessary to verify compliance with the System Qualifications. Customer shall provide Company with reasonable access to the Customer System to conduct any such inspection.

6. UP-FRONT INCENTIVE PAYMENT

6.1. Conditions Precedent. Subject to: (i) Customer's execution and delivery of this Agreement and a properly completed Form W-9 to Company, (ii) Company's receipt of a copy of the applicable city/county final inspection permit, (iii) Company's determination that the Customer System is in compliance with the System Qualifications (including by passing any required Acceptance Test) and (iv) the Customer System being operational by the Installation Deadline, Company shall pay Customer the UFI described in this Section 6.

6.2. Customer System UFI. Company shall pay Customer a UFI for the Customer System in the amount of \$750 plus \$ 0.50 per kilowatt hour of net renewable energy production up to a maximum of \$200,750, as determined by Company during the Customer System Acceptance Test, as prorated by any de-rating for off-angle and shading using the applicable chart and the calculation procedure in the Program.

6.3. Payments. Any UFI payment determined by Company to be owed to Customer hereunder shall be paid to Customer within thirty (30) days after the Customer System passes the Acceptance Test described under Section 5 above.

6.4 Payments Constitute Taxable Income. The IRS considers any UFI payment made to Customer to be taxable income to Customer, even if the payment is assigned to a third party. Accordingly, Customer shall deliver to Company a properly completed IRS Form W-9 prior to Company's execution of this Agreement to enable Company to issue an IRS-required Form 1099 for any UFI payment made to Customer.

7. OWNERSHIP OF RENEWABLE ENERGY CREDITS

Customer hereby irrevocably and unconditionally assigns and transfers to Company any and all RECs derived from the installation and use of the Customer System during the Term. Customer shall not sell, trade, assign or otherwise transfer, or permit to be sold, traded, assigned or otherwise transferred, any RECs derived from the installation and use of the Customer System to any party other than Company during such time Company is entitled to receive such RECs hereunder. Upon Company's request, Customer shall provide Company with reasonable documentation evidencing its ownership of such RECs and transfer thereof to Company.

8. CUSTOMER SYSTEM REMOVAL

Neither the Customer System nor any components thereof may be removed from the Premises during the Term without Company's prior written consent. Any such removal of the Customer System shall constitute a material breach of this Agreement and will subject Customer to the UFI refund obligations set forth in Section 13.5 below.

9. CUSTOMER REPRESENTATIONS

Customer hereby represents and warrants to Company that the following statements are true and correct as of the Effective Date and will be true and correct at the time of any transfer by Customer to Company of any RECs hereunder:

9.1. Customer is the true and lawful owner of, and has good title to, all RECs transferred from Customer to Company hereunder, free and clear of all liens and encumbrances;

9.2. Each REC transferred from Customer to Company hereunder meets the requirements of the REST;

9.3. Neither Customer nor, to Customer's knowledge, any third party has sold, traded, assigned or otherwise transferred any RECs to be transferred from Customer to Company hereunder to any party other than Company;

9.4. Customer has full power and authority to execute and deliver this Agreement and to perform its obligations hereunder, including, without limitation, the transfer of any RECs to Company; and

9.5. Customer is in full compliance with all applicable federal, state and local laws, regulations, ordinances and codes governing the production and/or sale of electricity.

10. WARRANTY

COMPANY MAKES NO REPRESENTATIONS OR WARRANTIES OF ANY KIND HEREUNDER, EXPRESS OR IMPLIED, INCLUDING, WITHOUT LIMITATION, ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE WITH RESPECT TO ITS PERFORMANCE HEREUNDER. WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, COMPANY MAKES NO REPRESENTATIONS OR WARRANTIES WITH RESPECT TO THE CUSTOMER SYSTEM, ITS OPERATION, SAFETY, INSTALLATION OR COMPLIANCE WITH ANY BUILDING OR SAFETY CODES, RULES OR REGULATIONS, AND TO THE MAXIMUM EXTENT PERMITTED BY LAW, COMPANY HEREBY DISCLAIMS ANY AND ALL LIABILITY ASSOCIATED THEREWITH.

11. LIMITATION OF LIABILITY

COMPANY'S ENTIRE LIABILITY ARISING OUT OF ITS PERFORMANCE UNDER THIS AGREEMENT SHALL BE LIMITED TO DIRECT ACTUAL DAMAGES STEMMING FROM CLAIMS DIRECTLY ATTRIBUTABLE TO COMPANY'S GROSS NEGLIGENCE OR WILLFUL MISCONDUCT. IN NO EVENT SHALL COMPANY, ITS EMPLOYEES OR AGENTS BE LIABLE TO CUSTOMER FOR ANY SPECIAL, INDIRECT, PUNITIVE OR CONSEQUENTIAL DAMAGE, HOWEVER CAUSED, RESULTING FROM COMPANY'S PERFORMANCE HEREUNDER.

12. INDEMNIFICATION

Customer agrees to indemnify, defend and hold harmless Company, its affiliates and parent company, and all their officers, directors, shareholders, employees and agents from and against any and all costs, claims, liability, judgments and expenses of any nature whatsoever, which arise from damage to property or from injury or death which occurs as a result of the purchase, installation or maintenance of the Customer System. Customer's obligation to indemnify hereunder shall survive termination of this Agreement.

13. TERM AND TERMINATION

13.1. Term. This Agreement shall commence on the Effective Date and, unless earlier terminated as provided herein, shall continue until December 31 of the 20th full calendar year after the Customer System passes the Acceptance Test (the "**Term**").

13.2. Company Termination. Company may terminate this Agreement:

- i. on thirty (30) days written notice to Customer in the event Customer commits a material breach of this Agreement or the Program and fails to cure the same within such thirty (30) day period;
- ii. immediately in the event that Customer: (a) makes an assignment or any general arrangement for the benefit of creditors, (b) files a petition or otherwise commences, authorizes or acquiesces in the commencement of a proceeding or cause under the bankruptcy or similar law for the protection of creditors, or has such petition filed against it and such proceeding remains undismissed for thirty (30) days after filing or (c) otherwise becomes bankrupt or insolvent (however evidenced);
- iii. upon (30) days prior written notice to Customer if the Customer System is not in compliance with the System Qualifications (including by passing the Acceptance Test) by the Installation Deadline and Company does not grant an extension; or
- iv. immediately upon written notice to Customer in the event the Customer System Program reservation is cancelled by Company under the Program, including for a failure to meet any project advancement requirements under the Program.

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13.5. Effect of Termination. In the event of Company's termination of the Agreement for Customer's breach under Section 13.2(i) (including as a result of the removal of the Customer System from the Premises in violation of Section 8 above), Section 13.2(ii), 13.3, or if the Parties terminate the Agreement under Section 13.4 above, in addition to any other legal rights and remedies available to Company, Customer shall immediately refund to Company a pro-rata amount of the UFI paid to Customer hereunder corresponding to the number of months remaining in the Term. In the event of Company's termination of this Agreement under Section 13.2(iii) or 13.2(iv) above, neither Party shall have any further obligation to the other hereunder and neither Party shall have any liability to the other stemming from such termination.

14. MISCELLANEOUS

14.1. Modification, Waiver and Severability. This Agreement may not be modified or supplemented except by written instrument signed by the Parties. No waiver of any default or breach hereof shall be deemed a waiver of any other default or breach hereof. If any part of this Agreement is finally adjudicated void and/or unenforceable, such part shall be deemed severed from this Agreement which shall otherwise remain in full force and effect.

14.2. Assignment. This Agreement and the rights, duties and obligations hereunder may not be assigned or delegated by the Customer without the prior written consent of Company.

14.3. Governing Law and Venue. This Agreement shall be governed by the laws of the State of Arizona, without regard to the choice of law provisions thereof. Venue for any dispute arising hereunder shall be any court of competent jurisdiction located in Pima County, Arizona.

14.4. Entire Agreement. This Agreement is the final integration of the agreement between the Parties with respect to the matters covered by it and supersedes any prior understanding or agreements, oral or written, with respect thereto.

14.5. Counterparts. This Agreement may be executed in any number of counterparts, all of which taken together shall constitute one and the same agreement.

14.6. Titles and Captions. Titles or captions contained in this Agreement are inserted for convenience and for reference only and in no way define, limit, extend or describe the scope of this Agreement or the intent of any provision hereof.

14.7. Expenses and Attorney's Fees. In any actions between the Parties to enforce any of the terms of this Agreement the prevailing Party shall be entitled to recover expenses, including reasonable attorney's fees.

14.8. Force Majeure. Neither Party shall be liable to the other for failure to perform its obligations hereunder to the extent such failure results from causes beyond its reasonable control, including strikes, climatic conditions, acts of God, governmental laws, regulations, orders or requirements, interruptions of power or unavailability of equipment or supplies (each a "**Force Majeure Event**"). Provided, if any Force Majeure Event claimed by a Party continues for an uninterrupted period of more than one hundred and eighty (180) days, then the other Party may, at any time following the end of such period, immediately terminate this Agreement upon written notice to the affected Party, without further obligation to the affected Party, except as to payment of any costs and liabilities incurred before the effective date of such termination.

14.9. Forward Contract. The Parties agree that this Agreement and the transactions contemplated hereunder shall constitute a "forward contract" and that Company is a "forward contract merchant" within the meaning of the United States Bankruptcy Code.

14.10. Customer Sale of Premises. In the event Customer sells or otherwise transfers the Premises, Customer's successor-in-interest shall expressly assume all of Customer's obligations hereunder in writing by executing an assignment and Assumption Agreement in the form of Attachment A attached hereto and incorporated herein (the "**Assignment Agreement**"), and this Agreement shall not be affected, nor shall Company's rights hereunder be disturbed in any way, including, without limitation, Company's continued right to all RECs assigned pursuant to Section 7 above. Customer shall provide Company with an executed Assignment Agreement at

the time of the sale or transfer of the Premises. Any failure to comply with this Section 14.10 shall be considered a material breach of the Agreement.

14.11. Compliance with Law. Customer shall comply with all applicable federal, state and local laws, regulations, ordinances and codes at all times in performing under this Agreement.

14.12. Conflict of Interest. This Agreement is subject to the provisions of A.R.S. § 38-511 which provides in pertinent part that the state, its political subdivisions or any department of either may, within three years after its execution, cancel any contract, without penalty or further obligation, made by the state, its political subdivisions, or any of the departments or agencies of either if any person significantly involved in initiating, negotiating, securing, drafting or creating the Agreement on behalf of the state, its political subdivisions or any of the departments or agencies of either is, at any time, while the Agreement or any extension of the Agreement is in effect, an employee or agent of any other party to the Agreement in any capacity to the Agreement with respect to the subject matter of the Agreement.

14.13. Survival. After expiration or termination of this Agreement, those provisions which specifically provide for survival beyond expiration or termination, and all provisions regarding warranty and limitation of liability, shall survive indefinitely or until the expiration of the time period specified elsewhere in this Agreement with respect to the provision in question.

14.14. No Third Party Beneficiaries. This Agreement shall not confer any rights or remedies upon any person other than the Parties and their respective successors and permitted assigns.

14.15. Taxes. Customer shall pay all local, state and federal taxes, levies, duties and assessments of every nature whatsoever which may be imposed or due in connection with the RECs sold to Company hereunder. Customer shall hold Company harmless from any and all future liability on account of any and all such taxes, levies, duties and assessments.

14.16. Notices. All notices under this Agreement shall be in writing and shall be given by personal service (including receipted confirmed facsimile), or by certified or registered mail, return receipt requested, or by recognized overnight courier service to the Parties at the addresses set forth below. All notices shall be deemed given upon the actual receipt thereof.

Company:

Tucson Electric Power Company
PO Box 711
Tucson, Arizona 85702
Fax: (520) 918-8350
Attn: Renewable Energy Department

Customer:

Phone: _____
Fax: _____

ACCEPTED AND AGREED as of the Effective Date.

TUCSON ELECTRIC POWER COMPANY

By: _____

Print Name: _____

Title: _____

CUSTOMER

By: _____

Print Name: _____

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

APPROVED AS TO FORM:

Tobin Rosen, Town Attorney

Date: _____

ATTEST:

Julie K. Bower, Town Clerk

Date: _____

ATTACHMENT A
FORM OF
ASSIGNMENT AND ASSUMPTION AGREEMENT
(see attached)

ASSIGNMENT AND ASSUMPTION AGREEMENT

This Assignment and Assumption Agreement (the "**Assignment**") dated as of _____ 20__ (**Effective Date**), is made by and between _____ ("**Seller**"), _____ ("**Buyer**") and Tucson Electric Power Company ("**Company**"). Seller, Buyer and Company may be referred to herein collectively as the "**Parties**" or individually as a "**Party**."

RECITALS

Seller is a party to a Renewable Energy Credit Purchase Agreement with Company dated _____, 20__ (the "**REC Agreement**"). The REC Agreement pertains to the Customer System (as defined in the REC Agreement) located at _____ (the "**Premises**") that the Seller intends to sell to the Buyer; and

The REC Agreement requires that any purchaser of the Premises assume Seller's obligations under the REC Agreement. Incident to the sale of the Premises by Seller to Buyer, the Parties desire to effect the required assumption by this Assignment.

NOW, THEREFORE, in consideration of these premises and of the mutual promises herein contained, the Parties hereby agree as follows:

AGREEMENT

1. **ASSIGNMENT.** Incident to the sale of the Premises, Seller hereby assigns and transfers to Buyer the REC Agreement and all of Seller's right, interest, obligations and liabilities thereunder effective upon the sale of the Premises. Buyer hereby accepts the assignment of the REC Agreement from Seller, and assumes all of Seller's obligations and liabilities thereunder effective upon the sale of the Premises. Company hereby consents to such assignment and assumption of the REC Agreement. The Assignment does not affect the REC Agreement or Company's rights thereunder, including, without limitation, Company's continued right to any credits assigned thereunder.

2. **MISCELLANEOUS.** This Assignment may not be modified or supplemented except by written instrument signed by the Parties. This Assignment and the rights, duties and obligations hereunder may not be assigned or delegated by Buyer or Seller without the prior written consent of Company. This Assignment may be executed in any number of counterparts, all of which taken together shall constitute one and the same agreement.

ACCEPTED AND AGREED as of the Effective Date.

BUYER

SELLER

By: _____
Name: _____

By: _____
Name: _____

TUCSON ELECTRIC POWER COMPANY

By: _____
Name: _____
Title: _____

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie K. Bower, Town Clerk

Tobin Rosen, Town Attorney

Date: _____

Date: _____



Town Council Regular Session

Item # H.

Meeting Date: 09/21/2011

Requested by: Ainsley Legner

Submitted By:

Ainsley Legner, Parks
Recreations Library CR

Department: Parks Recreations Library CR

Information

SUBJECT:

Resolution No. (R)11-64, Approving a sponsorship program between the Town of Oro Valley and Pusch Ridge Pet Clinic regarding Mutt Mitt stations located in Canada Del Oro Riverfront Park and James D. Kriegh Park

RECOMMENDATION:

It is recommended that the resolution regarding sponsorship program for mutt mitt dispensers in parks be approved.

EXECUTIVE SUMMARY:

A new program is proposed to help the Oro Valley business community increase their visibility by sponsoring our existing Mutt Mitts sanitation stations. Mutt Mitts are a disposable pet waste pick-up tool. The program affords businesses a very unique advertising opportunity to reach the lucrative demographic of dog owners. Under this program, Mutt Mitt stations are sponsored for \$350 each and include a sign with the business' name on the station.

BACKGROUND OR DETAILED INFORMATION:

On March 16, 2011, Councilmember Lou Waters and Economic Development Manager Amanda Jacobs conducted a business retention and expansion site visit with Dr. Kerman Dubash and Dr. Gregory Lee of Pusch Ridge Pet Clinic. During the site visit, Dr. Lee expressed interest in a public/private partnership between the Town of Oro Valley and Pusch Ridge Pet Clinic. Over the past several months, staff has been working with Dr. Dubash and Dr. Lee to develop a mutually beneficial program which has resulted in the proposed Mutt Mitts Sanitation Stations.

Mutt Mitts are a disposable pet waste pick-up tool. Dispensers are available throughout Oro Valley parks. Dr. Lee of Pusch Ridge Pet Clinic has offered agreed to sponsor five (5) Mutt Mitt stations at Canada del Oro Riverfront Park and two (2) stations at James D. Kriegh Park for \$350 per station for a total of \$2,450. Dr. Lee's sponsorship will include a 18" x 12" metal sign on each of the sponsored stations. This sponsorship will cover the costs for the Mutt Mitts in the sponsored stations.

FISCAL IMPACT:

This sponsorship is for \$2,450 for the purchase of Mutt Mitts for dispensers located in CDO Riverfront Park and James D. Kriegh Park.

SUGGESTED MOTION:

I MOVE to (adopt, adopt with conditions or deny) Resolution No. (R)11-64, Approving a sponsorship program between the Town of Oro Valley and Pusch Ridge Pet Clinic regarding Mutt Mitt stations located in Canada Del Oro Riverfront Park and James D. Kriegh Park.

Attachments

Reso 11-64

RESOLUTION NO. (R)11-64

**A RESOLUTION OF THE TOWN OF ORO VALLEY, ARIZONA,
APPROVING A SPONSORSHIP PROGRAM BETWEEN THE
TOWN OF ORO VALLEY AND PUSCH RIDGE PET CLINIC
REGARDING MUTT MITT STATIONS LOCATED IN CANADA
DEL ORO RIVERFRONT PARK AND JAMES D. KRIEGH PARK**

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, mutt mitts are a disposable pet waste pick up tool available for use throughout Town’s parks; and

WHEREAS, the mutt mitt sponsorship program provides for sponsorship for one (1) year; and

WHEREAS, Pusch Ridge Pet Clinic desires to sponsor five (5) mutt mitt stations (“stations”) at Canada del Oro Riverfront Park and two (2) mutt mitt stations at James D. Kriegh Park; and

WHEREAS, each station will cost Pusch Ridge Pet Clinic Three Hundred and Fifty Dollars (\$350.00) for a total of Two Thousand Four Hundred and Fifty Dollars (\$2,450.00).

NOW THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Oro Valley, Arizona that: the proposed sponsorship program between the Town of Oro Valley and Pusch Ridge Pet Clinic for mutt mitt stations at Canada del Oro Riverfront Park and James D. Kriegh park is hereby approved.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona, this 21st day of September, 2011.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie K. Bower, Town Clerk

Tobin Rosen, Town Attorney

Date: _____

Date: _____



Town Council Regular Session

Item # 1.

Meeting Date: 09/21/2011

Requested by: Bayer Vella

Submitted By:

Bayer Vella, Development
Infrastructure Services

Department: Development Infrastructure Services

Information

SUBJECT:

Resolution No. (R)11-65, Supporting the Pima County Office of Emergency Management and Homeland Security application for pre-disaster mitigation funds from the Federal Emergency Management Agency (FEMA) hazard mitigation program for buffelgrass removal.

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

Pima County Office of Emergency Management and Homeland Security has led a Wildfire Risk Mitigation Project over the past several years. A key element of the Project is to eradicate buffelgrass, a non-native perennial grass, in areas of critical infrastructure. With collaboration of Town staff, areas of risk have been identified within Oro Valley.

Funding that will directly benefit buffelgrass eradication in Oro Valley is sought within a regional application for Pre- Disaster Mitigation Funds. The aim is to eradicate buffelgrass in proximity to key Town infrastructure and areas of economic importance within an 8,100 acre area identified in Attachment #2.

BACKGROUND OR DETAILED INFORMATION:

A purpose of the FEMA grant is to prevent potential wildfire disasters. Buffelgrass is a threat to the community for the following reasons: 1. In the case of wildfire, it burns hotter and faster than other fuels. 2. It is growing rapidly throughout the region. 3. It has spread to areas of high-value critical infrastructure. 4. It cannot be managed with current resources and spreads rapidly.

The Town currently sprays all rights-of-way with medians on an annual basis and organizes volunteer efforts to eradicate buffelgrass. The grant proposal would provide funding to manage an 8,100 acre area over a three year period. Funding is sought to pay for staff time, spray equipment and crews, hand weeding by a contractor, and public outreach/education efforts. Work will be focused in key areas of economic importance (including Innovation Way and key commercial sites along Oracle Road) as well as important Town infrastructure such as water wells.

As proposed, Pima County, Sahuarita, and the Town of Oro Valley will be key beneficiaries if the grant is awarded. Funding would commence in fiscal year 2012 and would continue for a three year period. The timing of this proposal works well. The Town is currently managing a grant from the U.S. Fish and Wildfire Service to eradicate buffelgrass within washes - in smaller focused areas. Although the current grant will expire in October, the expertise gained from existing Town programs can be applied

to this potential FEMA grant in 2012.

FISCAL IMPACT:

The grant, if awarded, will increase buffelgrass mitigation efforts without additional expense to the Town. This FEMA grant requires a 25% match of in-kind services which is met by crediting hours spent on existing programs and associated staff hours.

SUGGESTED MOTION:

I MOVE to (adopt or deny) Resolution No. (R)11-65.

Attachments

Reso 11-65

OV Buffelgrass Project Area

RESOLUTION NO. (R)11-65

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, SUPPORTING THE PIMA COUNTY OFFICE OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY APPLICATION FOR PRE-DISASTER MITIGATION FUNDS FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) HAZARD MITIGATION PROGRAM FOR BUFFELGRASS REMOVAL

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

WHEREAS, buffelgrass is a highly-invasive grass species which decreases native flora, decreases native habitat productivity and increases the possibility of wildfire threatening both life and property; and

WHEREAS, the density of flammable buffelgrass has spread rapidly and is a regional problem requiring coordinated and targeted education, monitoring of and control efforts upon all public and private lands; and

WHEREAS, Pima County is applying for pre-disaster mitigation funds from FEMA, of which Pima County, Sahuarita and the Town will be key beneficiaries; and

WHEREAS, the Town desires to support and promote the application being submitted by Pima County by giving Pima County the authority to apply to FEMA for pre-disaster mitigation funds on behalf of the Town; and

WHEREAS, it is in the best interest of the Town to support and promote the application by the Pima County Office of Emergency Management and Homeland Security application for pre-disaster mitigation funds for removal of the highly invasive buffelgrass.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Oro Valley, that the Town hereby authorizes the Pima County Office of Emergency Management and Homeland Security to apply to the Federal Emergency Management Agency for pre-disaster mitigation funds for removal of the highly invasive buffelgrass on behalf of the Town.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona this 21st day of September, 2011.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

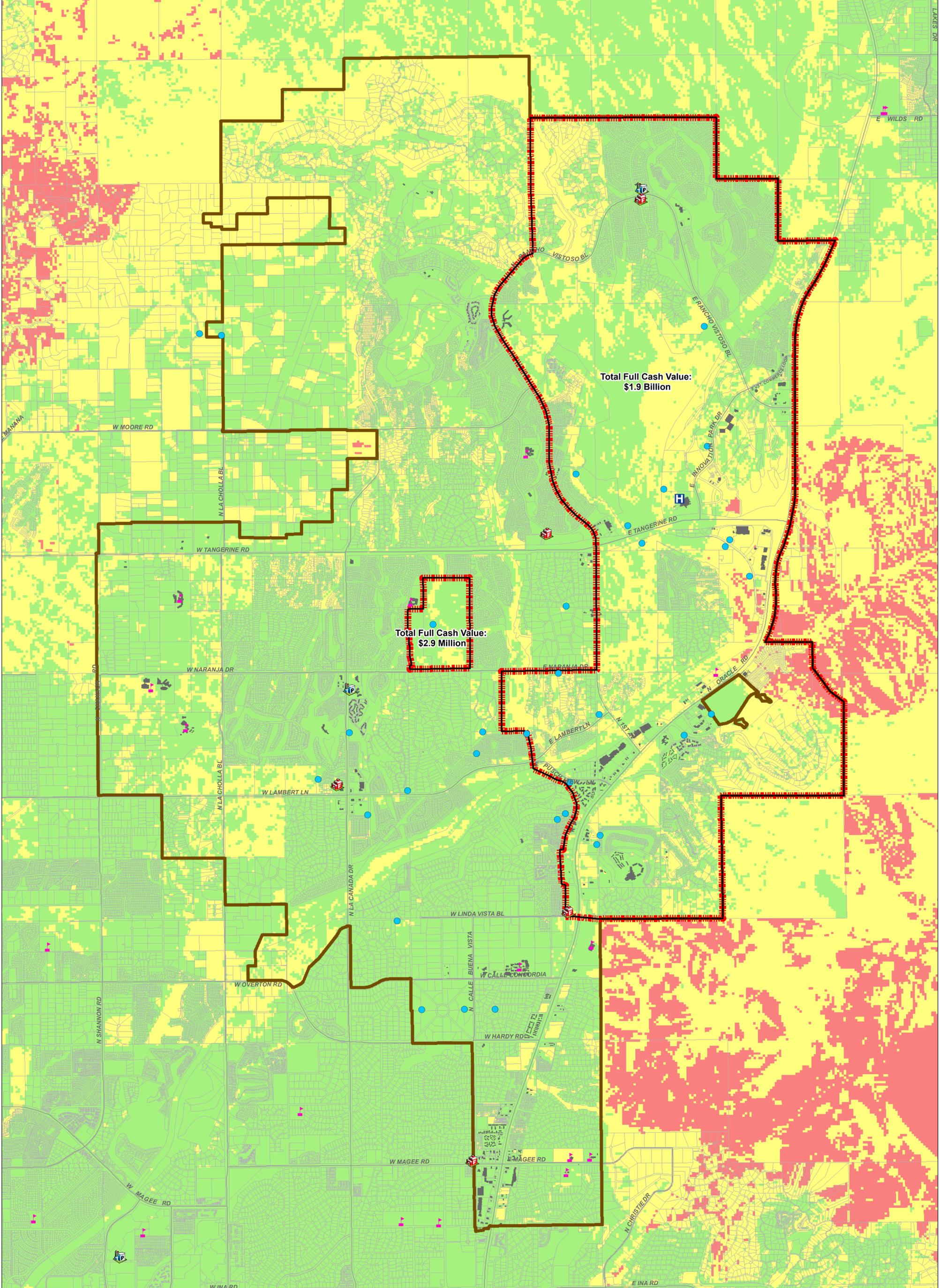
APPROVED AS TO FORM:

Julie K. Bower, Town Clerk

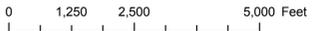
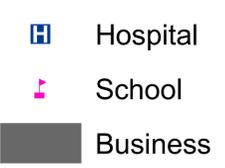
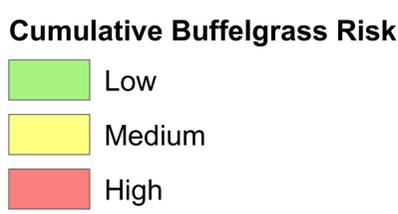
Tobin Rosen, Town Attorney

Date: _____

Date: _____



Oro Valley Proposed Buffelgrass Project Areas





Town Council Regular Session

Item # 1.

Meeting Date: 09/21/2011

Requested by: David Williams

Submitted By:

Chad Daines,
Development Infrastructure
Services

Department: Development Infrastructure Services

Information

SUBJECT:

PUBLIC HEARING: ORDINANCE NO. (O)11-22 AMENDING THE ORO VALLEY ZONING CODE REVISED, BY AMENDING CHAPTER 23, ZONING DISTRICTS, SECTION 23.3, TABLE OF PERMITTED USES, CHAPTER 25, USE REGULATIONS, SECTION 25.1, REQUIREMENTS FOR SPECIFIC USES AND CHAPTER 31, DEFINITIONS RELATING TO OUTDOOR DISPLAY OF MERCHANDISE FOR COMMERCIAL BUSINESSES

RECOMMENDATION:

The Planning and Zoning Commission voted 5-1, recommending approval of the amendment as provided in Attachment 1.

Alternatively, staff recommends consideration of temporary adoption of the amendment for a period of time as staff is concerned about potential unintended consequences of a permanent code change. Further, staff recommends returning to Council at the conclusion of the time period to report on the status of outdoor displays.

EXECUTIVE SUMMARY:

The proposed Zoning Code amendment involves the outdoor display of merchandise for commercial businesses. Currently, the Zoning Code does not permit outdoor displays, except by 60-day special use permit. Outdoor displays typically include store merchandise placed outside the front of the store. The amendment would permit outdoor displays subject to administrative review / approval and create standards to achieve uniformity and maintain safe pedestrian access to retail stores.

At the August 2, 2011 Planning & Zoning Commission public hearing, the Commission voted 5-1 to recommend approval of the amendment as provided in the non-shaded text of Attachment 1. On August 22, 2011 staff conducted a community meeting on this topic. The meeting was conducted in a workshop format and participants provided input and completed questionnaires regarding the proposed amendment. Additional staff suggested text (shown in shaded text) has been included in Attachment 1, based on input received at the Community Meeting.

BACKGROUND OR DETAILED INFORMATION:

The purpose of the amendment is to permit outdoor displays and provide consistent standards. In some cases, outdoor displays are placed randomly along the sidewalk and/or adjacent to doorways or drive aisles, creating obstructed walkways and cluttered areas in front of the store or in a confined area. The amendment would establish uniform standards and maintain safe access to retail stores.

Planning & Zoning Commission Action:

The amendment was originally considered by the Commission on June 7, 2011. A number of issues were raised at the June 7th meeting including percentage of facade allowable for outdoor displays, vending machine exclusions, visibility and minor word changes. The Commission continued the amendment to the August 2nd meeting.

Issues raised at the August 2nd meeting included the aesthetic impact of outdoor displays, percentage of facade allowable for outdoor displays, whether the amendment should be permanent or temporary and possible need for community outreach on the proposed amendment. At the conclusion of the public hearing, the Commission voted 5-1 to recommend approval of the amendment as drafted in Attachment 1. The August 2nd Commission report is provided in Attachment 2 for additional information. The draft meeting minutes from the August 2nd meeting are provided in Attachment 3 for additional information.

Community Meeting:

Based on discussion at the Commission public hearings, it was determined that further community outreach on the proposed amendment was warranted to identify specific areas of support and concern. A community meeting on the amendment was held August 22nd and involved businesses owners, community members and other interested parties. Approximately 14 individuals were in attendance, a majority of whom represented business interests. Staff provided an overview of the amendment and then facilitated small-group breakout discussions on ordinance alternatives, preferred scope of outdoor displays and physical layout of displays relating to setbacks, location and access. Questionnaires were completed by all meeting participants and are summarized in Attachment 4. Respondents identified the need for: greater enforcement, compliance with ADA requirements, and to allow some additional signage. Broad issues raised at the community meeting were as follows:

- Staff presented photographic examples showing outdoor displays ranging from no display to excessive display. Most participants favored examples showing moderate amounts of outdoor display adjacent to buildings only with good pedestrian access.
- Concern with 50% facade limitation, may overly limit small businesses or buildings with deep depth, but narrow frontage.
- Difficulty in limiting height of outdoor displays due to variety of merchandise.
- Fees and the review process were a concern, several alternatives were identified which are discussed further in this report.
- Possible adoption of the Ordinance on temporary basis versus permanent basis.
- Limit displays on seasonal basis.
- Several comments related to the need for temporary signage were made.

A complete listing of comments received is provided in Attachment 5. Additional comments have been received on the amendment which are provided in Attachments 6.

In summary, most meeting participants represented businesses and favored a moderate amount of outdoor display. Opinions were mixed on the amount of outdoor display, locations for the display, height limitations and limitations on the items allowed to be displayed. The residents in attendance were generally against such displays.

Temporary Adoption:

At both the Commission meeting and the community meeting, it was suggested that the amendment could be adopted on a temporary basis. This option would allow Town Council to review the Ordinance after some time frame to assess impacts to the business and larger community and the need to continue the outdoor display allowance. After this time frame, Council could also review the economic and aesthetic impacts of outdoor displays and any adjustments to the standards which might be warranted. An alternative suggested motion is included in this regard.

Permitting / Fees:

The current fee for a permit for outdoor display is \$370. Several ideas relative to fees were discussed at the meeting ranging from no fee, flat fee, graduated fees based on building square footage or amount of display or allowing interested businesses to request a fee waiver which could be approved subject to

waiver criteria. Although the fee suggestions were valid, one consideration with adopting new fees is the new State Law which results in approximately 5 months to adopt / change new fees. Given this fact, Council may wish to establish no fee for the administrative review of the outdoor display application, or allow an existing administrative review fee (\$200) to be charged and allowing interested businesses to request a fee waiver which could be approved subject to establishing waiver criteria.

In order to reduce costs and expedite processing, as suggested by several parties, a basic sketch plan review and administrative approval may be established. The approved sketch plan would be used for enforcement purposes. The DIS Director estimates that the minimum cost to administer this approval is \$120, not including enforcement costs. Enforcement costs could be significant for the Town and would justify a higher application fee.

Modified Amendment:

Based on input at the Community Meeting, staff suggests establishment of limitations on the amount of outdoor display, based on the overall building facade length of a business. The modified text is shown in shaded text on Attachment 1. The modified text would limit outdoor displays to 50% of a building facade (maximum 150 feet), for businesses with 50 feet or more building facade. For businesses with less than 50 feet of building facade, outdoor displays would be limited to 25 feet in width. Additional provisions also address safety and small (30 feet or less) tenant spaces.

FISCAL IMPACT:

Depending on Council action regarding fees, a fiscal impact could be created. If no fee is charged for the review and approval of outdoor display applications as has been suggested, administrative costs related to the review would be subsidized by the Town. A minimum cost to the Town to administer each outdoor display application is estimated at \$180-\$240.

Should Council adopt the amendment, it would support businesses and their drive to boost retail sales. If successful, the Town may realize additional sales tax revenues.

SUGGESTED MOTION:

Three options are provided in the following motions:

Permanent Ordinance:

I MOVE to (adopt, adopt with conditions, or deny) Ordinance No. (O)11-22, amending the Oro Valley Zoning Code Revised relative to the outdoor display of merchandise for businesses, as shown in Attachment 1.

Temporary Ordinance:

I MOVE to (adopt, adopt with conditions, or deny) Ordinance No. (O)11-22, amending the Oro Valley Zoning Code Revised relative to the outdoor display of merchandise for businesses, as shown in Attachment 1, on a temporary basis for _____ months and further to direct staff to return to Council to report on any measurable effects of the ordinance on business and the community.

Further Study:

I MOVE to continue Ordinance No. (O)11-22, amending the Oro Valley Zoning Code Revised relative to the outdoor display of merchandise for businesses to the _____ Town Council meeting to allow further study to address _____.

Attachments

Ord 11-22

Attachment 2 - Planning and Zoning Commission Report

Attachment 3 - Planning and Zoning Commission Minutes

Attachment 4 - Community Meeting Questionnaire Summary

Attachment 5 - Community Meeting Comments

Attachment 6 - Additional Comments Received

ORDINANCE NO. (O)11-22

AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING THE ORO VALLEY ZONING CODE REVISED, BY AMENDING CHAPTER 23, ZONING DISTRICTS, SECTION 23.3, TABLE OF PERMITTED USES, CHAPTER 25, USE REGULATIONS, SECTION 25.1, REQUIREMENTS FOR SPECIFIC USES AND CHAPTER 31, DEFINITIONS; REPEALING ALL RESOLUTIONS, ORDINANCES AND RULES OF THE TOWN OF ORO VALLEY IN CONFLICT THEREWITH; PRESERVING THE RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN THEREUNDER

WHEREAS, 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, on March 13, 1981, the Mayor and Council approved Ordinance (O)81-58, which adopted that certain document entitled “Oro Valley Zoning Code Revised (OVZCR); and

WHEREAS, the proposed amendments to Chapter 23, Zoning Districts, Section 23.3, Table of Permitted Uses, Chapter 25, Use Regulations, Section 25.1, Requirements for Specific Uses and Chapter 31, Definitions will allow outdoor displays, create standards and achieve uniformity within the code; and

WHEREAS, the proposed amendments will provide requirements relating to locations, setbacks and amount of display areas and allow outdoor displays as an ancillary use, subject to administrative review and approval; and

WHEREAS, the Planning and Zoning Commission reviewed the proposed amendments at duly noticed public hearing on August 2, 2011 in accordance with State statutes and recommended approval of the proposed amendments to the Town Council; and

WHEREAS, the Oro Valley Town Council has considered the proposed amendments to Chapter 23, Zoning Districts, Section 23.3, Table of Permitted Uses, Chapter 25, Use Regulations, Section 25.1, Requirements for Specific Uses and Chapter 31, Definitions and the Planning and Zoning Commission’s recommendation and finds that they are consistent with the Town's General Plan and other Town ordinances.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Town of Oro Valley, Arizona, that certain document entitled Chapter 23, Zoning Districts, Section 23.3, Table of Permitted Uses, Chapter 25, Use Regulations, Section 25.1, Requirements for Specific Uses and Chapter 31, Definitions, attached hereto as Exhibit “A” and incorporated herein by this reference, are hereby amended with additions being shown in ALL CAPS and deletions in ~~strike through~~ text.

SECTION 2. That certain document entitled Chapter 25, Use Regulations, Section 25.1, Requirements for Specific Uses is hereby renumbered due to the new Section 25.1.(A)(5) by renumbering the existing Sections 25.1(A)(5) through 25.1.(A)(7) thereafter.

SECTION 2. All Oro Valley Ordinances, Resolutions, or Motions and parts of Ordinances, Resolutions, or Motions of the Council in conflict with the provisions of this Ordinance are hereby repealed.

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

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona this 21st day of September_, 2011.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie K. Bower, Town Clerk

Tobin Rosen, Town Attorney

Date: _____

Date: _____

EXHIBIT “A”

Chapter 25 Use Regulations

Section 25.1 Requirements for Specific Uses

...

A. General Requirements for All Non-Residential Uses

...

4. Outdoor Storage and Activities

- a. All operations and storage shall be conducted within a completely enclosed building or within an opaque barrier designed to match the main building on the site. Items stored, excluding live vegetation, **SHOULD MAY** NOT be visible from private or public streets or adjacent residential areas.
- b. MODULAR STORAGE UNITS are not permitted.
- c. ~~Outdoor display of goods, outdoor sales or~~ Temporary outdoor storage is not permitted, ~~except by Special Use Permit.~~ IN ACCORDANCE WITH SECTION 25.3 TEMPORARY USES AND STRUCTURES.
- d. ~~With the exception of newspaper dispensing machines, outside displays of merchandise, or other dispensing machines are prohibited.~~ OUTDOOR DISPENSING MACHINES FOR SUCH ITEMS AS MOVIES, NEWSPAPERS AND SOFT DRINKS SHALL BE LOCATED ADJACENT TO THE MAIN BUILDING AND SHALL NOT OCCUPY PARKING AREAS, CIRCULATION DRIVES OR LANDSCAPE AREAS.
- e. Outdoor eating areas for restaurants using disposable dinnerware, wrappings or napkins shall be enclosed with a minimum 3-foot barrier in order to prevent the blowing and scattering of litter. Such areas shall be maintained in a litter free condition.

5. OUTDOOR DISPLAY

- a. A MINIMUM OF 4 FOOT UNOBSTRUCTED WALKWAY SHALL BE MAINTAINED AROUND ANY OUTDOOR DISPLAY. A MINIMUM OF 4 FEET SHALL BE MAINTAINED FROM ANY OUTDOOR DISPLAY AND ANY INGRESS/EGRESS TO THE BUILDING. OUTDOOR DISPLAYS MAY BE LOCATED AGAINST THE BUILDING WALL. OUTDOOR DISPLAYS SHALL CONFORM TO THE EGRESS REQUIREMENTS OF THE INTERNATIONAL BUILDING CODE AND SHALL NOT OBSTRUCT A MEANS OF EGRESS.

- b. MINIMUM SETBACK OF 4 FEET FROM THE EDGE OF THE OUTDOOR DISPLAY TO THE CURB OR EDGE OF DRIVE AISLE SHALL BE MAINTAINED.
- c. OUTDOOR DISPLAY SHALL NOT BE LOCATED IN ANY LANDSCAPED AREA NOR INTERFERE WITH THE SAFE FUNCTION OF PEDESTRIAN SIDEWALKS, BICYCLE PARKING AREA AND OTHER ACCESS.
- d. OUTDOOR DISPLAYS SHALL NOT BE LOCATED IN A PARKING AREA OR DRIVE AISLE.
- e. OUTDOOR DISPLAYS SHALL BE MAINTAINED IN SUCH A MANNER AS TO NOT CONSTITUTE A HAZARD TO PEDESTRIANS OR VEHICULAR TRAFFIC AS DETERMINED BY THE BUILDING OFFICIAL OR TOWN ENGINEER AS APPLICABLE. PEOPLE STANDING IN DRIVEWAYS OR BLOCKING DOORWAYS WHILE VIEWING MERCHANDISE ARE CONSIDERED A HAZARD.
- f. OUTDOOR DISPLAYS SHALL BE LIMITED TO ONE BUILDING FAÇADE OF THE MAIN BUILDING. ~~OUTDOOR DISPLAYS SHALL NOT OCCUPY MORE THAN 50% OF THE BUILDING FAÇADE. AREAS OCCUPIED BY OUTDOOR DISPENSING MACHINES SHALL ARE NOT CONSIDERED OUTDOOR DISPLAYS. BE COUNTED WITHIN THE PERCENTAGE OF FAÇADE LIMITATION.~~
- g. OUTDOOR DISPLAYS SHALL BE LIMITED TO MERCHANDISE SOLD INSIDE THE MAIN BUILDING.
- h. OUTDOOR DISPLAYS SHALL BE DELINEATED ON A SITE PLAN AND SUBMITTED FOR REVIEW AND APPROVAL BY THE PLANNING AND ZONING ADMINISTRATOR ~~OR THEIR DESIGNEE~~. THE PLANNING AND ZONING ADMINISTRATOR SHALL PRESCRIBE THE FORM AND CONTENT OF THE OUTDOOR DISPLAY APPLICATIONS AND NECESSARY ACCOMPANYING INFORMATION. THE APPLICATION SHALL BE FILED WITH THE PLANNING AND ZONING ADMINISTRATOR. A PERMIT MUST BE ISSUED PRIOR TO THE ESTABLISHMENT OF ANY OUTDOOR DISPLAY.
- i. FOR BUILDING FACADES 50 FEET AND GREATER IN WIDTH, OUTDOOR DISPLAYS SHALL NOT OCCUPY MORE THAN 50% OF THE BUILDING FAÇADE, UP TO A MAXIMUM OF 150 FEET.
- j. FOR BUILDING FACADES LESS THAN 50 FEET IN WIDTH, OUTDOOR DISPLAYS SHALL NOT OCCUPY MORE THAN 25 FEET OF THE FACADE.
- k. TO PROVIDE EACH TENANT WHOSE FACADES ARE LESS THAN 30 FEET WITH A USEABLE DISPLAY AREA, THE PLANNING AND

TOWN OF ORO VALLEY

PLANNING & ZONING COMMISSION

MEETING DATE: August 2, 2011

TO: PLANNING & ZONING COMMISSION

FROM: Chad Daines AICP, Principal Planner

SUBJECT: **Public Hearing: Amendment to Zoning Code relating to the outdoor display of merchandise for commercial businesses, Sections 25.1, Requirements for Specific Uses, Section 23.3, Table of Permitted Uses, and Chapter 31 Definitions, OV711-005.**

SUMMARY:

The proposed Zoning Code amendment involves the outdoor display of merchandise for commercial businesses. Currently, the Zoning Code does not permit outdoor displays, except by special use permit. Outdoor displays typically include store merchandise placed outside the front of a store for sale. The zoning code amendment would permit outdoor displays as ancillary uses and create standards to achieve uniformity and maintain safe pedestrian retail stores. The proposed Zoning Code amendment was initiated by Council members.

NEW INFORMATION ADDED TO PREVIOUS REPORT SHOWN IN BOLD TEXT BELOW

The proposed amendment was considered by the Planning and Zoning Commission on June 7th. After failure to pass a number of motions, the Commission voted to continue the request to the August 2nd meeting to allow for additional members to be present. During the discussion of the proposed amendment, several issues were raised which are summarized as follows:

- Section 25.1.A.4.a. **Amend to state stored items “should not” rather than “may not” be visible from private or public streets or residential areas. Amended Text is included to address this issue.**
- Section 25.1.A.4.b. **Clarify that the term “outdoor storage container” means “modular storage unit”. Amended Text is included to address this issue.**
- Section 25.1.A.5.a. **Clarify that outdoor displays may be located against the wall of the building. Amended Text is included to address this issue.**
- Section 25.1.A.5.f. **Clarify that the limitation of display areas to 50% of the façade does not include outdoor dispensing machines. Amended Text is included to address this issue.**
- Throughout **Amend terms throughout to “main building”. Amended Text is included to address this issue.**
- Section 25.1.A.5.f. **There was discussion regarding the need to include the limitation of display areas to 50% of the façade. There was no clear agreement on whether this limitation should or should not be included. After further review of the amendment, including the Building Official, staff is proposing additional limitations based on the size of the business store front to limit the aesthetic impacts of outdoor displays and improve access to the building:**
- Increase the minimum distance from the outdoor display to store ingress / egress from 2 feet to 4 feet.**

Provide Limitations of display area based on length of façade as follows:

<u>Façade Length</u>	<u>Display % of façade</u>
0 Feet – 50 feet	Maximum 50%
50 Feet – 100 feet	Maximum 33%
Over 100 feet	Maximum 25%

BACKGROUND:

Purpose of Amendment

Outdoor displays are a consistent concern to staff since the code is not very restrictive. Currently, they are only permitted via a special use permit and no specific standards are addressed. Commercial businesses like to display merchandise outside the front of the store. In some cases, outdoor displays are placed randomly along the sidewalk, creating obstructed walkways, cluttered areas and excess merchandise in front of the store or in a confined area. The zoning code does not currently provide criteria or standards to permit outdoor displays.

The purpose of the amendment is to allow outdoor displays, create standards and achieve uniformity. These standards will provide requirements relating to locations, setbacks and amount of display areas. The intent is to allow outdoor displays as an ancillary use subject to administrative review and approval.

Proposed Zoning Code Amendments

The following is a summary of the zoning code amendments:

1. Chapter 31 Definitions:

Amend the existing definition for outdoor type business and add a new definition relating to outdoor display.

2. Section 25.1, Requirements for Specific Uses:

The section will create standards to address locations, clear zones and amount of outdoor display that can be located in front of the store. Approval of outdoor displays will be granted administratively.

The attached diagram provides an illustration of allowable areas for outdoor displays in front of a store.

3. Section 23.3, Table of Permitted Uses:

This section will amend the table of permitted uses to include outdoor displays as “ancillary uses” in the C-N, C-1 and C-2, Commercial Districts, subject to the requirements for specific uses (Section 25.1A).

The Attachment 1 provides a comprehensive draft of the proposed zoning code amendments.

Staff Analysis

The proposed Zoning Code amendments will allow outdoor displays by commercial businesses. Creating standards will achieve uniformity and avoid cluttered areas and excess merchandise in front of the stores. Outdoor displays are consistently used by local businesses in spite of being disallowed by Town Code.

The existing Zoning Code does not allow outdoor displays except via a special use permit. Since they are only permitted as temporary uses, it requires businesses to frequently submit applications for outdoor displays. Allowing them as ancillary uses would streamline this process.

In summary, if approved, commercial businesses will be allowed to provide outdoor displays as ancillary uses, subject to administrative review and approval.

PUBLIC NOTIFICATION AND COMMENT

The zoning code amendment has been noticed in accordance with Town requirements and no comments have been received.

CONCLUSION/RECOMMENDATION

Staff is not supportive of the amendment based on the anticipated aesthetic impacts to commercially developed areas.

SUGGESTED MOTION

The Planning & Zoning Commission may wish to consider one of the following suggested motions:

I move to recommend [approval, approval with conditions, OR denial], OV711-05, approval of Zoning Code amendments relating to outdoor displays as specified in Attachment 1.

Attachments:

1. Attachment 1 – Proposed Zoning Code Amendments
2. Outdoor Display Diagram

David Williams, Planning Division Manager

MINUTES
ORO VALLEY PLANNING AND ZONING COMMISSION
REGULAR SESSION
August 2, 2011
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE

CALL TO ORDER AT OR AFTER 6:00 P.M.

Chair Swope called the meeting to order at 6:01 P.M.

ROLL CALL

PRESENT:

Bob Swope, Chairman
Dox Cox, Vice Chair
Alan Caine, Commissioner
Robin Large, Commissioner
Robert La Master, Commissioner
Mark Napier, Commissioner
John Buette, Commissioner

3. [Public Hearing: Amendment to Zoning Code relating to the outdoor display of merchandise for commercial businesses, Sections 25.1, Requirements for Specific Uses, and Chapter 31 Definitions, \(OV711-005\). For questions and additional information, please contact Chad Daines, Principal Planner, at \(520\) 229-4896 or \[cdaines@orovalleyaz.gov\]\(mailto:cdaines@orovalleyaz.gov\).](#)

Chad Daines, Principal Planner presented the following:

- Background
- Zoning Code Amendment
- Outdoor Display - Section 25.1 Key Proposed Provisions
- Commission Discussion Item - June 7th
- Outdoor Display Areas
- Outdoor Displays
- Storefront
- Summary

Commissioner Caine suggested placing a time limit of a year on the special use permit and then use the proposed amendment as guidelines for what are acceptable displays. Mr. Daines responded that the current ordinance permits outdoor displays by special use permits. It would only require a public hearing and approval by Town Council.

Discussion ensued amongst the Commission and staff.

Chairman Swope opened the public hearing.

Dick Johnson, OV resident as well as ambassador to the Mayor for business, stated he was concerned about this amendment. How has staff coordinated with the business community? What makes sense from the business view point? Mr. Johnson suggested that staff talk to the business community, find out what their thoughts are and have that input provided to the Commission.

Don Bristow, OV Resident, stated there are a lot of potential dangers here, you don't want people in the drive way looking at merchandise. This is where the government is very important to protect the safety of its citizens. There are a lot of safety issues that need to be looked at. How do you judge what is acceptable to be displayed.

Dave Perry, OV Resident and President/CEO of Northern Pima County Chamber of Commerce, stated the Chamber of Commerce would support amendments to the Zoning Code that would allow outdoor displays of merchandise that would create standards and achieve some form of unity within the community. The Chamber would also support a stream lined process for the business community to allow these uses, one that would not require repeated trips to Town Hall to receive permission to do these things. Mr. Perry doesn't believe there has been an out reach to the business community regarding this proposal. Mr. Perry agrees with Commissioner Caine regarding the relative length of facades and how much display space would be available. Mr. Bristow makes a good point that many of our merchants are residents of this community. Yes residents come first but the business community must be heard. Staff needs to communicate with the business community and make sure they have input into the decision process.

Bill Adler, OV Resident, assumes this proposal was initiated to provide relief from the recession. If we are going to try and help business people through the recession we should do it as we did the sign code. Mr. Adler suggested providing a temporary exemption to this provision in order to allow any business to place displays on the sidewalk. If the Town is interested in providing relief from the recession then that would indicate a different approach then the one which was being considered.

Chairman Swope closed the public hearing.

MOTION: A motion was made by Commissioner Buette deny, OV711-05, approval of Zoning Code amendments relating to outdoor displays as specified in Attachment 1.

Motion died for lack of a second.

MOTION: A motion was made by Commissioner Caine and seconded by Vice Chair Cox recommend approval of OV711-05, approval of Zoning Code amendments relating to outdoor displays as specified in Attachment 1 except that 25.1.F be modified to restrict outdoor displays to 50 percent of the building facade.

Discussion ensued amongst the Commission.

MOTION carried, 5-1 with Commissioner Buette opposed.

DRAFT

Town of Oro Valley
Outdoor Displays
Public Outreach Questionnaire, 11 total questionnaires

1. What enforcement concerns do you have related to outdoor displays of merchandise?
 - a. The Town of Oro Valley needs to enforce code. (4)
 - b. The Town of Oro Valley won't enforce code. (1)

2. What impacts to appearance or aesthetics would you anticipate from outdoor displays?
 - a. Outdoor displays appear cluttered and reflect negatively. (4)
 - b. No impact on aesthetics anticipated from outdoor displays. (6)

- 2a. Do you have any suggestions for mitigation or reduction of visual impacts?
 - a. No suggestions (7)
 - b. Limit the amount and type of merchandise on display (3)

3. Do you have any safety concerns related to outdoor displays of merchandise?
 - a. No (3)
 - b. ADA compliant (3)
 - c. Yes (4)

4. Should advertising or additional signage be allowed for outdoor displays?
 - a. Limited/Tastefully/Pricing information. (4)
 - b. Yes (5)
 - c. No (2)

5. Other comments:
 - a. Fee structure must take into account the size of business/affordability for small businesses.
 - b. Given this economic condition, temporary relief of signage costs should be issued to the business to show flexibility and give business more control.
 - c. Provide guidelines, fees to cover costs, enforce compliance.

Outdoor Displays
August 22, 2011, Community Meeting Issues
Page 1 of 4

Station 1 Physical Layout of Outdoor Displays

1. Owners of larger businesses (Fry's, Big O Tire) appreciate the opportunity to be allowed to have outdoor storage and like the proposal.
2. Rancho Vistoso property manager expressed some interest, some concern. Want to support businesses, but concerned about aesthetics.
3. See some concerns with proposed 50% formula based on building width: doesn't address building size/configuration; for instance, a store could be large and deep, with narrow width.
4. Would doors be included in measured width? "One size does not fit all."
5. 50% of a small store, for instance with a 50 foot width, would not allow for much outdoor storage.
6. Question: would a garden center be included in building width measurement?
7. Fry's/Big O Tire "thrilled" to have this option. It makes a big difference for them.
8. Mixed opinion as to whether display should be allowed up to the front of patio area.
9. While display along wall may work for large businesses, smaller ones may need more flexibility.
10. Several business owners felt display should be allowed in all areas, except for space needed to maintain ADA requirements.
11. Most did not support display at front of patio area.
12. Clearance is needed at front of patio for customers to inspect merchandise.
13. Even with four foot clearance, way may be blocked by customers inspecting merchandise.
14. Safety should be primary concern.
15. Difficult to define: depends on product and safety of stacking.

Outdoor Displays
August 22, 2011, Community Meeting Issues
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16. Need to consider windows could be blocked, which is a negative outcome: employees in interior cannot view merchandise, reduces aesthetics of building.
17. Containers, etc. must be stored out of sight.
18. Not sure what the point of screening display area is, when goal is for it to be viewed by passersby.
19. Display vs. storage: screening of boxes, palettes.
20. General comment: please do not make this the cumbersome process that is in place for banners and sign.

Station 2 Scope / Range of Outdoor Displays

1. Aesthetics-making the displays “shoppable” with coordinated displays
2. Organization of displays is important
3. Boxes and palettes are ugly
4. Permit fees are cost prohibitive
 - Fees should be based on size of business (local vs. national chain)
 - Fees based on size (i.e. linear feet) of display
 - Tie fees to sales tax generated
5. Food carts should be permitted
6. Provide designated areas for “public uses”, such as Girl Scout cookie sales, petitions, Salvation Army bell ringers.
7. Displays must be safe
 - provide safe pedestrian pathways
 - ADA access
 - Clear space between displays and pathways
8. Displays shouldn’t block building entrance.

Outdoor Displays
August 22, 2011, Community Meeting Issues
Page 3 of 4

9. Outdoor displays must be safe to avoid potential lawsuits. Limit height of merchandise stacking.
10. Shouldn't limit types of merchandise displayed-should be based on the businesses needs.
11. Certain items should be shelved for aesthetics and safety.
12. Certain types of items should be prohibited
 - Alcohol (already prohibited by State law)
 - Anything not OK for minors or that isn't family friendly
 - Fragile items should be displayed safely
 - Certain flammable materials (as determined by Fire Marshal)

Station 3 Alternatives to Outdoor Displays

1. Allow other code changes a chance to work in Town, ie Sign Code changes
2. Provide guidance to businesses about other opportunities.
3. Prohibit some items from display like propane.
4. Limit time to display items on a seasonal basis.
5. Created a graduated fee structure from \$120-370.
6. Allow more A frame signs instead of outdoor display.
7. Extend current 60-day limit to 6-12 months.
8. Control location for displays.
9. Allow temporary economic relief banners for 12 months instead of current time limit.
10. Allow parking lot sale events/tent sales.
11. Speed up the permitting process for banners.
13. Provide online permitting service for banners, other signs.

Outdoor Displays
August 22, 2011, Community Meeting Issues
Page 4 of 4

14. Make these changes now.
15. Extend temporary relief, the sign program worked, it should be extended.
16. Reduce permit costs for small businesses.
17. Make permits easier to obtain.
18. Current fee structure is prohibitive for small businesses.
19. All sign fees are too high.
20. Make the fee based on the area of the outdoor display.
21. Track outdoor sales separately to justify temporary program.
22. Establish a one time fee.

Additional Comments on Outdoor Display Amendment

Page 1 of 2

From: John@ovacehardware.com
To: [Lynda Koepfer](#)
Sent: Tuesday, August 23, 2011 1:47 PM
Subject: I am impressed

Lynda,

Please pass this along to the Mayor and council members.

I am very much impressed with how the town handled the meeting last night regarding the issue of retailers' displays.

Everyone really did a great job. Well prepared, well thought out , and well executed.

I am a very tough cookie, and am hard to please. I judge everyone the way I judge myself - ruthless and relentless. But this quite frankly, was a "no-brainer", it was a great meeting!

David and his staff did a wonderful job and should be commended for their effort.

If I can be any assistance going forward, please feel free to contact me.

Again - Job well done!

John Piccoli
Oro Valley Ace Hardware #14650A
11921 N 1st Ave.
Tucson, AZ 85737
(520) 297-0222
(520) 297-0236 - fax

www.ovacehardware.com

Additional Comments on Outdoor Display Amendment

Page 2 of 2

From: Diane Bristow [mailto:dianebristow@hotmail.com]

Sent: Tuesday, August 23, 2011 7:58 PM

To: Williams, David

Subject: August 22 Meeting

David,

I found the Outdoor Displays Community Outreach Meeting interesting. It was quite disappointing there were so few residents, and I don't feel that you have received nearly enough input from residents. The Town has already improved permit processing, initiated a Temporary Sign Waiver, and seems overly business-friendly. You mentioned the need for a balance to keep our town looking good, and this does not seem to be happening.

The breakout sessions were well run, but I felt I was never given the opportunity to state that I am against the outdoor display of merchandise. I don't believe the majority of residents want our town looking like Tucson with signs and outdoor merchandise displays. This will only lead to our town looking like a year-long sidewalk sale.

David, please keep trying to find the balance between the businesses' desires and residents' concerns.

Thank you,
Diane Bristow



Town Council Regular Session

Meeting Date: 09/21/2011

Requested by: Karen Berchtold

Item # 2.

Submitted By:

Karen Berchtold,
Development Infrastructure
Services

Department: Development Infrastructure Services

Information

SUBJECT:

DISCUSSION AND POSSIBLE ACTION REGARDING ORO VALLEY ZONING CODE REVISED, CHAPTER 28, SIGNS, PERTAINING TO THE USE AND REGULATION OF A-FRAME SIGNS (UPDATED 9/19/11)

RECOMMENDATION:

Staff is seeking direction from the Council regarding the regulation of A-frame signs.

EXECUTIVE SUMMARY:

The Town Council began review of the Sign Code (Code) at the March 2, 2011 meeting, and approved an updated Code March 16, 2011 (see Attachment 1). The updated Code went into effect April 15, 2011. The draft Code presented to Council at the March 2, 2011 meeting included an optional section on A-frame signs. At the March 2, 2011 meeting, the Council voted unanimously to strike all references to A-frame signs from the draft, except for the definition, and directed staff to return at a later date to discuss A-frame signs (see Attachment 2).

At the March 16, 2011 meeting, Vice Mayor Snider stated that she would like to bring back the discussion regarding A-frames as soon as possible, seconded by Councilmember Solomon.

BACKGROUND OR DETAILED INFORMATION:

A-frame signs are currently prohibited in Oro Valley except for limited use by real estate agents and in the La Reserve PAD. Other communities including the City of Tucson and the City of Tempe allow limited use of A-frames. Oro Valley has received input from community members and local businesses both critical and supportive of A-frame sign use.

The optional section on A-frame signs presented March 2, 2011, is provided as Attachment 3. This section allows A-frame signs for the purpose of directing pedestrian traffic to a specific business, and includes standards for quantity, size, placement and design. Key features include:

- Prohibited placement along public roadways,
- Location within three feet of building frontage or entry to ground floor business, or within ten feet of stairway or elevator for businesses on upper floors,
- Height up to three feet, six inches, with maximum sign area of six square feet,
- Six foot wide clear pathway must be maintained,
- A-frame sign may be used up to four times per year, for a period of 30 days each time.

Several public comments from the March 2, 2011, public hearing addressed A-frame signs (see

Attachment 2).

Background information presented with the overall Code update is relevant to the A-frame discussion. In fall 2009, the Town launched a Commercial Sign Survey, and results were published in February 2010 (see Attachment 4). One question pertaining to A-frame signs yielded this response:

- General Public: 54% stated they did not like the use of A-frame/sandwich boards
- Business: 40% would like to use A-frame/sandwich boards on the side of the road; 32% would like to use A-frame/sandwich boards in front of their business

After Town Council initiated the sign code update, a Sign Code Task Force (“Task Force”) was convened. The Task Force voted not to discuss A-frame signs and to retain A-frame as a prohibited sign type, based on the General Public feedback in the Commercial Sign Survey.

Town Council approved a Temporary Sign Waiver Program (“Program”) that was in effect from August 2, 2010 through April 15, 2011. Through this Program, applicants could request a waiver to use A-frame signs. On January 19, 2011, staff presented an update on the Program to Council. The update stated that eight businesses had received waivers to use A-frame signs, and all reported an increase in growth or customer count. During the Temporary Sign Waiver Program update, several Council Members requested that staff bring back the use of A-frame signs as part of the Sign Code Update.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to direct staff to prepare an amendment to the Zoning Code, Chapter 28, Signs to allow for the (temporary or permanent) use of A-frame signs;

or

I MOVE to make NO changes to the Zoning Code, Chapter 28, Signs.

Attachments

Attachment 1 - Chapter 28, Signs

Attachment 2 - 3-2-11 Town Council Minutes

Attachment 3 - A-frame section

Attachment 4 - Commercial Sign Survey

Chapter 28 SIGNS

Section 28.1 General Provisions

A. Purpose

1. The purpose of this Chapter is to establish reasonable regulations for the design, construction, location, and maintenance of all exterior signs in the Town of Oro Valley in order to:
 - a. Preserve and protect the public health, safety, welfare, and convenience. Protect the general public from injury or damage which may be caused by faulty and uncontrolled construction or improper location of signs within the Town.
 - b. Provide for an effective form of communication while preserving the scenic beauty of the desert environment. Ensure that the signage is clear; compatible with the character of the adjacent architecture and neighborhoods; and provides the essential identity of, and direction to, facilities in the community.
 - c. Enhance the potential economic value and quality of development within the community, as well as promote and aid the tourism industry, an important part of the Town's economy.
 - d. Promote the effectiveness of signs by preventing sign over-concentration, improper placement, excessive clutter, size, and number.
 - e. Safeguard and preserve the unique character of the Town and create an attractive and appealing community environment in which to live, work, and visit. Assure that the public benefits derived from the expenditure of public funds for the improvement and beautification of streets and other public structures and spaces shall be protected by exercising reasonable controls over the character and design of sign structures.
2. It is not the purpose of this Chapter to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Chapter.

B. Requirement for Conformity

If any sign and/or sign structure is located, constructed, reconstructed, altered, repaired, converted or maintained in violation of this Chapter, the Town or any owner or tenant of real property aggrieved by the alleged violation, in addition to other remedies available at law, may institute appropriate injunction proceedings to correct the violation with the Oro Valley Magistrate Court.

C. Nonconforming and Discontinued Signs

1. Signs Rendered Nonconforming
 - a. If, at the time of the adoption of this Chapter or amendment thereto, or of any extension of jurisdiction resulting from annexation, any permanent sign which is being used but does not conform to the provisions of this Chapter shall be deemed legal nonconforming.
 - b. Any sign which becomes legally nonconforming shall be permitted to remain, provided the sign:
 - i. Is not increased in area or height;

- ii. Remains structurally unchanged, except for reasonable repairs or minor alteration;
- iii. If relocated, due to no fault of the owner, is placed in the same relative position on the remaining property that it occupied prior to the relocation;
- iv. Is relocated in a manner so as to comply with applicable safety requirements; and
- v. Is not discontinued per subsection C.2 of this section.

c. Alteration or Removal of Nonconforming Signs

- i. A nonconforming sign shall not be re-erected, relocated (except as permitted above), or replaced unless it is brought into compliance with the requirements of this Chapter.
- ii. Any nonconforming sign shall be removed or rebuilt in full conformity to the terms of this Chapter if it is damaged or allowed to deteriorate to such extent that the cost of repair or restoration is fifty percent (50%) or more of the costs and/or replacement of materials.

2. Signs Rendered Obsolete or Discontinued

- a. With the exception of Lease, Rent, and For Sale Signs, any sign which is located on a property which becomes vacant and unoccupied for a period exceeding three (3) months shall be deemed to have been discontinued.
- b. Sign structures which remain vacant, unoccupied, obsolete, devoid of any message or display a message pertaining to a time, event, or purpose that no longer applies for more than three (3) months shall be deemed discontinued.
- c. It shall be the responsibility of the owner of the premises to remove any sign deemed discontinued subject to penalty as set forth in Section 30.2.

3. Change in Business

- a. When a business establishment closes, relocates, changes names, or abandons any sign or structure, the owner of the property shall remove the sign, or cause it to be removed, within thirty (30) days of the change of business. If the sign is to be immediately re-faced with a new business name, a new sign permit shall be required and applicable fees shall be paid. A permit shall be nontransferable from one (1) owner to another.
- b. A nonconforming sign shall be brought into compliance with the requirements of this Chapter when a business establishment closes, relocates, changes names, or abandons any sign. A permit and applicable fees for the sign modifications are required.

D. Liabilities for Insurance and Damages

- 1. The provisions of this code shall not be construed to relieve or to limit in any way the responsibility or liability of any person, firm, or corporation which erects or owns any sign from personal injury or property damages caused by, or attributed to, such sign. The provisions of this code shall not be construed to impose upon the Town of Oro Valley, its officers or its employees any responsibility or liability by reason of the approval of any sign under the provisions of this code.

E. Prevailing Code

In the event a provision established in this Chapter is found to be in conflict with another provision in the Oro Valley Zoning Code Revised, or any other Town Code, the more restrictive shall prevail.

In the event that a commercial, industrial, or residential development and/or subdivision should fall under a Planned Area Development (PAD), the rules and regulations of that PAD shall apply.

If the Town-adopted sign regulations/guidelines for any development project, including Planned Area Developments, do not specifically address any such sign standard, the provisions of this Chapter shall apply.

F. Signs Prohibited by Omission

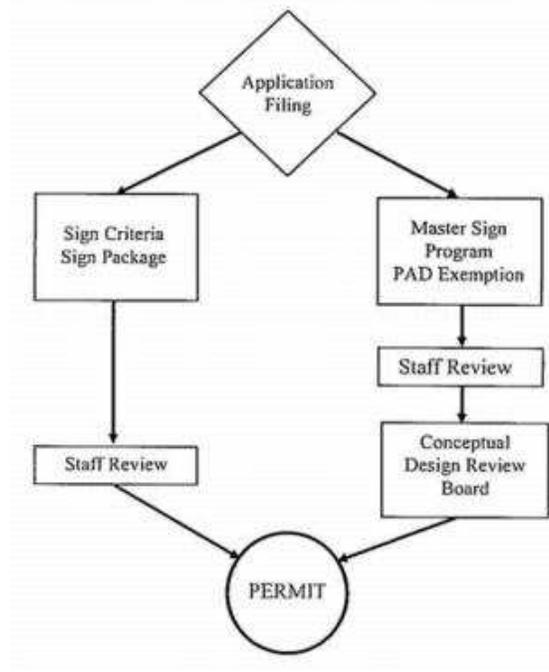
In addition to those signs, or sign types, specifically prohibited by Section 28.9, any sign, or type of sign, not specifically permitted under provisions of this code shall be prohibited.

((O)11-07, Added, 03/16/11)

Section 28.2 Procedures and Enforcement

The Planning and Zoning Administrator is responsible for enforcing this Chapter pursuant to Sections 21.2.B.7 and 21.4.B.10. The Planning and Zoning Administrator is hereby authorized and empowered to ensure that all provisions of this Chapter are met in fact and intent. The Planning and Zoning Administrator may appoint a designee to assure code compliance. The procedures to be followed in exercising this authority are outlined in Sections 28.2.C through F.

Figure 28-1: Sign Criteria, Sign Package, and Master Sign Program Approval Process



A. Sign Permits, Fees, and Application Procedures

1. A sign permit shall be required in order to erect, install, relocate, modify, or change any sign within the Town of Oro Valley.
2. Approval of all temporary sign permits shall be at the discretion of the Planning and Zoning Administrator or his/her designee.
3. The Planning and Zoning Administrator or his/her designee shall authorize issuance of permits for permanent signs after applications have been reviewed by staff for code compliance. Any proposed Master Sign Program, amendments thereto, or PAD exemption is subject to review by the Conceptual Design Review Board. Once sign applications have been approved, any issuance of sign permits shall meet the approved sign standards for that development.
4. All electrical work associated with the sign installation must conform to the currently adopted versions of the National Electrical Code and must be reflected on the application.
5. Permit Fees
 - a. Upon approval of an application for the sign permit, the applicant shall be advised of the applicable fee. Permits will not be issued until all applicable fees have been collected. Fees shall be assessed according to a schedule adopted by the Town Council.
 - b. Exception: The owner of a nonconforming sign shall not be required to pay a fee for a permit to bring an existing sign into conformance with this code.
6. Application shall be in accordance with Town policy.
7. Permit Expiration
 - a. All permits issued under this Chapter, unless otherwise stipulated, shall expire by limitation and become null and void if the work authorized by such permit is not completed within one hundred eighty (180) days from the date of such permit. Prior to expiration of the permit, the applicant may request an extension of the expiration date at the discretion of the Planning and Zoning Administrator and/or his/her appointee. Once the permit has expired, before such work can recommence a new permit shall first be obtained and the fee shall be fifty percent (50%) of the amount required for a new permit for such work, provided no changes have been, or will be, made to the original plans and specifications.
 - b. Any sign for which renewal fees have not been paid, and said remittance is delinquent for fourteen (14) or more days, is deemed to be an illegal sign, and said sign must be removed in accordance with the requirements of this Chapter.

B. Sign Criteria, Master Sign Program and Sign Package

Sign criteria and Master Sign Programs are official documents that regulate signage within a multi-business site or development. An approved sign criteria or Master Sign Program is required prior to issuance of a sign permit for: (1) nonresidential multiple-occupancy buildings; (2) commercial, office, resorts, and/or industrial centers.

Any development, including single-occupancy developments within and/or adjacent to an existing development that share access and/or parking with that development, must: (1) follow the approved sign criteria or Master Sign Program for the existing development; or (2) submit an approved sign criteria or Master Sign Program. If the owner elects to follow the criteria or program of the existing center, no additional approvals are required prior to review and issuance of the sign permit.

1. Sign Package

A sign package is comprised of a complete application for proposed permanent sign(s) for a single business. A sign package is required if a property does not have an approved sign criteria and/or Master Sign Program.

2. Sign Criteria

A sign criteria is a set of proposed sign standards for a development that complies with the provisions of this Chapter and Addendum A, Design Guidelines. Sign criteria for areas within a PAD (Planned Area Development) shall comply with the provisions of the PAD.

3. Master Sign Program

- a. A Master Sign Program is a set of proposed sign standards for a development that proposed alternatives to the provisions of this Chapter, and is intended to provide latitude in order to achieve variety and good design.
- b. Master Sign Programs shall be based on the provisions of this Chapter and shall conform to the purpose and intent of this Chapter and to the Addendum A, Design Guidelines.
- c. Master Sign Programs shall include only those sign types permitted herein and may allow adjustments to the standards of those types, provided they are justifiable.
- d. Master Sign Programs are intended to allow adjustments to the standards of multiple sign types and shall not be used for single-occupancy developments.
- e. Master Sign Programs require review by the Conceptual Design Review Board and approval by the Town Council.
- f. Compliance with these provisions does not guarantee approval by the Town Council.

4. Review of sign criteria and/or Master Sign Program shall be guided by the following:

- a. Overall character of the entire development, including landscaping, architecture, topography, uses, and design.
- b. Compliance with the criteria specified in Addendum A, Design Guidelines A-C.4 and the purpose statements of this Chapter.
- c. Any other applicable information that may be useful in the overall presentation of the proposed criteria for the development.

5. Consistency of typeface, illumination, and color is preferred if sign criteria or Master Sign Program have been approved, and then all requirements of that criteria or program must be utilized.

6. Application for sign criteria and/or Master Sign Program shall be updated in accordance with subsection A.5 of this section, Application, by the Planning and Zoning Administrator.

C. PAD Exemption

In the event that a Planned Area Development District (PAD) has established its own sign requirements, the owner of lands within the PAD, as determined by the Planning and Zoning Administrator, may elect to operate under all or a portion of this Chapter [28](#), Signs, in accordance with the procedures set forth below:

1. A letter requesting exemption from the specific PAD sign regulations must be submitted by the property owner within the PAD with a list of all homeowner/master associations within the affected area. The request shall be reviewed by the Conceptual Design Review Board.
2. Not less than thirty (30) days prior to the Conceptual Design Review Board meeting, Town staff shall verify the list of homeowner associations for accuracy and completeness and shall notify them by first class mail of the Conceptual Design Review Board hearing date.
3. The Conceptual Design Review Board shall forward a recommendation to Town Council. The Town Council shall approve, conditionally approve, or deny the request.

D. Violations

1. Revocation of Permit

The Planning and Zoning Administrator may, in writing, suspend or revoke a permit issued under provisions of this section whenever the permit is issued on the basis of a material omission or misstatement of fact, or is in violation of this Chapter or the Oro Valley Town Code.

2. Signs Placed in the Public Right-of-Way

- a. In the event that the requirements for off-site real estate signs are violated, the following procedures will be followed:

First Violation: The real estate agent will be notified of the violation, the sign will be confiscated, and the agent will be assessed a fee of twenty-five dollars (\$25) per sign to recover the sign.
- b. Second Violation by the Same Agent: The agent and broker will be notified of the violation. The sign will be confiscated and the agent will be assessed a fine of fifty dollars (\$50) per sign.
- c. Third Violation by the Same Agent within One Year: The real estate agent and broker will be notified of the violation. The sign will be confiscated and the agent and broker will each be assessed a fine of one hundred dollars (\$100) per sign.
- d. A maximum of five hundred dollars (\$500) in fines may be assessed to an agent per calendar year.
- e. Additional Violations
 - i. Any additional violation by the same real estate agent or broker is subject to revocation of the sign permit.
 - ii. If a sign permit is revoked due to a violation, the permit fee shall not be refunded.
- f. Model home sign violations in the public right-of-way will be enforced in accordance with real estate signs, subsection D.2.a through d of this section.

E. Abandoned, Illegal, Prohibited, or Inadequately Maintained Signs

If an abandoned, illegal, prohibited, or inadequately maintained sign is located within the Town, the Planning and Zoning Administrator shall be empowered to issue a citation. The Planning and Zoning Administrator may also require removal or repair of the sign and shall advise the owner of said sign, or as an alternative, the owner of the property where said sign has been posted, to correct whatever violation or inadequacy he/she deems to exist. All actual costs and expenses of any such removal or repair shall be borne by the property owner of such sign.

F. Emergency Removals and/or Repair

1. The Planning and Zoning Administrator is authorized to cause the immediate removal or repair of any sign or signs found to be unsafe or defective to the extent that it creates an immediate and emergency hazard to persons or property. The Planning and Zoning Administrator shall make reasonable effort to notify the property owner and/or lessee that the unsafe or defective sign must be removed or repaired immediately. The Planning and Zoning Administrator may cause any sign or advertising structure which is an immediate peril to persons or property to be removed immediately after an attempt is made to reach the owner of the sign and the owner of the property, and without notice if the peril does not allow time for additional notice.
2. All actual costs and expenses of any sign removal or repair shall be borne by the owner of such sign and by the owner of the premises on which the sign is located. Each of them shall be jointly and severally liable thereof, and an action for recovery thereof may be brought by the Town upon proper documentation of such cost and/or expenses by the Planning and Zoning Administrator. The Planning and Zoning Administrator shall provide written notification to the property owner prior to the Town placing a lien on the property with the PIMA County Assessor's Office.

((O)11-07, Added, 03/16/11)

Section 28.3 General Sign Requirements

A. Construction

1. Building Code

All signs shall be designed and constructed in conformity with the current building codes of the Town of Oro Valley.

2. Electrical Code

All signs requiring an electrical permit per Section 28.2.A shall be in conformance with the current National Electrical Code adopted by the Town of Oro Valley.

3. Permanent Sign Materials

All permanent signs shall be constructed using structural members of materials subject to approval of the Building Official and/or Town Engineer. Nonstructural trim may be wood, metal, aluminum, approved plastics, and/or a combination thereof.

4. Temporary Sign Materials

Materials proposed to be used in constructing temporary signs shall be at the discretion of the fabricator but shall be stated in the application for the sign permit unless otherwise provided in this code. Adequacy of materials proposed from the standpoints of stability and safety and of composition and color shall be subject to approval by the Planning and Zoning Administrator and Building Official.

B. Illumination

1. Illumination of signs, when permitted by this Chapter, may be accomplished only by the following methods:
 - a. Halo or internal illumination, to the extent that only the sign characters and logos emit light, unless otherwise approved by the Planning and Zoning Administrator or the Conceptual Design Review Board.

- b. Area lighting provided such lighting is in accordance with the Town of Oro Valley Lighting Code.
- c. Illuminated wall signs may be turned on no earlier than 5:00 a.m. and shall be turned off no later than 11:00 p.m. or when the business closes, whichever is later, or as specified in this Chapter.
- d. Low-intensity LED lighting may be a component of a sign as specified in this Chapter.

2. Prohibited Lighting

The following types of light sources are prohibited as means to illuminate or attract attention to any sign:

- a. Exposed neon and/or neon type tubing except for “open” and/or “closed” signs.
- b. Internal lighting other than that expressly permitted in subsection B.1 of this section.
- c. Blinking, flashing, rotating and animated light sources.
- d. Search lights.
- e. An illuminated sign placed on the interior of a business which is visible from the exterior shall not be illuminated when the business is closed, except “closed for business” signs.

C. Colors

- 1. Various sign colors shall be permitted, except fluorescent or iridescent colors.
- 2. All developments, including those within a Planned Area Development (PAD) that have approved sign criteria or Master Sign Program, are required to utilize only approved colors.

D. Location and Measurement Standards

1. Location Standards

- a. No sign shall be installed so as to obstruct any door, window, or fire escape of any building.
- b. No sign shall be erected in such a way as to: (i) interfere with or to confuse traffic; (ii) present any traffic hazard; or (iii) obstruct the vision of motorists.
- c. No sign shall be erected in a manner which projects over any public sidewalk, street, alley, or public place unless otherwise approved by the Town Engineer and/or Planning and Zoning Administrator or is allowed by any portion of this Chapter.
- d. No person shall place or maintain a sign in a public right-of-way, except as permitted by Sections 28.1.C, Nonconforming and Discontinued Signs; 28.6.C.6., Real Estate Lease, Rent and For Sale Signs; and 28.7, Temporary Signs on Public Property. The Planning and Zoning Administrator or Town Engineer may cause the removal of any unauthorized signs from public right-of-way.
- e. No sign shall be installed so as to obstruct another sign, as determined by the Planning and Zoning Administrator.

2. Measurement Standards

- a. The area of a sign that consists of individual letters, words and symbols, which are placed upon a building wall or freestanding wall and are not encompassed by a frame or boundary, shall be measured by the overall height of the tallest letter by the overall length of the entire sign. The Planning and Zoning Administrator may approve the calculation of signs by measuring the sum of the smallest rectangular shape needed to enclose each letter or symbol if special circumstances arise that would warrant the need to calculate differently.
- b. A sign that consists of multiple faces, such as a monument sign, shall be measured to encompass the overall height by overall length of the largest face.
- c. The sign height shall be measured as the vertical distance from the average finished grade beneath the sign to the topmost feature of the sign. If the sign is located where the average finished grade is lower than the adjoining grade of the road, the sign height may be taken from the roadway surface nearest the sign to the topmost portion of the sign.
- d. Clearance is measured as the shortest distance between the underside of the sign and the average finished grade beneath the sign.
- e. Setbacks for freestanding signs shall be measured from the edge of the sign structure closest to the property line.

E. Inspections and Maintenance

1. Inspections

The Building Official, Planning and Zoning Administrator, and/or Town Engineer, or any such person officially designated by them, is hereby empowered to perform inspections, as deemed appropriate, to assure compliance with this code.

2. Maintenance

- a. Each sign shall be maintained in a new or like-new condition at all times so as not to constitute a danger or hazard to public safety or become an eyesore to the community.
- b. Repainting/Resurfacing of Signs. Maintenance of signage, such as repainting or resurfacing shall not require any permits as long as the sign is in no way altered, changed, or modified from its previous state.

F. Landscaping

- 1. The base for all permanent freestanding signs shall be integrated into a landscaped area.
- 2. The landscaped area shall conform to the Town's landscape requirements and shall be maintained at all times.
- 3. The landscape design shall not permit plants that would obstruct the visibility of the sign face from the street.

((O)11-07, Added, 03/16/11)

Section 28.4 Definitions and Sign Types

1. A-Frame Sign

A hinged sign constructed of durable materials and connected so as to maintain the "A" shape structure of the sign.

2. Abandoned Sign

A sign which advertises, identifies or gives notice of a business which is no longer in operation or an activity which has already occurred.

3. Advertising

A sign primarily listing products sold or services offered, or products manufactured on the premises.

4. Alteration

Shall mean any change, addition, or modification in construction of an existing sign.

5. Animation

The movement or optical illusion of movement of any part of a sign structure, design, or pictorial segment, including the movement of any illumination, flashing or varying of light intensity. The automatic changing of all or part of the facing of the sign. The movement of a sign set in motion by the atmosphere.

6. Awning Sign

Refer to Section 28.5.B.1.

7. Balloon Sign

An airtight bag filled with helium, hot air or other gas, causing it to rise, that is anchored to a building or structure with ropes, wires and/or string to attract attention to the public.

8. Banner

Refer to Section 28.6.B.1.

9. Billboard

An off-site sign that is pasted, painted, or fastened on in a manner to allow for periodic replacement of messages that is not located on the property where the billboard is located.

10. Building Frontage

The measurement between two (2) straight lines projecting from the outermost edges of a building or tenant space wall that are perpendicular to a straight line running along the ground level of the front of the measured wall.

11. Cabinet Sign

A three (3) dimensional structure which includes a frame, borders and sign panel face and may include internal illumination upon which the sign logos are placed or etched, and is architecturally integrated with the building.

12. Change of Copy

A replacement face(s) or material to an existing sign without changing any structural members, sizes, and/or heights.

13. Changeable Copy Sign

Refer to Section 28.5.B.2.

14. Character

Any letter, number, logo, and/or symbol as defined in this section.

15. Construction Sign

Refer to Section 28.6.B.2.

16. Development Complex

A site having common vehicular access points, which is subject to a development plan.

17. Development Sign

Refer to Section 28.6.B.2.

18. Direct Lighting

A source of external illumination located a distance away from the sign which lights the sign, but which itself is not visible from any normal position or view.

19. Directional Sign

Refer to Section 28.5.B.3.

20. Directory Sign

Refer to Section 28.5.B.4.

21. Display Area

Refer to Section 28.5.B.16.

22. Double-Faced Sign

A sign having two (2) display surfaces, one (1) (or more) support(s) of which is (are) shared by both surfaces. Hence, double-face signs include back-to-back signs as well as V-shaped signs.

23. Electronic Message Sign

A sign that permits the movement or frequent changing of messages by means of electronically controlled sign copy.

24. Entryway Sign

Refer to Sections 28.5.B.5 and 28.5.C.1.

25. Fascia

A parapet-type wall used as part of the facade of a flat-roofed building and projecting from the building face immediately adjacent thereto. Such a wall shall enclose at least three (3) sides of the projecting flat roof.

26. Flag

Refer to Section 28.6.B.3.

27. Freestanding

Shall mean any structure which is not attached to any other structure or portion of a structure.

28. Garage/Yard/Estate Sale Sign

An on-site or off-site, temporary sign made from paper, poster board, cardboard, or like material.

29. Government Sign

A sign installed or required by a public agency such as traffic, public transit, public information, or similar government entity.

30. Grand Opening Sign

An on-site sign advertising the opening of an establishment, expansion, or change of ownership of a commercial enterprise, new business, store, or office.

31. Ground or Monument Sign

Refer to Section 28.5.B.8.

32. Halo Illumination

Illumination produced by recessing a light source inside a hollow character with an open back or within the surface to which the sign letters are mounted. An outline glow around the characters is created by this light as it is reflected off the background to which the characters are attached.

33. Historical Marker

A sign marker locating and identifying a historical interest or site.

34. Home Occupation Sign

A sign that identifies a business or commercial activity that is conducted from the property zoned for residential use.

35. Human Signs

Any portable commercial advertisement that is held or worn by a person or persons to draw attention to or direct the public to a business or event.

36. Identification Sign

An on-site, permanent sign which identifies the premises where the sign is located.

37. Illuminated Sign

A sign whose surface is lit internally or externally.

38. Indirect Lighting

A source of external illumination located a distance away from the sign, but which is itself not visible from any normal position.

39. Internal Illumination

A source of illumination entirely within the sign wherein the source of the illumination is not visible.

40. Kiosk Sign

Refer to Sections 28.5.B.6. and C.2.

41. Logo

A graphic symbol representing a business. Logos shall be state or federally registered trademarks.

42. Maintenance

The replacing or repairing of a part of a sign made usable, unsafe, or unattractive by ordinary wear, tear or damage that is beyond the control of the owner, or the repainting of an existing sign without changing the wording, location, composition or color of the sign.

43. Marquee Sign

Any sign affixed to or constructed in a roof like structure or awning projecting over an entrance to a building, such as a theater.

44. Memorial Sign

A permanent sign, table, or plaque memorializing a person, event, structure, or site.

45. Menu Board

Refer to Section 28.5.B.8.

46. Model Home Flags

Refer to Section 28.6.C.3.

47. Modifier

A word on a sign describing uses and activities other than the business name.

48. Moving or Animated Signs

Any sign or part of a sign which changes physical position, flashes, blinks lights, rotates or conveys the illusion of movement by mechanical means, illumination, and/or air movement.

49. Neon Sign

An illuminated, commercial display made up of glass tubes, shaped to form letters and designs.

50. Nonconforming Sign

Any sign which does not conform to the provisions of this code but which, when first constructed, was legally allowed by the Town of Oro Valley or political subdivision then having control over signs.

51. Off-Site Sign

Any sign not located on the premises or site of the use identified or advertised by the sign.

52. On-Site Sign

Any sign which is located on the premises or site of the use identified or advertised by the sign.

53. On-Site Subdivision Sign

An on-site, temporary sign located at the entrance to a subdivision.

54. Open House

A dwelling or office space to which the public is invited for walk-in inspections.

55. Pan-Channel Letter

A dimensional character fabricated to form a pan (i.e., a back and sides). The pan is formed in the shape of a character. The sides are strips of the same material fastened to the back. The open end of the pan is usually capped by a character cut from translucent acrylic, and is known as the face. Neon or low-voltage lights are then installed inside the pan to illuminate the face.

56. Parapet

The top portion of the wall which extends above the roofline.

57. Pedestrian Tenant Directory

Refer to Section 28.5.B.9.

58. Pennants

Any lightweight plastic, fabric, or other material, containing multi-colors and that may contain a message of any kind, suspended from a rope, wires, or string, designed to move in the wind.

59. Permanent Sign

Letters, numerals, symbols, and/or insignia that is intended to be displayed for an indefinite or long-lasting period and the lettering or message of which is intended to remain essentially unchanged, except for the maintenance against normal effects of exposure to weather.

60. Pole Cover

Covers made from various materials which enclose or conceal a pole or other structural supports or members to the sign.

61. Political Election Sign

A sign not permanently installed in the ground or attached to a building relating to the election of a person to a public office, or relating to a public party, or relating to a matter to be voted upon at an election called by a public body.

62. Portable Sign

Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be moved by means of wheels; signs converted into A-frames; menu and sandwich board signs; balloons used as signs; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless the vehicles are used in normal day-to-day operations of the business.

63. Posters

A large printed display or picture often posted in a public place as a notice or advertisement.

64. Premises

All contiguous land used and occupied by an establishment, whether owned or leased from another. Included are all buildings, storage and service areas, and private roads or driveways which are an integral part of the establishment.

65. Prohibited Use

Shall mean a use not specifically permitted.

66. Public Service Sign

A sign which provides directions to a public or quasi-public location such as community centers, schools, Town facilities, and religious institutions.

67. Projecting Sign

An on-site sign attached to and extending more than twelve (12) inches from a structure not designed exclusively for the support of the sign and/or a sign which projects from the wall of a building or structure perpendicular to the wall surface.

68. Real Estate Sign

A sign pertaining to the sale, rent, or lease of the premises or portion of the premises on which the sign is located.

69. Reasonable Repairs

To restore an existing structure to a good or sound condition resulting from decay or damage.

70. Residential Sign

A sign on which is displayed the name and address of the occupant.

71. Reverse Channel Letter

A sign with dimensional character(s) fabricated from opaque material to form a pan, i.e., a front and sides. The pan is formed in the shape of a character. The sides are strips of material fastened to the front. The back remains open. Neon or low voltage lights may be installed inside the character which creates a halo illumination.

72. Roofline

The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

73. Roof Sign

A sign that is mounted on, above, or over the roof of a building, so that it projects above the highest point of the roofline, parapet, or fascia of the building.

74. Seasonal Sign

Refer to Section 28.6.B.5.

75. Service Station/Fuel Sign

Refer to Section 28.5.B.10.

76. Setback

The shortest straight line distance in feet from the nearest property or lot boundary to the main accessory building, structure, sign, or similar features located on the same property or lot.

77. Sign

Every message, announcement, declaration, display, illustration, insignia, character, surface, or space erected, maintained or attached to any structure, surface, or thing and made visible for the purpose of attracting attention or to making something known to the public.

78. Sign Area Allotment

The permitted amount of identification sign area on ratio to the linear footage of building frontage.

79. Sign Modification

Any change to an existing sign's copy, color, and/or supporting structures.

80. Sign Structure

A freestanding wall, pole, pedestal, or object erected for the purpose of supporting the sign.

81. Site Plan

A plan drawing of an individual site including the layout of buildings, circulation system, parking, walls, landscaping, open space, and any other appropriate information as required by the Town of Oro Valley to provide adequate review.

82. Seasonal or Event Banner

Refer to Section 28.6.B.1.c.

83. Subcontractor Sign

A temporary sign which identifies the firm, business, persons, or entity responsible for work or activity in progress at the location of the sign.

84. Symbol

A letter, figure, or other conventional mark designating an object, quantity, operation, function, or the like.

85. Temporary Sign

Any display in public view to advertise or convey information or direction which is intended to be displayed for a limited or finite period of time only. The type, quality, and materials of construction of which, although visually attractive and structurally sound, are not intended to be long lasting.

86. Theater Sign

Refer to Section 28.5.B.11.

87. Time and Temperature Sign

Refer to Section 28.5.B.12.

88. Traffic Sign

An on-site or off-site sign for which the sole purpose and placement are solely to define and streamline the flow of vehicular traffic so as to minimize congestion and promote safety.

89. Under-Canopy Sign

Refer to Section 28.5.B.13.

90. Unoccupied

A premises or structure which is not occupied or being put to those uses as authorized by the last business privilege license issued by the Town for that address and business or a premises or structure where the public utilities are not in service.

91. Vehicle Sign

A sign that is mounted, painted, or erected upon trucks, cars, boats, trailers, or other motorized vehicles or equipment that is parked for the primary purpose of functioning as a sign.

92. Wall Sign

Refer to Section 28.5.B.14.

93. Window Sign

Refer to Section 28.5.B.15.

((O)11-07, Added, 03/16/11)

Section 28.5 Permanent Signs

A. Identification Signs

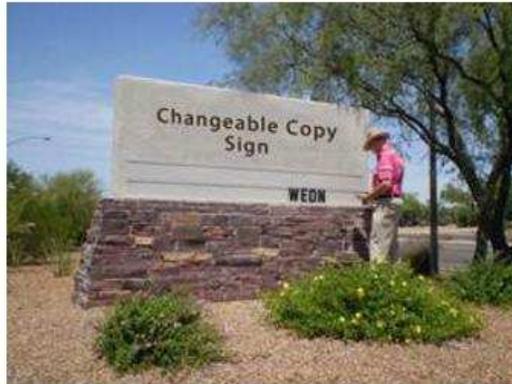
1. The following signs shall be required for the purpose of identification:
 - a. Residential address.
 - b. Building address for multi-building development (Refer to the current Pima County Addressing Code Regulations).
 - c. Names of streets, drives, circles, complexes, condominiums, etc.

B. Permanent Signs in a Commercial/Industrial Zoning District.

The following permanent sign types shall be allowed within a Commercial, Industrial and/or Private Schools Zoning District.

1. Awning Sign
 - a. Definition: A sign which is placed on, or integrated into, fabric or other material canopies, which is mounted on the exterior wall of a building. Sign copy affixed to an awning may only display the name of the business and/or address.
 - b. Quantity: One (1) awning allowed per business.
 - c. Area of Sign Copy: Maximum twenty (20) square feet which shall count against the business's sign area allotment.
 - d. Height: Not to exceed the roofline of a building.
 - e. Illumination: Internal illumination, fluorescent lamps, provided only the copy emits light. The background material shall be opaque. An awning sign must be turned off at the close of business.
2. Changeable Copy Sign
 - a. Definition: A sign or portion thereof with characters, letters, or illustrations that can be changed or re-arranged without altering the face or surface of the sign. Changeable copy signs are limited to and/or restricted to, schools, and religious institutions. Standards for changeable copy signs for theaters are in subsection B.10 of this section and for service station/fuel signs in subsection B.12 of this section. Such signs shall be integrated into monument style or wall-mounted type signs and may be illuminated. Changeable copy may not be changed electronically, except as specified in this Chapter.
 - b. Quantity: One (1) allowed as part of a monument style or wall sign.
 - c. Area of Sign: To be included as a component of a monument style or wall sign.

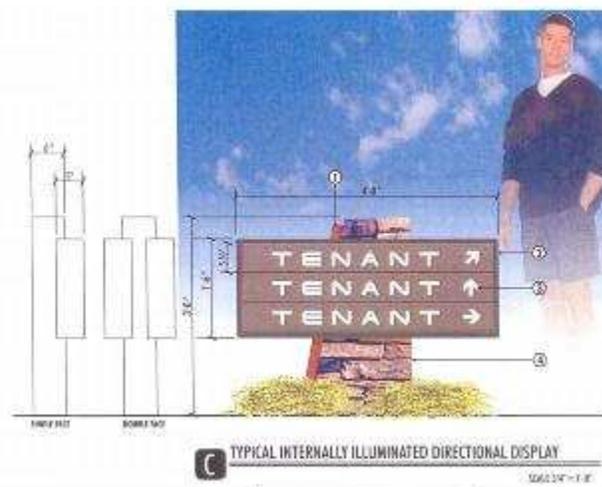
Figure 28-2: Changeable Copy Sign



3. Directional Sign

- a. Definition: A permanent on-site sign that is placed solely to define location and streamline the flow of vehicular and/or pedestrian traffic so as to minimize congestion and promote safety. A directional sign may only display written or graphic directions for traffic, name of the business and/or logo, and address and/or suite number.
- b. Quantity: One (1) single- or double-faced directional sign per individual, freestanding business that is not part of a Master Sign Program. Businesses that have drive-through lanes shall be allowed one (1) additional directional sign.
- c. Area of Sign: Six (6) square feet.
- d. Height: Not to exceed three (3) feet.
- e. Location: To be located at an access point to the property and/or interior to the property of the business.
- f. Setback: None unless otherwise required.
- g. Illumination: Internal illumination allowed; provided, that the sign is turned off at the close of business.

Figure 28-3: Directional Sign



4. Directory Sign

- a. Definition: An on-site sign interior to a development that lists only names and locations of the businesses or activities within a building or multi-tenant complex. A directory sign shall help to direct vehicular and/or pedestrian traffic.
- b. Quantity: Shall be determined and reviewed on an individual project basis by the Planning and Zoning Administrator, when applicable. The guidelines set forth under an approved sign criteria or Master Sign Program shall be followed.
- c. Area of Sign: Not to exceed forty (40) square feet, and not to exceed two (2) square feet for each business displayed on the sign.
- d. Height: Not to exceed eight (8) feet from grade.
- e. Location: Interior to the property or development, such as the parking area.
- f. Setback: Minimum forty (40) feet from the property line.
- g. Illumination: Internal illumination allowed; provided, that the sign is turned off by 11:00 p.m.

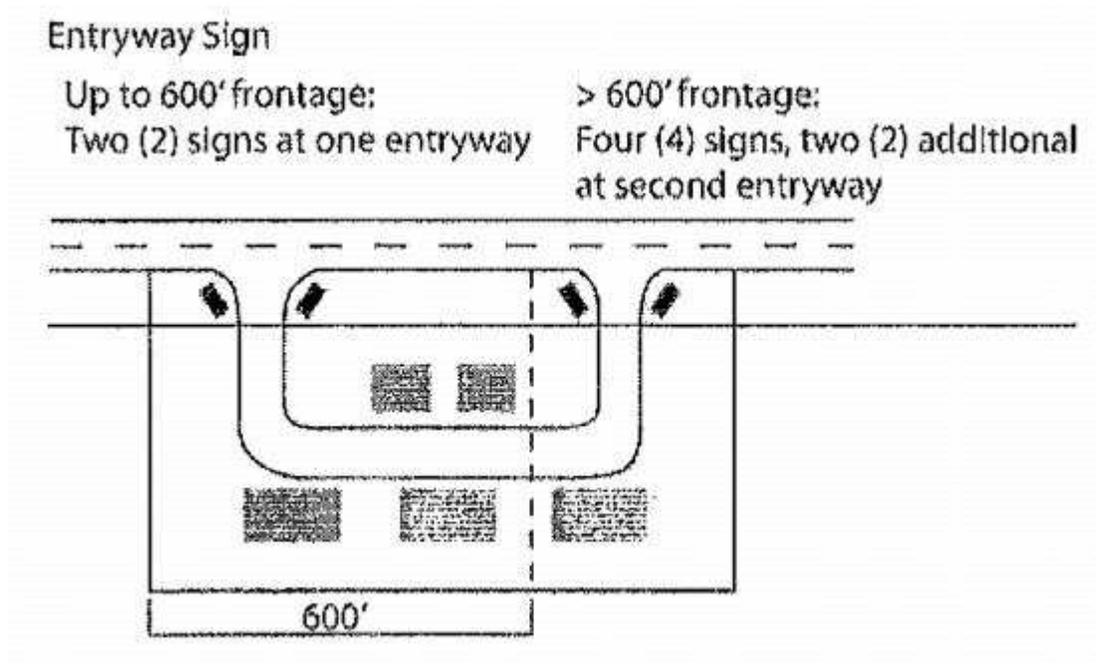
5. Entryway Sign

- a. Definition: A permanent sign identifying the entrance to a subdivision, complex, facility, or commercial development.
- b. Quantity: Maximum of two (2) per entryway with one (1) located on each side of entryway. If the linear frontage of the project exceeds six hundred (600) feet and there is more than one (1) entry point along that frontage, two (2) additional signs may be permitted at the second entryway on that frontage. For projects with multiple street frontages, entryway signs are permitted on each frontage in accordance with the quantity and spacing requirements listed above.
- c. Area of Sign: Thirty-two (32) square feet.
- d. Height: Not to exceed six (6) feet or the height of the entryway wall on which the sign is placed.
- e. Location: On private property, in a landscaped area at entryways, as described above.
- f. Setback: None unless otherwise required.
- g. Illumination: Halo illuminated letters or direct lighting that shall not project above the sign. The sign may be turned on at 5:00 a.m and shall be turned off by 11:00 p.m.

Figure 28-4: Entryway Sign



Figure 28-5: Allowed Entryway Signs



6. Kiosk Identification Signs

- a. Definition: A sign identifying subdivisions, builders, model homes and Town facilities. The Town shall contract with an independent contractor who will coordinate a subdivision tract and apartment sign program within the Town limits. The contractor shall be responsible for the manufacture of all kiosks and tract signs. All signs shall be built in accordance with the contract and specifications of the International Building Code and Town's Building Official.
- b. Quantity: Provided in the contract approved by the Town.
- c. Area of Sign: Each sign panel shall not exceed eight (8) inches in width by four (4) feet in length.
- d. Height and Width: Maximum five (5) feet in width and eight (8) feet in height for each kiosk.

- e. Location:
 - i. Kiosks may be approved on an arterial or collector street in any zoning district.
 - ii. The Town Engineer shall review all kiosk applications and confirm that kiosks do not obstruct the view of the traveling public or pose a public safety hazard.
- f. Illumination: Shall be nonilluminated.
- g. Removal: Any kiosk containing less than three (3) panels for a period of ninety (90) days shall be removed by the contractor.
- h. A right-of-way permit is required for any kiosk proposed in the public right-of-way.

7. Menu Board

- a. Definition: A monument style or wall-mounted sign providing a bill of fare for the purpose of placing orders at a drive-through, drive-in restaurant, or walk up window.
- b. Quantity: Two (2) per drive-through lane.
- c. Area of Sign: Thirty-two (32) square feet.
- d. Height: Not to exceed six (6) feet.
- e. Location: Within a designated drive-through lane so as not to be visible from adjacent streets or property, or another location approved by the Town.
- f. Setback: Must be on private property and shall not pose a safety hazard.
- g. Illumination: May be internally illuminated provided the menu board is turned off no later than one (1) hour after business is closed.

8. Monument Sign

- a. Definition: A permanent sign supported by structures, columns, uprights, and/or braces that are placed on, or anchored in, the ground independent of the building or business structure. The sign may be single- or double-faced, with all supporting structures concealed. The sign may contain the name of the development and a maximum of eight (8) tenants, along with the property address. No one (1) tenant may be displayed more than once in one (1) monument sign. A theater, service station/fuel, religious institution, or school sign may display their name and/or logo along with changeable copy panels.
- b. Quantity: One (1) per street frontage. If frontage is greater than six hundred (600) feet and there is more than one (1) entrance to the development, a second sign is permitted. For frontages greater than eight hundred (800) feet, additional signs may be approved by the Town. A corner sign with frontage on both streets may be utilized as an additional allowable sign.
- c. Area of Sign: Fifty (50) square feet for a single tenant or the development name and seventy-two (72) square feet for a multiple-tenant sign with tenant panels.
- d. Height: Not to exceed eight (8) feet from grade. An architectural element of the sign, such as an arch or column, may exceed the height of the monument sign by twenty-five percent (25%); provided, that all text and logos are less than eight (8) feet in height from grade.
- e. Location: To be placed near the entrance or along a street frontage on private property.

- f. Setback: None unless otherwise required.
- g. Illumination: Illumination may be halo, internal, or a combination thereof. Individual panels shall be opaque with copy that may be lit. Unused tenant panels shall be opaque and designed to match the rest of the sign. The sign may be turned on at 5:00 a.m. and shall be turned off no later than 11:00 p.m.
- h. Blank tenant panels shall not be white.

9. Pedestrian Tenant Directory

- a. Definition: An exterior, wall-mounted, or freestanding sign that lists only the names and locations of tenants of a complex or development for the sole purpose of directing pedestrians. The sign shall have a uniform background color and letter style.
- b. Quantity: One (1) per building entrance, or as approved by the Town. If applicable, applicant shall follow the guidelines set forth under a Master Sign Program, Section 28.2.B.
- c. Area of Sign: Maximum four (4) square foot panel for the name of the complex and maximum two (2) square foot panel for each business or resident within the complex.
- d. Height: Shall be at eye level for pedestrian traffic and not exceed the roofline of a building.
- e. Location: May be wall-mounted or freestanding at pedestrian entrance points to the complex and/or along pedestrian walkways.
- f. Illumination: Sign shall be nonilluminated.

Figure 28-6: Pedestrian Tenant Directory



10. Service Station/Fuel Sign

- a. Definition: A permanent, two (2) component, monument style sign displaying the changeable fuel prices, fuel types, name of station, and/or logos.
- b. Quantity: One (1) per street frontage.
- c. Area of Sign: Thirty-two (32) square feet.
- d. Height: Not to exceed six (6) feet from grade.
- e. Location: On private property adjacent to an arterial or collector street only.

- f. Setback: None unless otherwise required.
- g. Illumination: Name and logo of the business may be internally illuminated. Current fuel prices and fuel types may be internally or electronically illuminated by means of LED, provided the light is low intensity. Any constant movement, blinking, flashing, high intensity, or animation caused by an LED is prohibited.

Figure 28-7: Service Station/Fuel Sign



11. Theater Signs

- a. Definition: A monument style or wall sign with changeable copy panels used to display the current movies and times they are playing within the theater.
- b. Quantity: One (1) wall sign and (1) monument style sign allowed.
- c. Area of Sign: Fifty (50) square feet for a monument style sign and sixty-four (64) square feet for a wall sign.
- d. Height: Eight (8) feet for a monument style sign. A wall sign shall not extend above the roofline of a building.
- e. Location: A monument style sign shall be located on private property and a wall sign shall be displayed at the main entrance to the building.
- f. Setback: None unless otherwise required.
- g. Illumination: The sign may be internally illuminated or the copy may be electronically illuminated by means of an LED. The sign may only display the current listing of movies and their times. No other advertising message is allowed. Any constant movement, blinking, flashing, or animation is strictly prohibited. The sign shall be turned off one (1) hour after closing of theater.

Figure 28-8: Theater Sign

DESPICABLE ME	PG	1245	315	545	815	1035
DESPICABLE ME - 3D	PG	1130	200	430	700	930
CROWN OPS	P13	1055	140	415	655	940
INCEPTION	P13	1030	1210	150	330	510
		650	830	1015		
KARATE KID (2010)	PG	1145				
KNIGHT & DAY	P13	1115	155	425	710	945
LAST AIRBENDER	PG	720	955			

12. Time and Temperature Signs

- Definition: An electronically controlled sign that provides the current time and/or temperature.
- Quantity: One (1) per development project.
- Area of Sign: A time and temperature sign may be a component of a monument style sign. Wall signs shall not exceed twenty (20) square feet.
- Height: Not to exceed the roofline of a building.
- Location: On private property and shall not be located within six hundred (600) feet of another time and temperature sign, not including an analog mounted on a wall.
- Illumination: May be illuminated by means of a low-intensity LED or other internal light source.

13. Under-Canopy Sign

- Definition: A wall-mounted or hanging sign which identifies the business name and/or logo. Under-canopy signs shall be consistent in color, shape, design, and materials, if the development has an approved sign criteria or master sign program. An under-canopy sign shall be located entirely under a covered porch, walkway, extended roof or similar structure and is solely for directing pedestrian traffic.
- Quantity: One (1) per tenant space.
- Area of Sign: Four (4) square feet.
- Height: A minimum clearance of seven (7) feet shall be maintained beneath the sign and shall not extend above a roofline of the building.
- Location: The sign shall be in front of the tenant space it is identifying and shall be suspended from a roof overhang above a walkway or porch, or may be perpendicular to the street and attached to the fascia of the building.
- Illumination: Shall be nonilluminated.

14. Wall Sign

- Definition: Any sign which is fastened, attached, connected, or supported in whole or in part by a building or structure other than a sign structure which is supported wholly by the ground with the exposed face of the sign in a plane parallel to the plane of the wall. A wall sign shall consist of individual character letters (pan channel or reverse pan channel). Only individual logos may utilize cabinet sign type with a translucent sign face. Wall signs may include the name of the business, a trademarked logo, and modifiers, if needed, to further clarify the goods or services available on the premises.

- b. Quantity: No more than two (2) elevations may contain a wall sign. If a single tenant occupies an end unit or entire freestanding building, there may be signs on three (3) elevations, but only two (2) elevations may have illuminated wall signs. "End unit" refers to the end unit of a building in the final phase of a development.
- c. Area of Sign: For building elevations containing wall signs, a sign may be twenty-four (24) square feet, with no single wall sign containing more than one (1) square foot of sign for each linear foot of building frontage, for a maximum sign area of one hundred fifty (150) square feet. Wall signs for building elevations further than three hundred (300) feet from the street may contain no more than one and one-half (1-1/2) square feet of sign area for each linear foot of frontage, for a maximum sign area of two hundred (200) square feet. Where businesses do not possess individual frontages, each may maintain an individual sign; however, the maximum wall sign square footage shall not be exceeded.
- d. Height: No wall sign shall extend above the roofline of a building.
- e. Location: Shall only be placed on the building elevations or at the main entrance of a business which the sign identifies, and may not project more than eight (8) inches from the wall on which the sign is mounted.
- f. Illumination: Individual letters may be nonilluminated, halo illuminated or internally illuminated for cabinet- type signs in which only the logo emits light. The sign may be turned on at 5:00 a.m. and shall be turned off at 11:00 p.m. or when the business closes, whichever is later.

Figure 28-9: Wall Sign



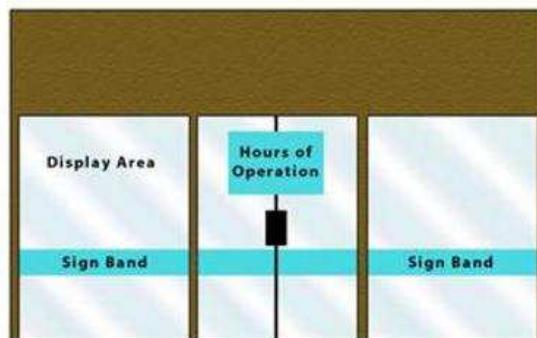
15. Window Signs

- a. Definition: Any form of advertisement and/or identification associated with the business that is affixed to the interior or exterior of a window, or placed immediately behind a window so as to inform or attract attention to the public outside of the building and/or tenant space. Window signs are divided into four (4) types of signs:
 - i. Business Name: Signs that identify the name of the business.
 - a) Area of sign: Maximum two (2) square feet.
 - b) Quantity: Maximum of one (1) sign for any one (1) business and/or tenant space. For businesses that are corner tenants or individual properties having two (2) street frontages, the same shall apply on both sides.

- c) Location: The business name sign shall be located on the entrance door to the establishment. If an entrance door cannot be utilized, then the sign may be located where it will not interfere with any other sign types, under this provision.
 - ii. Business Hours of Operation: Signs that identify the business is open and/or closed for operation.
 - a) Area of Sign: Hours of operation shall not exceed a maximum of one (1) square foot.
 - b) Quantity: Maximum of one (1) sign for any one (1) business and/or tenant space. For businesses that are corner tenants or individual properties having two (2) street frontages, the same shall apply on both sides.
 - c) Location: The hours of operation shall be located on the entrance door to the establishment. If an entrance door cannot be utilized, then the sign may be located within another area that will not interfere with any other sign types, under this provision.
 - iii. Sign Band: A thin band which stretches the overall length of the windows of a building front and/or tenant space and displays either the name of the business or logo in multiple successions.
 - a) Area of Sign: A sign band shall not exceed a maximum of one (1) foot in height by the overall length of the building frontage and/or tenant space.
 - b) Quantity: A maximum of one (1) sign band per window.
 - c) Height: The sign band shall be no higher than the midpoint of the overall height of the windows from grade.
 - d) Additional Requirements:
 - i) The band may include additional text, logos, or graphics that relate to the business within.
 - ii) Copy may not exceed fifty percent (50%) of the total band length.
 - iv. Display Area: Shall be defined as an area for the purpose of displaying miscellaneous items such as posters, menus, promotional items or the like which pertain to the business itself, in a defined location. Window displays such as mannequins, three (3) dimensional figures, clothing and the like, which do not contain advertisement, shall not be considered a window type sign as described above.
 - a) Area of Sign: Maximum of six (6) square feet.
 - b) Quantity: Maximum of one (1) sign type each for any one (1) business and/or tenant space. For businesses that are corner tenants or individual properties with two (2) street frontages, may have one (1) display area per frontage. Businesses and/or tenants with building frontage in excess of forty (40) feet may have one (1) additional display area.
 - c) Location: The display area shall be located on the first immediate window to the right or left of the entrance door. For tenants having a corner space, the display area shall be located so as to not interfere with visibility pertaining to safety issues or interfere with any other sign types under this provision.

- b. Illumination: Window signs shall contain no illumination except for an open/closed sign.
- c. Color: All window signs shall utilize colors that are compatible with the architectural design of the building. Fluorescent or iridescent colors shall not be allowed.
- d. Additional Requirements:
 - i. Permits are required for all window signs.
 - ii. Business name/hours of operation and open/closed signs shall be exempt from obtaining a permit.
 - iii. No additional permits will be required to continually change the display area as long as the location of the original permitted area did not change.
 - iv. Any off-site advertisement displayed in a window is strictly prohibited unless otherwise specified in this Chapter.

Figure 28-10: Sample illustration showing placement of window signs for business or tenant with more than 40 feet of building frontage.



C. Permanent Signs within a Residential Zoning District

The following permanent signs shall be allowed within a Residential District:

1. Entryway Signs

Refer to subsection B.5 of this section.

2. Kiosk Signs

Refer to subsection B.6 of this section.

3. Changeable copy, monument, and wall signs for churches, schools, and public institutions are permitted in residential districts subject to Town approval.

((O)11-07, Added, 03/16/11)

Section 28.6 Temporary Signs

A. Requirements for All Temporary Signs

1. Any sign that penetrates the ground is subject to blue stake requirements.
2. Temporary signs shall not obscure, be attached to or mimic public traffic control devices, signage, or appurtenances.
3. Any damage to public or private property caused by signs placed within the right-of-way shall be the sole responsibility of the sign owner.
4. Standards for temporary sign materials are provided in Section 28.3.A.4, General Sign Requirements.

B. Temporary Signs in a Commercial/Industrial Zoning District

The following temporary sign types shall be allowed within a Commercial and/or Industrial District:

1. Banner

a. Requirements for All Banners

- i. Definition: Any sign of light-weight fabric or similar material that is temporarily mounted to a building or is freestanding.
- ii. Design Standards
 - a) Installation: All banners shall be securely anchored to the wall and/or parapet wall of the building where the business is located or, if freestanding, attached to a solid perimeter frame that matches the banner color. The frame shall be anchored by posts with eyelets fastening the banner to the frame at two (2) foot maximum spacing, or in such a manner that the banner is taut and does not fold over. Banners shall not be hung from another sign structure, landscaping, utility pole, or similar structure.
 - b) Materials: Banners must be made of durable mylar, nylon fabric, or similar material.
 - c) Background color shall be white or beige.
 - d) Lettering shall be neat and legible copy.

b. New Business Banner

- i. A banner may be utilized for the purpose of a new business opening or change of ownership to promote a new business. For seasonal or special event banner signs, see subsections B.1.c and d of this section.
- ii. Quantity: One (1) banner per street frontage, per business. No more than two (2) banners shall be issued to any one (1) new business.
- iii. Area of Sign: Maximum sixty-four (64) square feet.
- iv. Height: Not to exceed the roofline of a building.
- v. Location: Must be installed on the site and/or tenant space of the business.
- vi. Duration: Banners are allowed for a period of thirty (30) days. One (1) extension for an additional thirty (30) days may be granted by the Planning and Zoning Administrator, due to extenuating circumstances. A written request must

be submitted prior to the first thirty (30) day expiration. No more than one (1) extension may be granted in a calendar year.

vii. Removal: A banner must be removed after thirty (30) days or if permanent signage has been installed prior to the expiration of a new business banner.

c. Seasonal or Event Banner

i. Definition: A seasonal or event banner may be used to advertise a seasonal or special event in any Commercial/Industrial Zoning District.

ii. Quantity: One (1) freestanding sign per street frontage and/or one (1) wall sign. A business is allowed a maximum of four (4) permits per calendar year.

iii. Area of Sign: Maximum sixteen (16) square feet for a freestanding sign and maximum twenty-four (24) square feet for a wall-mounted banner.

iv. Height: Not to exceed four (4) feet from grade for a freestanding sign. Wall-mounted signs shall not exceed the roofline of a building.

v. Location: On private property where the event is taking place and/or the merchandise is being sold.

vi. Setback: None unless otherwise required.

vii. Duration: Each permit shall not exceed thirty (30) days.

d. Three-Day Special Event Banner

i. Definition: A banner may be permitted on the day(s) of a special event, but shall not be used to advertise any event that exceeds three (3) days in duration.

ii. Quantity: One (1) per street frontage. Not to exceed four (4) permits per calendar year.

iii. Area of Sign: Maximum sixty-four (64) square feet.

iv. Height: Maximum four (4) feet from grade for a freestanding sign. Wall-mounted signs shall not exceed the building roofline.

v. Location: On private property where the event is taking place and/or the merchandise is being sold.

vi. Setback: None unless otherwise required for public safety purposes.

2. Construction/Development Sign

a. Definition: A construction sign may only contain the names of the architects, engineers, contractors, or similar artisans, as well as the owners, financial supporters and similar individuals or firms associated with the project.

b. Quantity: One (1) per street frontage. No one (1) development may have more than one (1) construction sign on a single street frontage.

c. Area of Sign: Maximum thirty-two (32) square feet.

d. Height: Not to exceed eight (8) feet from grade.

e. Location: On the property that is being developed.

- f. Setback: None unless otherwise required for public safety purposes.
- g. Removal: All signs must be removed upon the completion of ninety-five percent (95%) of the development, or within three (3) years from date of permit issuance, whichever comes first.

3. Flags

- a. Definition: Any flag containing distinctive colors, patterns, or symbols, used as a symbol of government or a political entity. All national and state flags shall be allowed.
- b. Quantity: Two (2) flag poles for each development and/or individual property.
- c. Flag Size: The length of the flag shall be no greater than one-quarter (1/4) of the height of the flag pole.
- d. Flag Pole Height: No greater than 1.25 times the height of the nearest primary building.
- e. Location: Permitted in any zoning district and only on private property.
- f. Setback: Located so that the flag does not overhang public right-of-way or create a public safety hazard.
- g. Additional Requirements:
 - i. A building permit for the flag pole shall be obtained.
 - ii. A site plan shall be submitted for review of location and adequate setbacks.
 - iii. The use of flags for the purpose of advertising or with intent to advertise is strictly prohibited unless otherwise specified by this Chapter.

4. Real Estate, Lease, Rent and For Sale Signs

- a. Definition: Any sign pertaining to the sale, rent, or lease of the premises or portion of a premises. The sign may be freestanding or wall-mounted, single- and/or double-faced.
- b. Quantity: One (1) sign per street frontage.
- c. Area of Sign: Maximum sixteen (16) square feet.
- d. Height: Not to exceed eight (8) feet from grade.
- e. Location: Upon the property that is being sold, rented or leased.
- f. Setback: None unless otherwise required.
- g. Permit: Sign permits for real estate, lease, rent, and for sale signs are valid for one (1) year. The permit may be re-issued in one (1) year increments.
- h. Removal: Must be removed within seven (7) days upon the sale, rent, or lease of the property or expiration of the sign permit.

5. Seasonal Signs

- a. Definition: Seasonal signs may include decorations, holiday lights, garland, or similar treatment oriented toward a holiday event. Holiday banners are allowed in

accordance with subsection B.1.c of this section, Seasonal Banners. Seasonal signs and decorations shall be temporarily displayed for traditionally accepted civic, patriotic, or religious holidays.

- b. Location: On private property and shall not be displayed in such a manner as to constitute a traffic hazard.
- c. Removal: Must be removed within ten (10) days of the subject holiday.
- d. Additional Requirements: A permit is required for all event-related signage under this Chapter. A permit is not required for any other seasonal decoration.

C. Temporary Signs in a Residential Zoning District

The following temporary signs shall be allowed within a residential zoning district.

1. Flags (Refer to subsection B.3 of this section, Flags)

2. Model Home Banners

- a. Definition: Banners for a model home may be utilized for the sole purpose of a sales event or to identify a new model home. Three (3) day, seasonal or event banners are permitted at model homes in accordance with subsections B.1.c and d of this section.
- b. Quantity: One (1) banner per model home.
- c. Area of Banner: Maximum thirty-two (32) square feet.
- d. Location: Shall be on private property where the model home complex is located. The banner may be wall-mounted or freestanding.
- e. Height: A banner attached to the model home shall not extend above the roofline. A freestanding banner shall not exceed five (5) feet from grade.
- f. Setback: None for a freestanding banner unless otherwise specified for public safety purposes.
- g. Duration: The banner shall be mounted only on Saturdays and Sundays for one hundred four (104) days. The banner may be permitted for an additional sixteen (16) days for the purpose of opening the model home or model home complex.
- h. Removal: The banner may be placed not more than one (1) day before the advertised event, and must be removed within one (1) day after the event.

3. Model Home Complex or Custom Home Lot Sales Office Signs

In addition to model home banners (subsection B.2 of this section), the following types of signs are permitted for model home complexes or custom home lot sales offices:

a. Model Home On-Site Signs

- i. Definition: Individual model units may have a single model identification sign and/or an informational sign for the model home complex or custom home lot sales office, and a directional sign to direct people to available parking at, or near, the model home/custom home sales office. Seasonal event and model home banners are permitted for model home complexes or home lot sales offices in accordance with subsection B.2.c of this section, Construction/Development Signs, subject to the standards of subsection A.4 of this section.

- ii. Quantity: One (1) identification sign for model home units, one (1) construction/development sign, and one (1) parking lot directional sign.
- iii. Area of Signs: Individual model units maximum four (4) square feet. Model home complex/custom home lot sales office maximum sixteen (16) square feet. Parking lot directional sign maximum six (6) square feet.
- iv. Height: Individual model units maximum three (3) feet; informational model home complex/custom home lot sales office maximum five (5) feet; parking directional sign maximum three (3) feet from grade.
- v. Location: Within the model home complex/custom home lot sales office and shall be located so as to not interfere with the flow of traffic or within a sight visibility triangle. The parking directional sign shall be located at the driveway entrance to the designated parking area. Signs may be freestanding, wall-mounted, or integrated into an awning type structure.
- vi. Removal: All signs must be removed within seven (7) days after the closing of the sales office or model home office.

b. Model Home Off-Site Signs (Interior and Exterior to the Subdivision)

The following off-site signs are allowed interior to a subdivision:

- i. Off-Site within the Subdivision
 - a) Definition: Signs within a subdivision which direct traffic to the model home complex or custom home lot sales office.
 - b) Quantity: The number of signs allowed is based on the number of intersections or changes of direction of subdivision streets, as approved and deemed necessary by the Planning and Zoning Administrator or Town Engineer.
 - c) Area of Sign: Maximum one and one-half (1-1/2) feet by two (2) feet, or three (3) square feet.
 - d) Height: Maximum allowable height thirty (30) inches.
 - e) Location: An interior, off-site sign shall be located along streets within the subdivision. Such signs shall be located on private property with the permission of the property owner. Proposed placement in the public right-of-way is subject to Town Engineer approval and shall comply with Section 28.7.A.3.e.
 - f) Setback: None unless otherwise required.
 - g) Removal: All signs shall be removed within seven (7) days of the closure of the sales office or model home office.
- ii. See Section 28.7.A.3 for model home complex or sales office signs allowed in public right-of-way.

4. Model Home Complex Flags

- a. Definition: Individual flags, attached to freestanding poles that may be multi-colored and/or contain the corporate logo for a model home complex sales office.
- b. Quantity: Maximum of four (4) poles/flags.

- c. Area of Flag: Maximum fifteen (15) square feet.
- d. Height: Flag poles shall not exceed twenty (20) feet from grade.
- e. Location: Flag poles may be located within the model home complex or parking area, subject to Town Engineer approval.
- f. Setback: Minimum five (5) feet from the property line or determined by the Town Engineer.
- g. Removal: All flags and flag poles must be removed within seven (7) days after the closing of the model home office.
- h. Additional Requirements
 - i. A building permit must be obtained for flag poles.
 - ii. Flag poles may not be illuminated.

5. On-Site Subdivision Signs

- a. Definition: The sign shall identify a development in progress and may include: the name of the development and/or subdivision; the name and phone number of the developer or agent; price range, residential type, and number of units to be available and essential contact information for the developer or agent. All other associated agencies or firms may be displayed on the sign, such as the engineer, architects, or firms providing financing, and principal contracting firms.
- b. Quantity: One (1) freestanding sign per subdivision. The Planning and Zoning Administrator may approve a second on-site subdivision sign if deemed necessary.
- c. Area of Sign: Maximum forty (40) square feet.
- d. Height: Maximum of ten (10) feet. The height may be increased to twelve (12) feet by approval of the Planning and Zoning Administrator if visibility of the sign is obstructed.
- e. Location: Must be located at the access point on private property with the permission from the property owner.
- f. Setback: None unless otherwise required for public safety purposes.
- g. Removal: Within seven (7) days of the sale of one hundred percent (100%) of the lots of the subdivision or one hundred eighty (180) days after closure of sales office, whichever comes first. Signs may remain on unsold lots in accordance with subsection C.6 of this section.

6. Real Estate, Lease, Rent, and For Sale Signs

- a. On-Site Signs
 - i. Definition: Signs to advertise existing individual single-family residences for sale, lease, or rent. The sign may be a single or double-faced, freestanding sign.
 - ii. Quantity: One (1) for each street frontage which abuts the property.
 - iii. Area of Sign: Four (4) square feet.
 - iv. Height: Maximum of five (5) feet from grade. The Planning and Zoning Administrator may approve heights up to ten (10) feet, if warranted.

- v. Location: Only on the lot or site of the dwelling offered for sale, lease, or rent.
 - vi. Setback: None unless otherwise required.
 - vii. Permit: Sign permits for real estate, lease, rent, and for sale signs are valid for one (1) year. The permit may be re-issued.
 - viii. Removal: Within seven (7) days upon the sale, lease, or rent of the property.
- b. Off-Site Signs. See Section 28.7.A.3, Off-Site Real Estate Signs.

((O)11-07, Added, 03/16/11)

Section 28.7 Temporary Signs on Public Property

A. Permitted Temporary Signs on Public Property

1. Noncommercial Temporary Signs in Sign Zones

- a. Definition: A temporary sign not intended for commercial purposes such as a campaign sign, and not permanently installed in the ground or attached to a building.
- b. Quantity: Maximum one (1) single- or double-faced sign per temporary sign zone.
- c. Area of Sign: Maximum nine (9) square feet within a temporary sign zone or if placed with the appropriate right-of-way permit shall not exceed a maximum of four (4) square feet.
- d. Height: Maximum of three (3) feet, six (6) inches from grade within temporary sign zones or thirty (30) inches if placed with an authorized right-of-way permit.
- e. Location: Temporary sign zones are established by Town Council for placement of noncommercial, temporary signs. Within the public right-of-way, zones of three hundred (300) to five hundred (500) square feet in size may be established, and, in the event that the zones are established at an intersection, no more than two (2) zones may be located at or near the intersection.
 - i. Within the Town Hall Complex: Such zone shall be no greater than two hundred (200) square feet. Moreover, temporary sign zones shall not be located within one hundred fifty (150) feet of any entrance to the Town Hall Complex.
 - ii. At or Near Town Parks: Temporary sign zones shall not be located within one hundred fifty (150) feet of any entrance to Town parks.
 - iii. Approved temporary sign zones are depicted on the “temporary sign zone map.”
- f. Commercial signage within a temporary sign zone is prohibited.

2. Noncommercial Temporary Signs in Right-of-Way

- a. Definition: Temporary signs which may be located in the Town’s right-of-way.
- b. Quantity: As approved by the Planning and Zoning Administrator.
- c. Area of Sign: Maximum of four (4) square feet.
- d. Height: The sign shall not exceed thirty (30) inches in height.

- e. Location: No sign shall be placed within a median in any area that may cause or create a traffic hazard or obscure any sight distances and must maintain the required "clear zone" as approved by the Town Engineer.
- f. Setback: Signs shall be placed a minimum of ten (10) feet from the paved surface of the roadway.
- g. Duration: Signs shall be displayed during the hours of 7:00 a.m. to 7:00 p.m.
- h. Additional Requirements: All commercial signage shall be prohibited unless otherwise specified within this Chapter. In addition, all right-of-way permits are subject to blue stake requirements for any sign that penetrates the ground. Any sign that would require installation by the Public Works Department is also subject to installation fees.
- i. Permit: With an approved annual or one hundred twenty (120) day right-of-way permit.

3. Off-Site Real Estate Signs

- a. Definition: Temporary signs located in the public right-of-way providing direction to a dwelling for sale or rent including a model home.
- b. Quantity: No more than one (1) sign per change of road direction.
- c. Area of Sign: Maximum four (4) square feet.
- d. Height: Maximum thirty (30) inches.
- e. Location
 - i. An off-site sign in the right-of-way shall not be located:
 - a) Within a median.
 - b) In any area that may cause or create a hazard on a sidewalk, multi-use path or pedestrian access ramp.
 - c) Where any sight distances or Town approved "clear zones" are obscured, as determined by the Town Engineer.
 - ii. Signs located in public right-of-way shall be placed as follows, or as directed by Town Engineer:
 - a) Streets with a posted speed limit of greater than twenty-five (25) miles per hour:
 - i) Where no sidewalk or multi-use path exists along the street, a minimum of ten (10) feet from the paved surface of roadway.
 - ii) For locations with sidewalk or multi-use path along the street, sign shall be placed no closer to the street than the edge of the walk/path farthest from the street unless there is adequate distance between the street and walk/path to maintain a ten (10) foot setback for the sign from the edge of roadway pavement.
 - iii) Closer placement to pavement requires pre-approval by Town Engineer based on sign construction type and stability of sign in windy and inclement weather. A-frame signs do not qualify for closer placement.

- iv) No signs may be placed in the right-of-way of Oracle Road or the eastern portion of Tangerine Road within one thousand (1,000) feet west of the intersection of Rancho Vistoso Boulevard and First Avenue without approval from the Arizona Department of Transportation.
- iii. Streets with posted speed of twenty-five (25) miles per hour or less:
 - a) Where no sidewalk or multi-use path exists along street, signs shall be placed a minimum of five (5) feet from paved surface of roadway.
 - b) For locations with sidewalk or multi-use path along street, sign shall be placed no closer to the street than the edge of said walk/path farthest from the street.
 - c) Closer placement to the pavement than listed above requires pre-approval by Town Engineer based on site conditions.
- f. Duration: Signs may be displayed only between the hours of 7:00 a.m. to 7:00 p.m.

4. Special Event Signs

- a. Definition: A temporary sign that publicizes civic, public, religious, arts, philanthropic or educational events that are sponsored or sanctioned by the Town of Oro Valley. Each application is subject to approval and interpretation by the Town Manager and/or designee in regards to the type of event being held.
- b. Quantity: Four (4) event signs maximum for any one (1) event.
- c. Area of Sign: A maximum of sixteen (16) square feet per sign.
- d. Height: Shall not exceed five (5) feet from grade to top of sign.
- e. Location: Town right-of-way in accordance with subsection A.3.e of this section and with approval of the Town Engineer. No sign may be placed within a median or in any area that may create a public safety hazard.
- f. Duration: The sign may be installed two (2) weeks prior to the event and must be removed within forty-eight (48) hours after the event.

5. Sign Walker/Human Signs

- a. Definition: A commercial sign that is held, worn or balanced by an individual.
- b. Quantity: No more than two (2) human signs permitted per business/organization. Only one (1) permit shall be allowed within a ninety (90) day period.
- c. Area of Sign. Maximum twenty (20) square feet and minimum four (4) square feet.
- d. Location
 - i. No human or freestanding sign shall be held within a median or in the intersection sight triangle in a manner that obstructs the required clear space view for drivers and cyclists.
 - ii. Human signs are prohibited within construction zones.
 - iii. No more than two (2) human signs per street corner.
 - iv. May not be located within twenty (20) feet of another human sign.

- v. Must be located no farther than the nearest arterial intersection from the business advertised by the sign.
- e. Duration: Signs may be displayed during the hours of 8:00 a.m. to 5:00 p.m.
- f. Setback: Signs shall be held a minimum of ten (10) feet from the paved surface of a roadway.
- g. Additional Requirements
 - i. A right-of-way permit is required, with a fee as specified in the current development fee schedule.
 - ii. Sign holders shall hold the signs relatively still at all times.
- h. Sign walkers for noncommercial purposes are exempt from this subsection A.5.

((O)11-07, Added, 03/16/11)

Section 28.8 Temporary Public and Quasi-Public Signs

A. Definition

Announcement signs, along with special event type signs, shall be allowed for religious institutions, schools, community centers and any other public or institutional buildings within a commercial or residential district. Signs may be freestanding and/or wall-mounted, made of paper, cardboard, plastic, or fabric. Banners used for public and quasi-public purposes shall comply with Sections 28.6.B.1.a and c, Banners. All copy, color, and design shall not adversely affect the order, amenity, or residential enjoyment of the neighborhood.

B. Quantity

Each institution is allowed one (1) wall sign and one (1) announcement sign per street frontage. Each institution may also apply for one (1) wall and one (1) freestanding, special event sign per street frontage.

C. Area of Sign

A religious institution wall-mounted temporary sign shall not exceed thirty (30) square feet. A religious institution announcement sign shall not exceed twenty-four (24) square feet. Other public institutions shall be allowed a temporary wall sign of thirty (30) square feet and an announcement sign of twenty-four (24) square feet. Institutional special event signs shall not exceed thirty (30) square feet.

D. Height

All wall-mounted signs shall not exceed the roofline of a building. All freestanding signs shall not exceed eight (8) feet from grade. All special event signs shall not exceed a maximum height of six (6) feet from grade.

E. Location

All signs shall be placed on private property. Special event signs shall be located on the premises of the institution or organization having the event.

F. Setback

None unless otherwise specified.

G. Additional Requirements

1. Any sign may be single- or double-faced.
2. No sign shall be allowed to illuminate.
3. All signs shall be soundly constructed and neat in appearance.
4. The application for a public or quasi-public sign shall include a statement and diagram noting the nature of the special event and shall indicate the location, size, copy, and colors of the proposed sign.
5. A permit for a public or quasi-public sign shall be valid for no more than two (2) weeks. No more than three (3) permits shall be issued to any institution or organization in a calendar year.

H. Removal

Any signs announcing a special event shall be removed within one (1) day after the event is completed.

((O)11-07, Added, 03/16/11)

Section 28.9 Prohibited Signs

A. Prohibited Permanent and Temporary Signs

The following permanent and temporary signs shall not be allowed on any property or public right-of-way and are prohibited unless otherwise specified within this Chapter.

1. A-frame signs, other than as specified in Section 28.7.A.3;
2. Balloon signs, balloons;
3. Billboards;
4. Electronic message centers;
5. Exposed neon signs;
6. Flashing lights;
7. Garage sale signs;
8. Marquee signs;
9. Moving/animated signs; except barber-type animated signs are allowed for barbershops during business hours only;
10. Obscene signs;
11. Off-site advertising on public property;
12. Off-site signs;

13. Pennant signs;
14. Portable signs (sandwich board, etc.);
15. Projecting signs;
16. Roof signs;
17. Search lights;
18. Signs attached to any physical public property;
19. Signs in the median;
20. Vehicle signs.

((O)11-07, Added, 03/16/11)

Section 28.10 Exempted Signs

A. Code Limitations

1. Nothing contained herein shall prevent the erection, construction and maintenance of the following:
 - a. Official traffic, street identification, or roadway improvement signs.
 - b. Fire or police signs, signals, or devices to alert the public of safety hazards.
 - c. Markings of the State of Arizona and/or Town of Oro Valley or other authorized agency.
 - d. Official notices as required by law.

B. Exempted Permanent and Temporary Signs

1. The following signs shall be exempt from the application and permit regulations of this Chapter, although an electrical or building permit may be required:
 - a. Address Identification Signs: Signs which display numerals, street names, drives, circles, or similar information which gives direction to residents, buildings, complexes, apartments, commercial sites, tenants spaces or other locations.
 - b. Governmental signs for identification of public agencies such as traffic, public transit, and public information.
 - c. Historical Marker: A sign locating and identifying a historical interest or site.
 - d. Informational/service signs including official notices of court; public office and legal notices posted for Town meetings; as well as safety-related informational signs located on service station pumps.
 - e. Interior Signs: Signs which are displayed within a concealed area such as a tenant space or building and cannot be seen from the exterior by the public.
 - f. Memorial Sign: A sign, table, or plaque memorializing a person, event, or site.

- g. Noncommercial signs on private property that are not related to business or commerce and are no more than nine (9) square feet in area and three (3) feet in height.
- h. Residential Signs: Name and address of occupants.
- i. Temporary Signs on Public Property: Per Section 28.7.A.1 and Section 28.9.A.
- j. Traffic Sign: A sign used solely to define and streamline the flow of vehicular or pedestrian traffic so as to minimize congestion and promote safety.
- k. Warning Signs: Warning and instructional signs such as “No Trespassing” shall be exempt from permits and shall not be installed on utility poles or similar structures.

((O)11-07, Added, 03/16/11)



**MINUTES
ORO VALLEY TOWN COUNCIL
March 2, 2011
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CANADA DRIVE**

REGULAR SESSION

CALL TO ORDER - at 5:00 PM

ROLL CALL

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

ABSENT: Barry Gillaspie, Councilmember

EXECUTIVE SESSION

MOTION: A motion was made by Councilmember Waters and seconded by Councilmember Hornat to go into Executive Session at 5:01 p.m. for the purpose of personnel matters regarding the annual evaluation of Town Magistrate pursuant to ARS 38-431.03 (A)(1).

MOTION carried, 6-0.

Mayor Hiremath stated that the following staff members would join Council in Executive Session: Town Magistrate George Dunscomb and Human Resources Director Betty Dickens.

RESUME REGULAR SESSION

CALL TO ORDER - at 6:03 PM

ROLL CALL

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

Lou Waters, Councilmember

PLEDGE OF ALLEGIANCE

Mayor Hiremath led the audience in the Pledge of Allegiance.

UPCOMING MEETING ANNOUNCEMENTS

Assistant Town Manager Greg Caton announced the upcoming Town meetings.

COUNCIL REPORTS

Vice Mayor Snider reported that Councilmembers Hornat, Solomon, herself and Chief Sharp attended a conference in Phoenix sponsored by the Goldwater Institute regarding best practices to improve community policing to protect the public. Vice Mayor Snider said that it was an excellent conference and the Goldwater Institute was recommending these concepts to benchmark community policing. These benchmarks are used by the Town of Oro Valley Police Department.

Councilmember Gillaspie attended the introduction of the CDO/Amphi School District International Baccalaureate program last week and reported that the program will be going live in the fall of 2012.

DEPARTMENT REPORTS

Town Clerk Julie Bower announced that the artwork on display in the Council Chambers was created by artist Ms. Anne Leonard.

ORDER OF BUSINESS

Mayor Hiremath stated that the order will stand as presented but a few changes will be proposed once the Council reaches the Regular Agenda.

INFORMATIONAL ITEMS

- A. Community Letters of Appreciation
- B. Letter of Appreciation

CALL TO AUDIENCE

Oro Valley resident Mr. Howard Richmond said that he attended a Golder Ranch Board meeting about three to four years ago and explained to them the problems that they would face regarding the large lots in La Cholla Airpark. Last year, Golder Ranch started an annexation process and not everyone was happy about

it. Since the start of the annexation process, he has received a series of threatening letters from Golder Ranch and has recently received a letter from the Town asking him to sign up for Golder Ranch Fire services. Mr. Richmond was disappointed in Council's lack of leadership and disappointed that both sides weren't brought together in order to come to a mutually acceptable solution.

Oro Valley resident Mr. Gill Alexander was disappointed with the letters from Golder Ranch Fire District and the fact that Golder Ranch has seemed to drop two months off of the one year deadline. He was also disappointed with the letter from the Mayor essentially saying that residents in the La Cholla Airpark couldn't develop anymore on their property. He said that they have hydrants in the Airpark and they meet the planning and zoning requirements. There is no code stating that the residents need to be annexed by a fire district. Mr. Gill said that he was disappointed with Council's actions at this time.

PRESENTATIONS

- A. Proclamation - Girl Scout Week March 6-12, 2011

Mayor Hiremath presented a proclamation to the Girl Scouts of Southern Arizona Sahauro Council.

CONSENT AGENDA

- A. Minutes - February 2, 2011
B. Coyote Run Monthly Report January 2011

MOTION: A motion was made by Vice Mayor Snider and seconded by Councilmember Waters to approve the Consent Agenda.

MOTION carried, 7-0.

REGULAR AGENDA

MOTION: A motion was made by Councilmember Gillaspie and seconded by Councilmember Garner to table items (5), (6), (7), and (8).

MOTION carried, 4-3 with Vice Mayor Snider, Councilmember Hornat, and Councilmember Solomon opposed.

- 1. RESOLUTION NO. (R)11-13 AUTHORIZING AND APPROVING THE NAMING OF FIELD #1 AT JAMES D. KRIEGH PARK IN MEMORY OF LITTLE LEAGUE BASEBALL PLAYER CHRISTINA-TAYLOR GREEN**

Parks, Recreation, Cultural Resources & Library Director Ainsley Legner gave an overview of the item. Ms. Legner said that Christina Taylor Green played baseball for the Canyon Del Oro Little League at James D. Kriegh Park and her family spent a lot of time at the park as well. A letter was submitted to the Town by Christina's parents in support of naming field #1 after Christina and there has also been strong support from the community.

The unveiling of the new name will take place on April 1, 2011 if the proposal is approved by Council. The Town is currently working with the Canyon Del Oro Little League and other community partners on the signage.

MOTION: A motion was made by Vice Mayor Snider and seconded by Councilmember Waters to approve Resolution No. (R)11-13, authorizing and approving the naming of Field #1 at James D. Kriegh Park in memory of Little League baseball player Christina-Taylor Green.

MOTION carried, 7-0.

2. REVISION TO THE ZONING CODE - CHAPTER 28, SIGNS

a. RESOLUTION NO. (R)11-14 DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT ENTITLED CHAPTER 28, SIGNS, ATTACHED HERETO AS EXHIBIT "A" AND FILED WITH THE TOWN CLERK

MOTION: A motion was made by Councilmember Waters and seconded by Councilmember Hornat to approve Resolution No. (R)11-14, declaring as a public record that certain document entitled Chapter 28, Signs, attached hereto as Exhibit "A" and filed with the Town Clerk.

MOTION carried, 7-0.

b. PUBLIC HEARING - ORDINANCE NO. (O)11-07 ADOPTING A NEW ORO VALLEY ZONING CODE REVISED (OVZCR) CHAPTER 28, SIGNS AND 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, OV709-007.

Planning Manager David Williams gave an overview of the proposed amendments to the Sign Code.

The Town Council initiated the Sign Code update in November, 2009. The Sign Code Task Force was then formed and worked on the Sign Code revisions for over a year and a half. The stakeholders included residents, developers,

businesses, sign and real estate companies, and Town Board members. The Sign Code Task Force held twelve meetings to discuss Sign Code revisions.

Mr. Williams discussed the changes to permanent signs which included entryway, monument, and wall signs.

Changes to illumination standards include:

- Halo or internal illumination - No longer limited to white
- Illuminated signs may be turned on no earlier than 5:00 a.m.
- Shall be turned off at 11:00 p.m. or close of business

Changes to temporary signs: Commercial District

-Banners: three types of allowable banners include:

- New Business
- Season or Event
- 3-Day Special Event Banners

New design standards include:

- Secure anchoring
- Materials
- Color

Commercial Districts: Real Estate Signs

- Increase allowed area from 16 to 32 square feet
- Increase maximum height from 5 to 8 feet
- Permits valid for one year only

Changes to Temporary Signs: Residential Districts

- Signs currently permitted for model homes

Temporary signs in the Right-of-Way

- Clarified and updated location standards:
 - Sign placement in relation to right-of-way and sidewalk/trail
 - Preserve site distances
 - Prevent roadway hazard

Garage Sale Signs

- Now allowed one on-site sign
- Right-of-Way signs - allowed one per change of direction
- Town supplied signs for use in R.O.W.
- Fiscal impact/estimate Town costs - \$4,000 for loaner signs

A-Frame signs

- Optional section - subject to Council approval
- A-frames allowed only for pedestrian direction, not permitted along roadways
- Businesses can use four times per year for 30 days

Real Estate signs in the Right-of-Way

- Addresses repeated violations
- Applies to both agent and broker
- Improves enforcement for most frequent type of sign violation

Garage Sale signs have been included in the enforcement section as well.

The Planning and Zoning Commission recommended approval in August of 2010. Staff recommends approval, including provisions for garage sale signs.

Mayor Hiremath opened the public hearing.

Oro Valley resident Mr. Don Bristow said that multiple task forces and citizen surveys have stated that they do not like A-frames. Town staff has not supported the use of A-frames. Signs don't appear as a top 10 reason why businesses fail. He said that there is no support amongst the citizens and no logical reason for this to come forward. Businesses will survive by listening to their customer's needs and desires. He opposed adding additional permanent signs at subdivision entrances.

Oro Valley resident and member of the Sign Code Task Force Mr. Bob Semple said that he was happy that the Sign Code was coming to a vote. He highly endorsed the proposed Sign Code except for the violations and enforcement section. He would like the Town to notify the brokers about the changes that will be going into effect and asked Council to continue section (D) to a future meeting.

Ms. Nancy Farina, owner of the California Design Center and Mr. Tony Johnson, General Manager of the California Design Center said that they support the usage of A-frames. After they placed A-frames outside their business, they saw an 11% increase in traffic coming to their store. Mr. Johnson demonstrated how his A-frame could be filled with water or sand to weigh it down.

Ms. Farina said that she has received no objections from citizens regarding the A-frames. The A-frame has been placed within 50 feet of their door. She asked the Council to approve the permanent use of A-frames as long as they are aesthetically pleasing.

Councilmember Garner asked if they had used banners.

Ms. Farina said that they have used banners in the past but they are expensive and too difficult to put up and take down.

Ms. Eileen Bonk, associate of J. Marinara's restaurant, said that she is in favor of extending the length of time that businesses can use banners. Every time a banner goes up or comes down, there is an additional expense to the business.

Oro Valley resident Mr. Bill Adler said that from the very beginning, there has never been any neutral/factual evidence provided that larger or more signs help business. The type and location of signs does help. There is observable evidence that larger and more frequent signs diminish the visual qualities of the Town. He was disappointed that Council added conditions to the environmentally sensitive lands ordinance and feels that the environment is not a high priority of the Council. Decisions need to be made regarding shared values and community values. He recommended that this matter be held over until the General Plan is updated so that the broader community could comment and participate.

Councilmember Solomon stated that the public has had a lot of notice and many opportunities to provide input regarding signage.

Councilmember Waters said that the Sign Code Task Force was created to engage the community and allow them the opportunity to comment on the Sign Code.

Councilmember Garner said that a citizen and business survey was also utilized by the Town and some of those results have been reflected in the proposed Sign Code amendments.

Mayor Hiremath closed the public hearing.

Planning Manager David Williams clarified that the master sign program has not changed.

MOTION: A motion was made by Councilmember Gillaspie and seconded by Councilmember Garner to strike the new additions for garage sales in the proposed Sign Code ordinance.

Councilmember Solomon said that it was problematic to make criminals out of citizens who would like to hold garage sales since the current code prohibits garage sale signs. He felt that garage sale signs should be allowed during the course of the garage sale.

Councilmember Hornat said that the purpose is not to criminalize residents but to control signage.

Councilmember Garner suggested that this item be re-examined at a later date in order to give the Council ample time to review and digest the material.

Vice Mayor Snider agreed that the Town does not need to be policing garage sales.

Councilmember Gillaspie amended his motion to state, "to extract references to garage sales from the Code presented tonight and discussion and possible action of either deletion of the restrictions for garage sales in the Oro Valley Zoning Code Revised or a new ordinance be brought forward to Council at a separate time. The amended motion was accepted by Councilmember Garner.

MOTION carried, 5-2 with Vice Mayor Snider and Councilmember Solomon opposed.

Councilmember Solomon said that he liked the violations section regarding real estate signs because realtors should know where their signs are allowed and he is tired of seeing these signs in the middle of sidewalks, handicap areas, medians, etc.

Councilmember Hornat was a proponent of the penalties. Most cities and towns don't allow real estate signs.

Councilmember Garner inquired about the confiscation of signs that are an immediate threat to life and safety.

Planning Manager David Williams clarified that Town staff is currently authorized to pull violating signs.

Councilmember Waters asked if there is enough staff to properly cite and enforce the Sign Code.

Discussion ensued regarding current staffing levels and the Sign Code enforcement process.

Vice Mayor Snider asked for clarification regarding the sign requirements for professional signs placed in the front yard.

Economic Development Director Amanda Jacobs explained that the Sign Code Task Force originally proposed to increase the area from four (4) to six (6) feet and the height from five (5) to six (6) feet. Based on Council feedback from previous study sessions, staff decided to strike this out so that the current Code would remain the same.

Vice Mayor Snider said the industry standard sign has been changing by design and these newer signs are approximately six inches taller.

Ms. Jacobs clarified that within the current Code, they are allowed up to ten (10) inches with permission from the planning and zoning administrator.

Councilmember Hornat said that the realtors should be responsible for knowing where they can place signs and the penalties associated with not following the Sign Code.

Mayor Hiremath called for a recess at 7:36 p.m.

Mayor Hiremath reconvened the meeting at 7:47 p.m.

Discussion ensued regarding illuminated signs and A-frames.

Vice Mayor Snider did not want to eliminate A-frames but to rather consider them with guidelines attached.

Councilmember Solomon said that the sign is not the problem; it's the placement of the sign in medians, right-of-way, handicap accessible areas, roadways etc. He is also in favor of creating A-frame guidelines.

MOTION: A motion was made by Councilmember Garner and seconded by Councilmember Hornat to strike all iterations of the word "A-frame" to exclude the definition in the current Sign Code draft as presented and direct staff to come back at a later date to discuss the A-frame.

MOTION carried, 7-0

Discussion ensued regarding changeable copy signs.

Councilmember Solomon said that he would like to add a reference to service station, theater, schools, and any other uses for which changeable copy signs are allowed.

MOTION: A motion was made by Councilmember Gillaspie and seconded by Councilmember Garner to restrict entryway signs to the original 600 feet and strike "For projects with more than 800 feet of frontage, additional entryway signs may be approved by the Town".

Discussion ensued regarding the number of allowable entryway signs.

MOTION carried, 7-0.

MOTION: A motion was made by Councilmember Solomon and seconded by Vice Mayor Snider to change the quantity of menu-board signs from one (1) per individual business to two (2) per drive-through lane.

MOTION carried, 7-0.

MOTION: A motion was made by Councilmember Solomon and seconded by Vice Mayor Snider to change four hundred (400) feet back to six hundred (600) feet regarding monument signs and to remove the phrase "No individual tenant may be displayed on more than one monument sign per street frontage and to add clarification that "No one tenant may be noted twice in one monument sign.

MOTION carried, 7-0.

MOTION: A motion was made by Councilmember Gillaspie and seconded by Councilmember Hornat to change item 8(b) Monument Signs - Quantity, to read "If frontage is greater than six hundred (600) feet, a second sign is permitted and strike "For frontages greater than eight hundred (800) feet, additional signs may be approved".

MOTION carried, 7-0.

Councilmember Solomon said that he was concerned about the Code wording regarding Menu-Boards, Section 7:E, "so as not to be readable from adjacent streets or property".

Mr. Williams clarified that the language was intended to keep menu-board signs oriented away from neighboring properties but agreed that the wording should be changed from "readable" to "visible".

Discussion ensued regarding illuminated wall signs.

MOTION: A motion was made by Councilmember Solomon and seconded by Vice Mayor Snider to have Section 15. (b) Wall Signs read, "Quantity: No more than two (2) elevations may contain a wall sign. If a single tenant occupies an end unit, there may be signs on three (3) elevations. If a single tenant occupies an entire freestanding building, there may be signs on four (4) elevations but only two (2) elevations may have illuminated wall signs.

Vice Mayor Snider made a friendly amendment to keep, "If a single tenant occupies an end unit, there may be signs on three (3) elevations with the clarification that the end unit means the end unit in the final phase and there may be signs on three (3) elevations but only two (2) may have illuminated wall signs on freestanding buildings". This amendment was accepted by Councilmember Solomon.

MOTION carried, 5-2 with Councilmembers Garner and Gillaspie opposed.

MOTION: A motion was made by Councilmember Solomon and seconded by Mayor Hiremath to strike out section 16. i(c) Window Sign Location.

Discussion ensued regarding window sign location requirements.

Mr. Williams clarified that the intent of the language was to guide the customer to the door.

MOTION failed, 1-6 with Mayor Hiremath, Vice Mayor Snider and Councilmembers Garner, Gillaspie, Hornat, and Waters opposed.

Discussion ensued regarding the location of business hours of operation signs.

Councilmember Solomon said that businesses don't need to be micro-managed to the point of where they can place window signs.

Councilmember's Hornat and Waters agreed that the intent of the Code was to create a standard for signs so that businesses would look aesthetically pleasing.

Councilmember Gillaspie stated that the size and location of window signs does get out of hand when there are no regulations.

MOTION: A motion was made by Councilmember Solomon and seconded by Councilmember Hornat to add to the design standards for banners that the height above grade limitation be set at five (5) feet and that the banner be placed in a solid frame that is the same color as the banner background.

MOTION failed, 3-4 with Vice Mayor Snider and Councilmembers Garner, Gillaspie, and Waters opposed.

MOTION: A motion was made by Vice Mayor Snider and seconded by Councilmember Hornat to limit freestanding banner height to a maximum of five (5) feet from grade.

MOTION carried, 7-0.

Discussion ensued regarding banner opportunities for new businesses.

Economic Development Manager Amanda Jacobs clarified that a new business is allowed to display a banner that reads, "Coming Soon" for thirty (30) days and then once the new business opens, they are allowed another thirty (30) days for a banner that reads, "Now Open" or "Grand Opening".

Councilmember Garner said that the current language creates a loop-hole that technically allows businesses that have been open for more than year, to be able to display a "Now Open" sign. He would like this language cleaned up so that any new given business would be able to display the banners but not allow them to display them every year.

MOTION: A motion was made by Councilmember Garner and seconded by Vice Mayor Snider to direct staff to change the banner provisions for new business by removing language "per year" and adding "new business".

MOTION carried, 7-0.

Councilmember Garner said that the current Code language allows two flag poles in both residential and commercial areas but he would like this language changed so that one flag pole would be permitted for each residential property.

MOTION: A motion was made by Councilmember Solomon and seconded by Vice Mayor Snider to have Construction/Development Signs item (d) read, "Height: Not to exceed ten (10) feet from grade".

MOTION failed, 2-5 with Mayor Hiremath and Councilmembers Garner, Gillaspie, Hornat, and Waters opposed.

MOTION: A motion was made by Councilmember Gillaspie and seconded by Councilmember Garner to change section (5)(c) regarding Real Estate, Lease, Rent and For Sale Signs to allow a maximum sign area of sixteen (16) feet.

Economic Development Director Amanda Jacobs said that the Sign Code Task Force recommended changing the maximum sign area to thirty-two (32) square feet due to visibility issues and to create better opportunities for tenets.

MOTION carried, 7-0.

MOTION: A motion was made by Councilmember Gillaspie and seconded by Councilmember Garner to table regular agenda item number (2b) until regular agenda items three (3) and four (4) have been discussed.

MOTION carried, 6-1 with Councilmember Hornat opposed.

3. AMENDMENTS TO THE ZONING CODE - SECTION 27.3, PUBLIC ARTWORK PROVISIONS

a. RESOLUTION NO. (R)11-15 DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT ENTITLED CHAPTER 27, GENERAL DEVELOPMENT STANDARDS, SECTION 27.3, PUBLIC ARTWORK PROVISIONS, ATTACHED HERETO AS EXHIBIT "A" AND FILED WITH THE TOWN CLERK

MOTION: A motion was made by Vice Mayor Snider and seconded by Councilmember Waters to adopt Resolution No. (R)11-15 declaring as a public record that certain document entitled Chapter 27, General Development Standards, Section 27.3, Public Artwork Provisions, attached hereto as exhibit

"A" and filed with the Town Clerk.

MOTION carried, 7-0.

- b. PUBLIC HEARING - ORDINANCE NO. (O)11-06 AMENDING THE ORO VALLEY ZONING CODE REVISED, BY AMENDING CHAPTER 27, GENERAL DEVELOPMENT STANDARDS, SECTION 27.3, PUBLIC ARTWORK PROVISIONS; REPEALING ALL RESOLUTIONS, ORDINANCES AND RULES OF THE TOWN OR ORO VALLEY IN CONFLICT THEREWITH; PRESERVING THE RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN THEREUNDER**

Planning Manager David Williams gave an overview of Ordinance No. (O)11-06. Mr. Williams stated that the proposed ordinance deals with four main issues which include:

- 1) Expand/revise fee in lieu
- 2) Maintenance of Town-owned art
- 3) Remote Locations
- 4) Replacement

Mr. Williams stated that if the required budget is less than \$10,000, they would be allowed to select the in-lieu option now. The previous threshold was set at \$2,500.

Mr. Williams stated that the maintenance of Town-owned art is important and that the proposed changes would allow the in-lieu fee fund to be used for maintenance of Town-owned art.

Artwork in remote locations with limited access or poor visibility may now utilize the fee in-lieu option.

The proposed ordinance would exempt property owners from replacing missing or damaged artwork if the art was properly maintained.

Staff recommends retaining the provision that responsibility for maintaining artwork transfers from owner to owner.

The Planning and Zoning Commission recommended unanimous approval on January 13th and staff recommends approval of the updated public art provisions.

Discussion ensued regarding who would be responsible for private and public artwork that is damaged and the threshold for the fee in-lieu option.

Mayor Hiremath opened the public hearing.

No comments were received.

Mayor Hiremath closed the public hearing.

MOTION: A motion was made by Councilmember Waters and seconded by Councilmember Gillaspie to adopt Ordinance No. (O)11-06 amending the Oro Valley Zoning Code Revised, by amending Chapter 27, General Development Standards, Section 27.3, Public Artwork Provisions as shown in Exhibit "A".

Councilmember Solomon made a friendly amendment to have staff modify section E-11 to clarify that the in-lieu fee may apply to part or all of the 1% regardless of the top limit, accepted by Councilmember Waters and Councilmember Gillaspie.

MOTION carried, 7-0.

4. DISCUSSION AND POSSIBLE ACTION REGARDING THE EXISTING NARANJA PARK MASTER PLAN AND POTENTIAL ALTERNATIVE USES

Councilmember Solomon clarified that when this item was requested to be placed on an agenda, it was to discuss new possibilities, not to approve or deny the existing master plan.

MOTION: A motion was made by Vice Mayor Snider and seconded by Councilmember Garner to table item four (4) and return with a discussion for alternative uses for the Naranja Townsite.

Oro Valley resident Mr. Jerry Perry said that he has had several meetings with Town staff and was asked to explore and find funding for creating an archery range at the Naranja Townsite. He secured commitments for up to \$30,000 for backstops and signage and also received additional commitments for funding from the Arizona Game and Fish Department. The Archery Trade Association committed to provide additional funding and the Pusch Ridge Archers has committed additional funds as well. An archery designer looked at the site and provided an estimate of 35 acres of space would be needed in order to create the range. Many residents and students support the archery range at the Naranja Townsite.

Oro Valley resident Mr. Ed Davis, Commander of the Oro Valley American Legion Post, said that they currently have 145 members and anticipate that they will have over 400 members over the next five years. The Post would like to have a home in Oro Valley. The American Legion Post has many fundraising options including state authorized lottery games. Mr. Davis stated that he would

like to be given consideration as a future partner of the Town as the ultimate developer of the Naranja Townsite.

Oro Valley resident Mr. Ben Baker said that the American Legion can raise money by bonding in order to develop the Naranja Townsite and he would like it to be the center of a very vibrant community.

Oro Valley resident Mr. Harold Adair said that with the grant money from the Arizona Game and Fish Department and with private funding that has been raised, improvements could be made to the Naranja Townsite somewhere between sixty to eighty thousand dollars. This would include composting toilets and shade structures.

Oro Valley resident Mr. Bill Adler preferred that the park space be developed the way the citizens and the Council originally adopted it. He encouraged Council to engage in talks about economic development options at the Naranja Park Site that would occupy the space and make money for the Town. Mr. Adler recommended that a solar farm be built at the townsite. He is not in favor of developing temporary uses especially if people have to invest substantial sums of money in making the temporary use viable.

MOTION carried, 6-1 to table item four (4) with Councilmember Hornat opposed.

Mayor Hiremath called for a recess at 9:46 p.m.

Councilmember Garner left the meeting at 9:52 p.m.

MOTION: A motion was made by Councilmember Solomon and seconded by Councilmember Hornat to adjourn the meeting at 9:53 p.m.

MOTION carried, 5-1 with Mayor Hiremath opposed.

5. *DISCUSSION AND POSSIBLE ACTION ON ANY CODES, POLICY, RESOLUTIONS OR DIRECTIVES THAT PROVIDE THAT THE CHIEF OF POLICE REPORTS TO ANYONE OTHER THAN COUNCIL AS A WHOLE (This item was tabled)

6. *DISCUSSION AND POSSIBLE ACTION AUTHORIZING COUNCIL TO APPOINT ONE OR TWO MEMBERS OF COUNCIL TO BE PRESENT AT AND PRIVY TO ANY AND ALL COMMUNIQUE'S, DISCUSSIONS OR MEETINGS INVOLVING NEGOTIATIONS OR MEMORANDUMS OF UNDERSTANDING FOR PUBLIC SAFETY EMPLOYEES AND ANY EXISTING POLICIES, DIRECTIVES, RESOLUTIONS OR CODES TO THE CONTRARY SHOULD BE BROUGHT FORWARD FOR DISCUSSION

AND ACTION (This item was tabled)

7. *DISCUSSION AND POSSIBLE ACTION TO PROVIDE THAT "FUNDED" BUT "UNFILLED" POSITIONS NOT BE FILLED UNTIL APPROVED BY TOWN COUNCIL (This item was tabled)
8. *DISCUSSION REGARDING 2% UTILITY TAX INCREASE (This item was tabled)

FUTURE AGENDA ITEMS

There were no future agenda item requests.

CALL TO AUDIENCE

No comments were received.

ADJOURNMENT

The meeting was adjourned at 9:53 p.m.

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 2nd day of March 2011. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____, 2011.

Julie K. Bower, MMC
Town Clerk

Section 28.6 Temporary Signs

B.1. A-FRAME

- a. DESCRIPTION: A SIGN THAT IDENTIFIES A BUSINESS AND/OR SERVICE FOR THE PURPOSE OF DIRECTING PEDESTRIAN TRAFFIC TO THE BUSINESS LOCATION.
- b. QUANTITY: ONE PER PERMIT PER BUSINESS PER THIRTY (30) DAY PERIOD. MAXIMUM OF FOUR (4) PERMITS A YEAR.
- c. AREA OF SIGN: SIX (6) SQUARE FEET.
- d. HEIGHT: THREE (3') FEET, SIX (6") INCHES IN HEIGHT, INCLUDING SIGN LEGS.
- e. LOCATION:
 - i. ON PRIVATE PROPERTY: SHALL NOT BE DISPLAYED IN SUCH A MANNER AS TO CONSTITUTE A HAZARD TO PUBLIC SAFETY.
 - iii. SIGNS MUST ALLOW FOR A MINIMUM SIX (6) FOOT WIDE CLEAR PATHWAY.
 - iiii. SIGNS FOR INDIVIDUAL GROUND FLOOR BUSINESSES SHALL BE LOCATED WITHIN THREE (3) FEET OF THE BUILDING FRONTAGE AND WITHIN TEN (10) FEET OF THE BUSINESS ENTRY.
 - v. BUSINESSES ABOVE THE GROUND FLOOR SHALL LOCATE SIGNS WITHIN TEN (10) FEET OF A STAIRWAY OR ELEVATOR. ALTERNATE LOCATIONS MAY BE ACCEPTED WITHIN DESIGNATED AREAS; AND
 - v.i. SIGNS FOR COURTYARD ENTRIES SHALL BE LIMITED TO ONE (1) SIGN FOR ALL BUSINESSES LOCATED WITHIN THE COURTYARD, UTILIZING THE SAME COMMON ENTRY.
 - vii. SIGNS SHALL BE LOCATED WITHIN TEN (10) FEET OF THE COURTYARD ENTRANCE.
 - viii. SHALL NOT BE GENERALLY VISIBLE FROM THE RIGHT-OF-WAY.
- f. SETBACK: NONE UNLESS OTHERWISE REQUIRED.
- g. DURATION: FOR A PERIOD OF THIRTY (30) DAYS. SIGNS SHALL BE DISPLAYED DURING NORMAL BUSINESS HOURS ONLY.
- h. DESIGN STANDARDS:
 - i. ALL COLORS EXCEPT FLUORESCENT AND IRIDESCENT COLORS ARE NOT ALLOWED.
- i. ADDITIONAL REQUIREMENTS:
 - i. PERMIT IS REQUIRED
 - ii. A-FRAME SIGNS SHALL NOT BE COUNTED TOWARDS TOTAL AGGREGATE ALLOWABLE SIGN AREA FOR THE BUSINESS
 - iii. NO ILLUMINATION
 - iiii. NO NOISE OR FLASHING, ROTATING, OR MOVING ELEMENTS



Oro Valley Commercial Sign Survey



February 2010

Background

Efforts to examine the Town's current sign ordinances began more than a year ago, but were further inspired in the summer with several outreach meetings with the business community who came to the Town to request considerations due to the poor economic conditions. After reviewing the matter, Town Council decided that, rather than consider changes to certain sections of the sign ordinance, it would be prudent to review the entire commercial sign code—which was developed more than 10 years ago—to see if there were opportunities to bring the code up to date with Oro Valley's business climate today.

In November 2009, the Council approved a scope of work that will involve the formation of a Task Force of residents, business representatives, staff and our local Chamber to review the current sign code and make recommendations for possible changes and updates.

To begin that review, staff wanted to garner some baseline information regarding public and business attitudes with regard to commercial signage in Oro Valley. Town staff developed an informal community survey measuring use of signs by both segments; attitudes regarding certain types of signage; and overall experience in meeting the Town's sign code.

Methodology

Staff developed two online surveys, one for the resident population and one for the business community. The surveys were available on the Town's website, on the Planning & Zoning page. There was a link from the Town's home page. The program used to administer the survey as a module provided by the Town's Content Management System (CMS).

Both surveys used a mix of multiple choice, ratings and true/false questions. The surveys also provided ample opportunity for open comments. An honor system directed which survey was completed by each target group, and demographic information was requested.

The **Resident Survey** questions:

- Focused on how residents identified businesses and how they responded to business signage
- Looked at banner and A-frame sign opinions on use
- Gathered general demographic information

The **Business Survey** questions

- Focused on how businesses promoted themselves
- Opinions on current sign code, restrictions
- Experience with the Town overall (Sign review, DRB, etc.)
- Demographics—type of business, how long in Oro Valley, etc.

We launched the surveys through the local media and the Northern Pima County Chamber of Commerce a week prior to its going live, and it ran from October 19 – November 6, 2009. Although there were fears of “stuffing the ballot box,” with an estimated 350 responses to the general public survey and 80 responses to the business survey, we did not find this to be the case.

Summary of Findings

A copy of the questions that were included in both surveys may be found in Appendix 1.

General Public Survey

Questions targeting respondents from the general public:

- Focused on how residents identified businesses and how they responded to business signage
- Looked at banner and A-frame sign opinions on use
- Gathered general demographic information

Overall, use of signs to locate a business ranked in the top three by respondents, with online/internet searching number one. This suggests that respondents may use the internet to find a local business that provides the product or service they are looking for, but they rely on signage to help when they are physically going to the location. Follow up questions reinforced this as a large percentage (69%) said the size and readability of signs and familiar names (74%) were important to them. Furthermore, less than 50% of respondents said they often remember a business or service later after seeing a sign at night, again further suggesting that for at least this series of questions, respondents are generally using signage to locate a business once they have made the decision to go there.

In looking at illumination hours for signs, there was overwhelming support for either turning off the signs at the close of business, or by 10 p.m. Closely following the 10 p.m. preference was support for all-night illumination.

Regarding the use of A-frame signs, the respondents overwhelmingly stated they did not like the use of A-frame/sandwich boards (54%). This suggests that, while A-frames may want to remain in the discussion, other factors clearly play a part in the public’s identification of businesses.

General Public Survey Demographics

- Oro Valley resident: 91%
- Age group: 75% were aged 50 years or older
- Gender: The majority were male (55%)

Business Survey Questions

- Focused on how businesses promoted themselves
- Opinions on current sign code, restrictions
- Experience with the Town overall (Sign review, DRB, etc.)
- Demographics—type of business, how long in OV, etc.

Similar to the General Public survey, businesses were asked to identify from a list all of the tools they use to promote their business. Signage received the highest responses, followed closely by the internet, with advertising and the phonebook virtually tied for third place. This is virtually exactly the same answer from the general public, suggesting that the reliance on both sides for business signage is an important component of the community conversation moving forward. Similar correlations were found when we asked for more detail on the types of signs used, with building signage/lettering and illuminated signs receiving the highest response from businesses.

Several questions arise when we look at the responses to the size of signs. **There is a virtually no difference between those businesses who are satisfied with their sign and those who feel it is too small (46 & 45% respectively).** While this indicates there may be room for negotiation and change here, it is also important to dig further to determine if these are PAD standards in play, and what percentage of businesses who responded are in a master sign program, for example. That there is no clear majority one way or the other does indicate that further discussion is warranted.

With respect to use of banner signs, an overwhelming number of businesses said they would like to use banners to promote their business and that the current sign code for banner use is too restrictive. This indicates there may be some opportunity to discuss how the Town can support businesses by working to allow banners to have a greater impact with the use of banners.

Illuminated signs saw similar results that were seen from the General Public respondents that the same options were in the top three for preferences: illuminated signs on all night (44%); turned off by 10 p.m. (24%); and turned off by midnight (21%), which was not seen in the other responses. This indicates there is much room for compromise in that both groups felt that turning signs off by 10 p.m. would be acceptable.

With respect to A-frames, businesses were in direct opposition to the general public's views on the use of A-frames. This reflects a gap in businesses supporting the argument that A-frames increase business traffic, as the majority of consumers who responded to the survey do not reflect that. This can be an area for further study by the task group.

A series of questions examined the service levels by the Town in several areas, including business experience with:

- Review and approval timing
- DRB Review (where applicable)
- Staff response time

In all three areas, there was a high “No Response” rate. This can be due to the fact that many businesses engage consultants and other vendors to handle their sign design and review processes, and so the business owners simply do not have direct experience with the process.

With that in mind, **Review and Approval received an overall satisfactory or greater rating of 35%, with more than half (52%) indicating they thought the timing was either “poor” or “very poor.”** Although there was an opportunity for respondents to add additional comments, few indicated anything other than the process “took too long” or “was cumbersome.” The details of what caused this perception were not included. It is recommended that the task force examine timing considerations of the sign approval process as part of the focus group process.

Only 25% indicated they were happy with the DRB Review, with 43% giving no response here. Of those indicating they did have to go through the DRB, 32% found the experience “poor” or “very poor,” indicating that it took too long.

Finally, staff response time received the highest rating of “satisfactory” or “excellent” at more than 51%, with 18% not responding and 31% ranking their experience as “poor” or “very poor.”

This section indicates there are several customer focus areas that can be improved, which can include both the time the process takes, and staff education and communication with the business community to help set expectations.

Business Demographics

Types of business (may not add up to 100% as not all businesses answered)

- Health/Beauty
- Nonprofit
- General office/service
- Banking/Financial
- Medical office
- Restaurant
- Retail

Years in business

- Less than 1 – 5 years: 51%
- 6 – 20 years: 44%

No. of employees

- Less than 10: 36%
- 1-25: 40%
- 26-50: 10%
- More than 50: 10%

For a review of all responses, please refer to Appendix A. For a complete listing of all respondents open-ended comments, please refer to Appendix B.

Conclusions

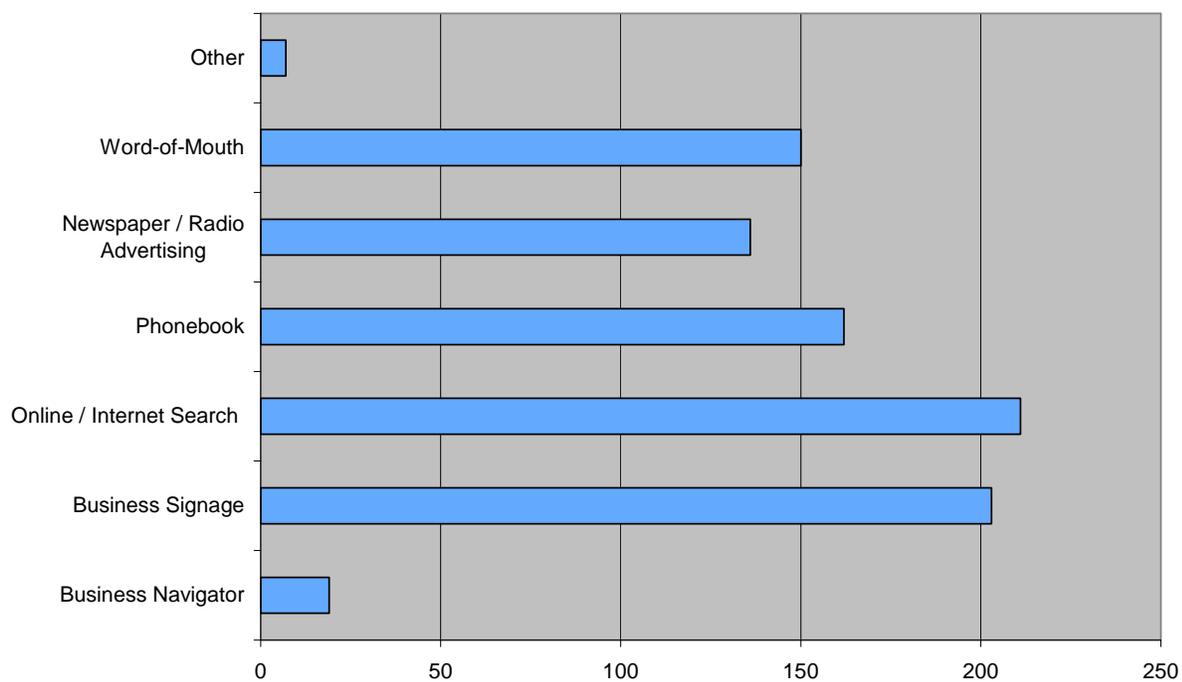
As a first-time effort for online surveys, the sign survey provided opportunities to explore several key areas with respect to the sign code review. This complex project will have many facets and it will be important to consider all concerns as the Town moves forward. The survey looked at several key areas that, according to the November 18, 2009 Council Communication, will play a large role in the task force review and recommendations. With that in mind, the following conclusions should be considered as the task force moves forward:

- There is universal agreement from both groups that signage is important to them, both to identify a business and for a business' marketing plan. This is important as it demonstrates there is strong support for signs—and thus, room for community conversation.
- There is opportunity for compromise on the hours of illumination for commercial signs as indicated in both groups' willingness to consider a 10 p.m. cut off.
- Although residents stated that signage was very important in locating a business, they did not support A-frame signs and rely more on size and lettering of signs. Business respondents, however, feel that A-frames are strong in driving customers. Focus groups to understand the divide on this matter should be part of the task force public participation process.
- The business community indicated that there are several areas for improvement needed in both the process and service levels by Town staff and the DRB. This should be another area for focus groups to examine to assess the specific areas that can be improved.

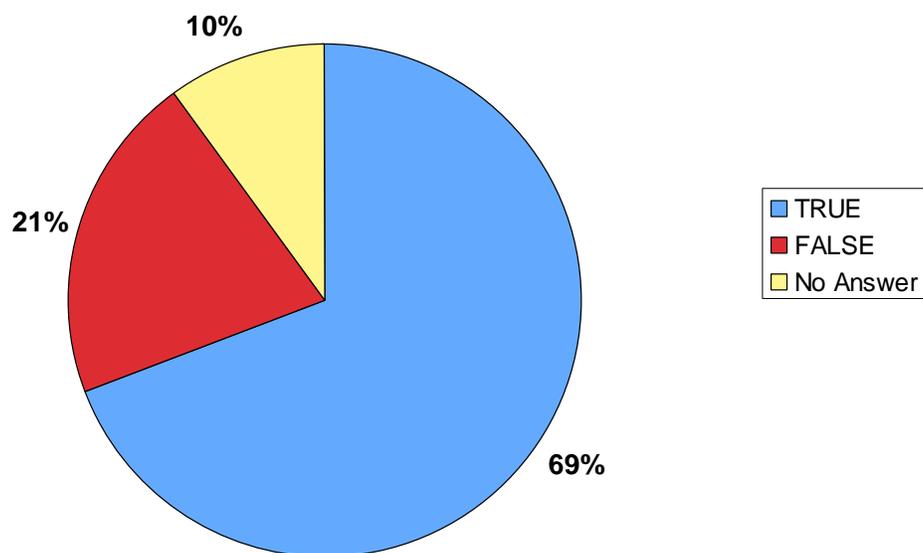
Appendix A

General Public Survey Results

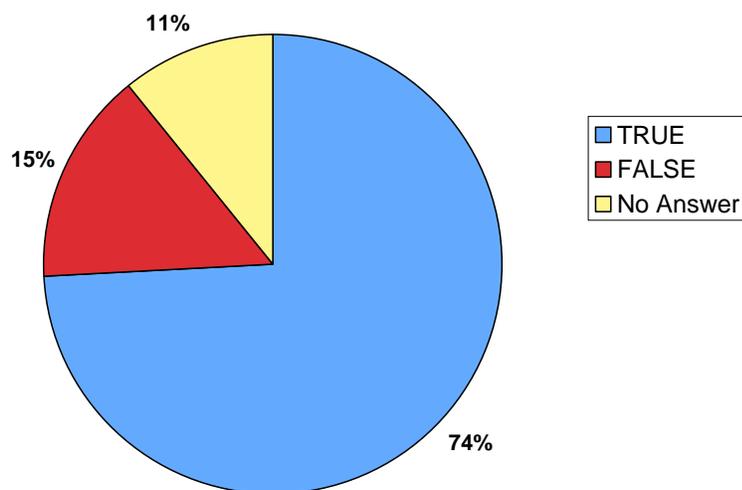
What resources do you rely on to help locate a business or service in Oro Valley? Select all that apply



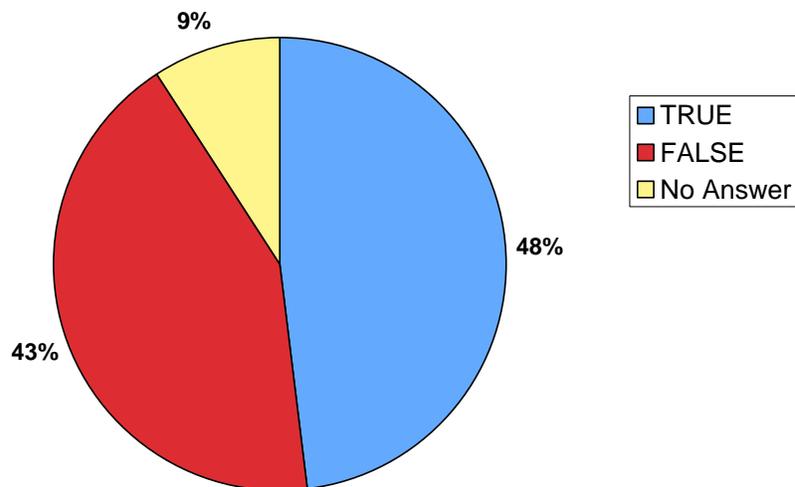
If you use "Business Signage," the size and readability of a sign is important to you.



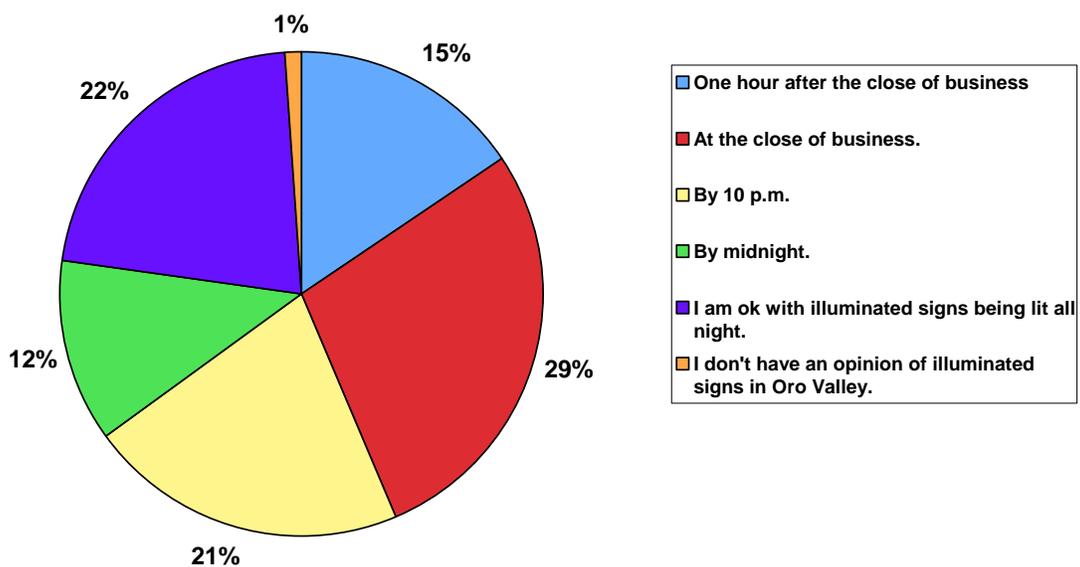
If you use "Business Signage," you look for familiar logos or company names.



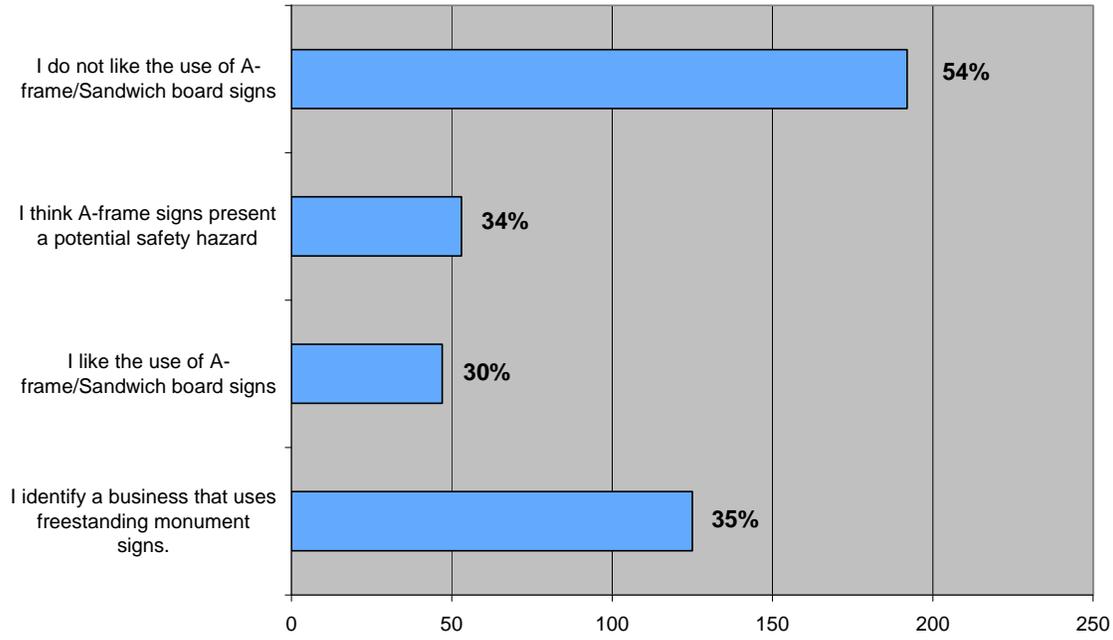
If you use "Business Signage," you often remember a business or service later after having seen an illuminated sign when driving by a business at night.



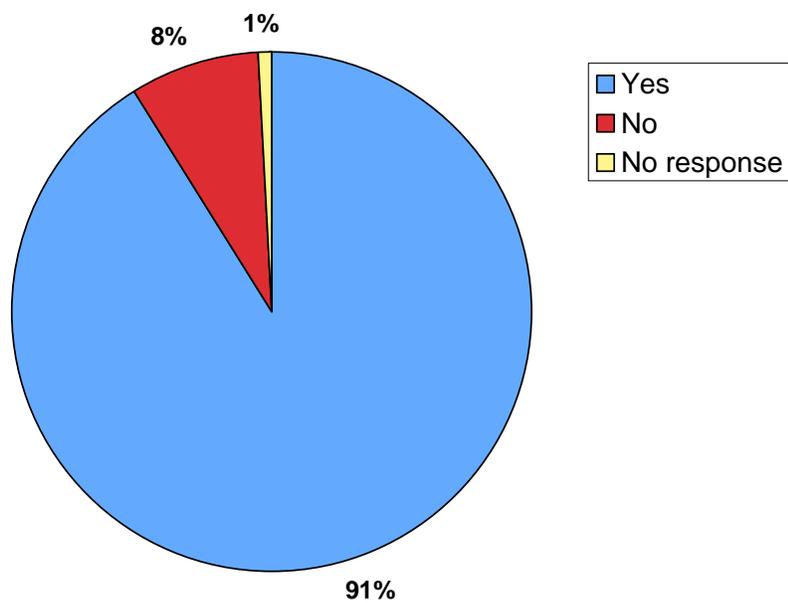
With respect to the use of illuminated signs, signs should be turned off:



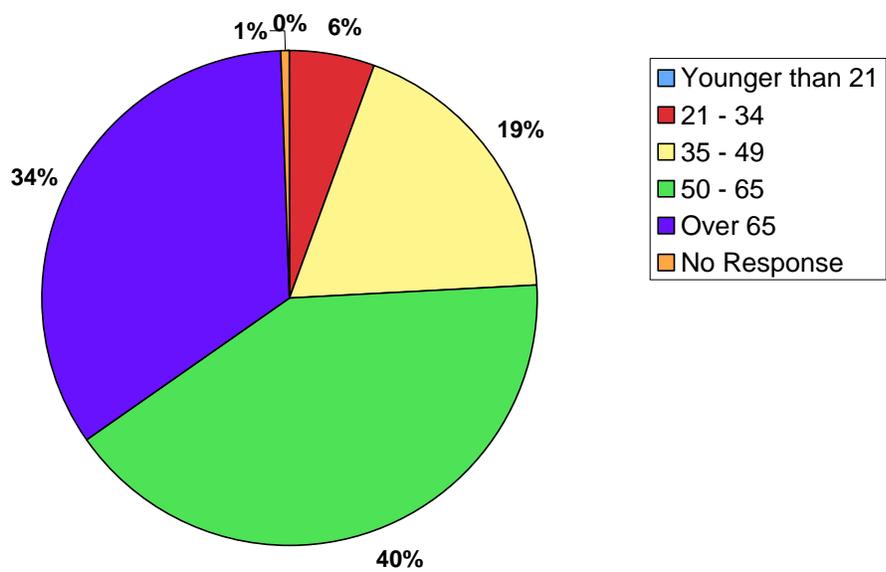
With respect to business identification, please select the following answers that best fit your opinion. Select all that apply.



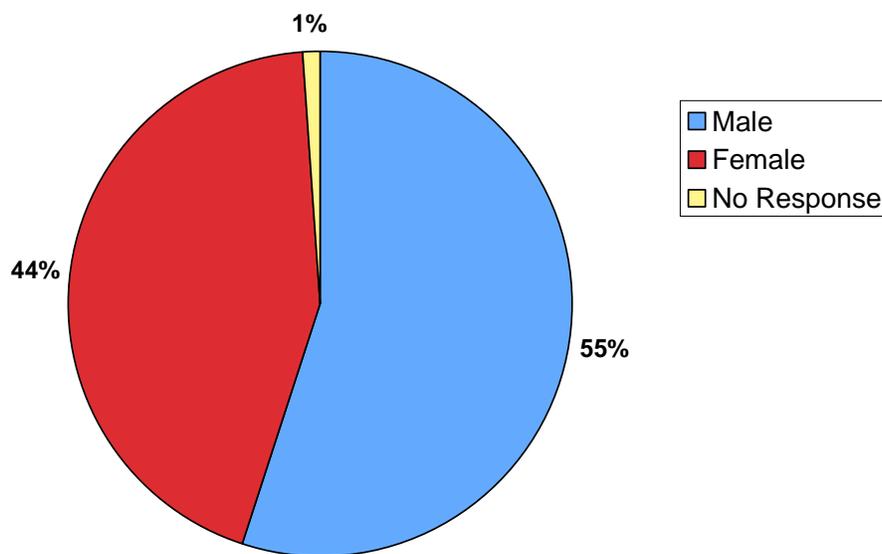
Are you an Oro Valley resident?



Age Group

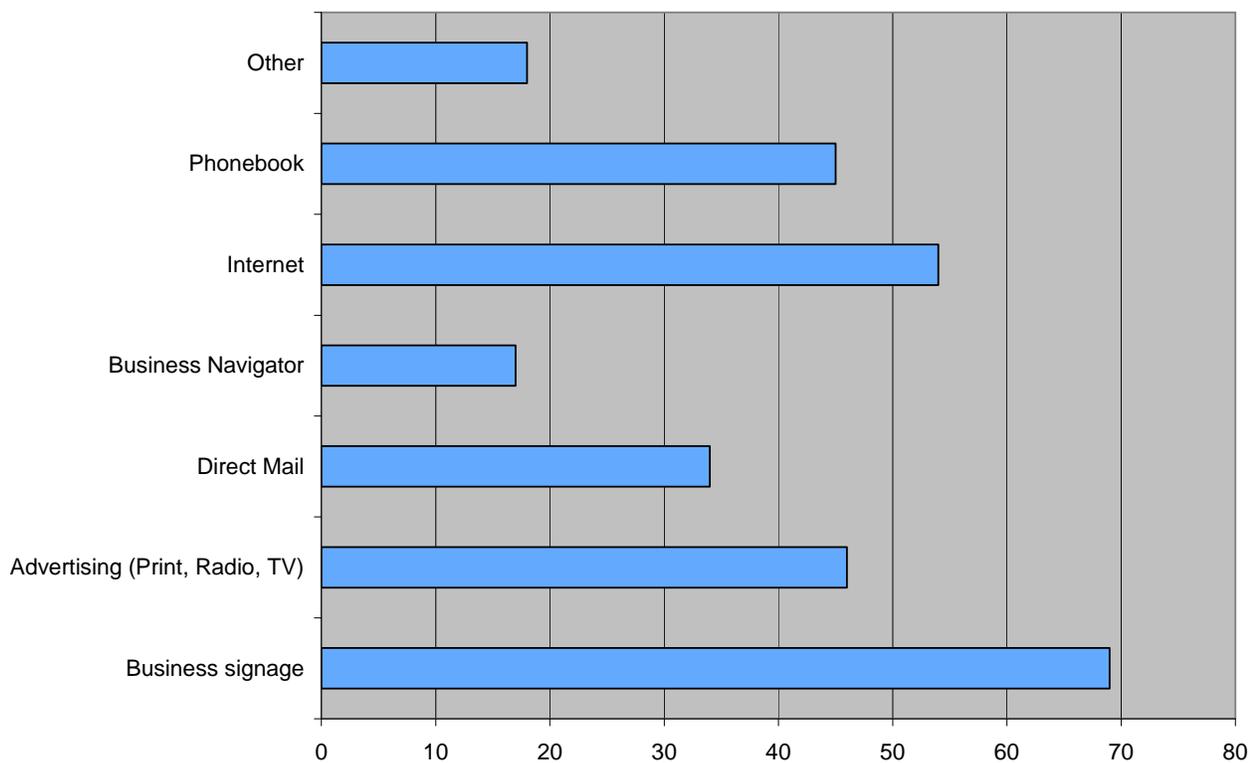


Gender

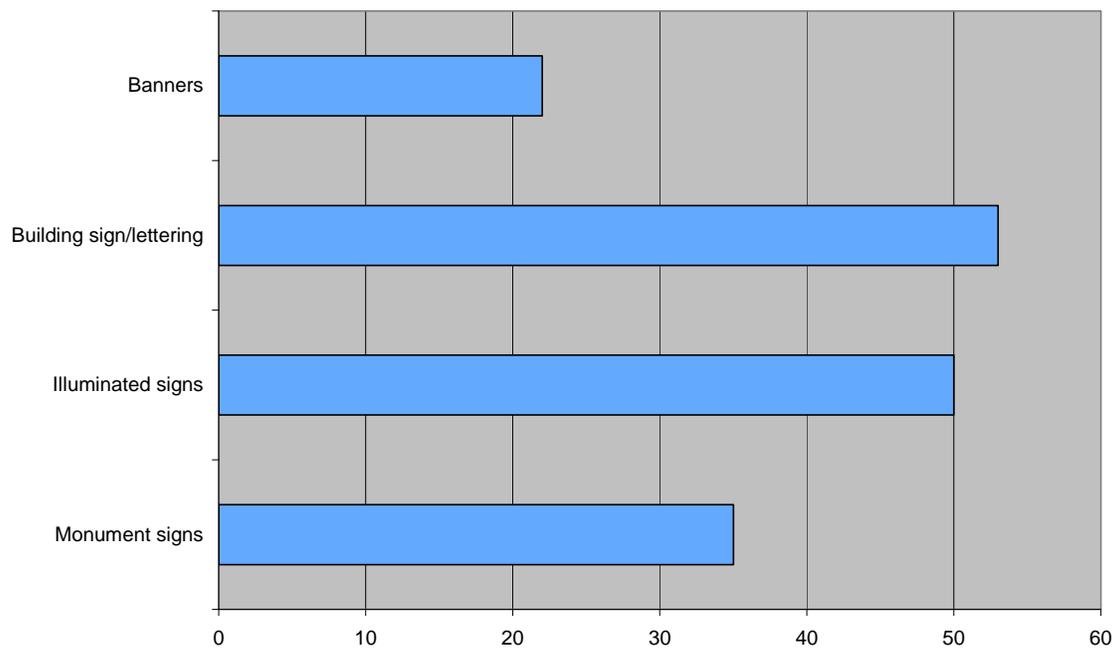


Business Survey Results

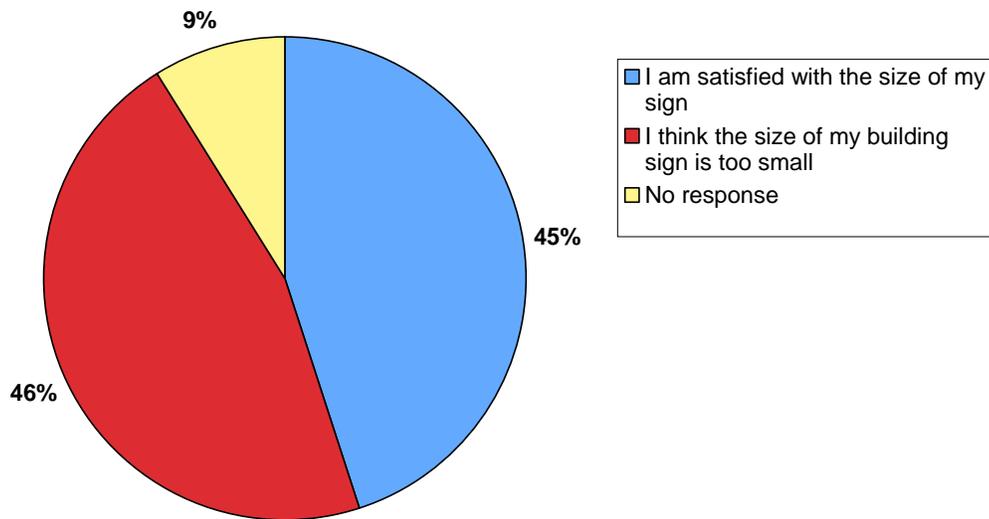
How do you promote your business location? Select all that apply



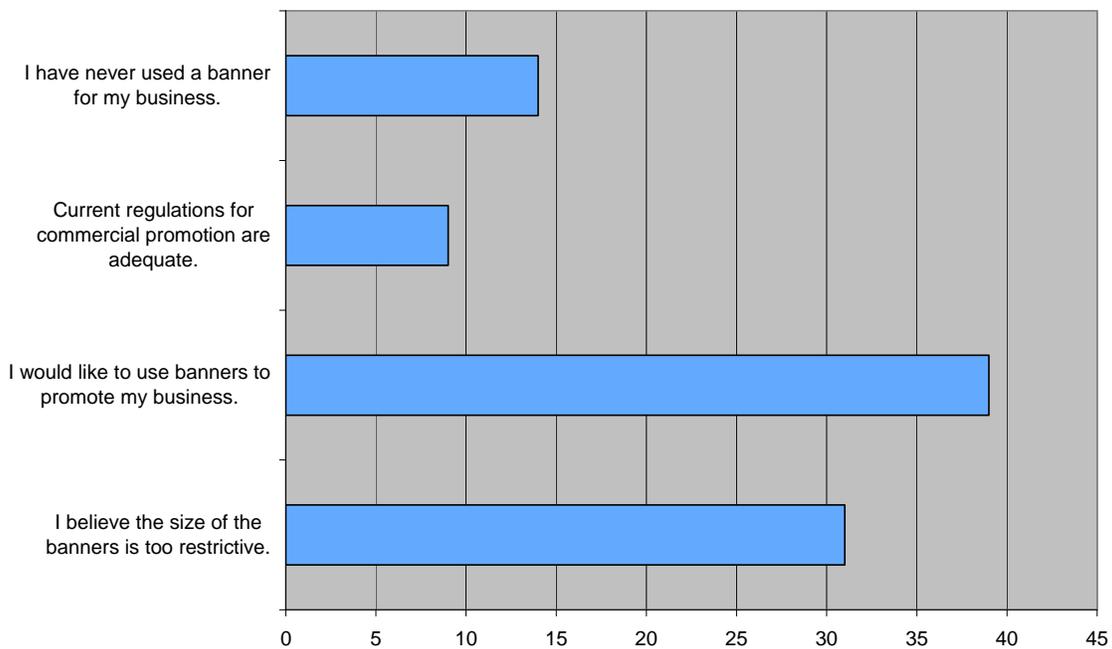
Please describe the type of signs you use to promote your business.
Select all that apply.



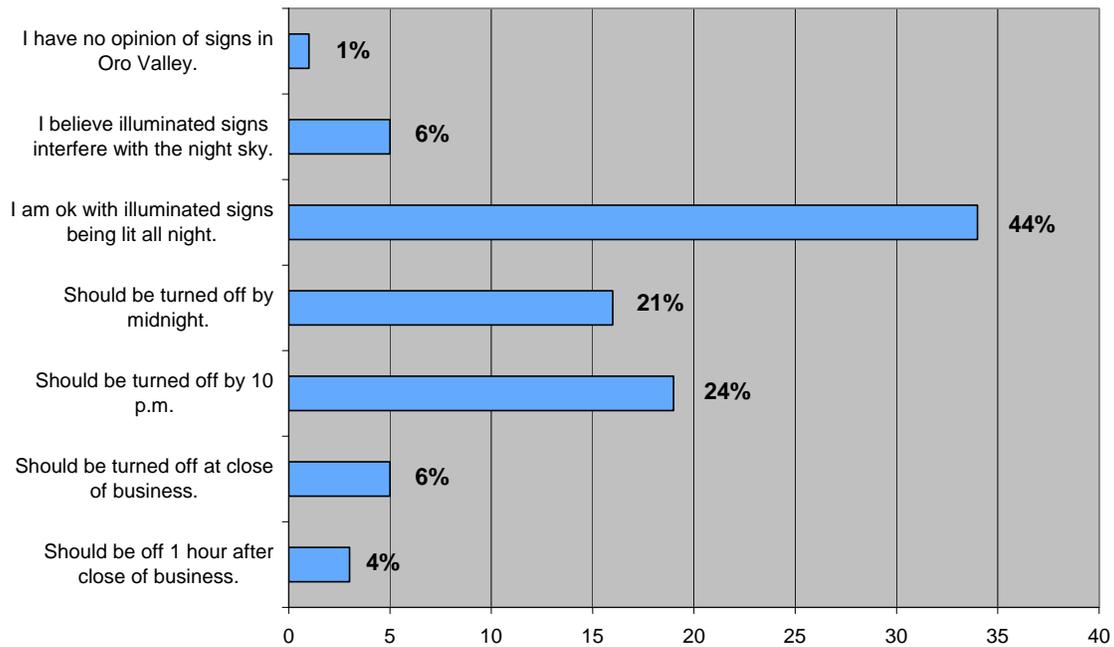
Size of my sign...



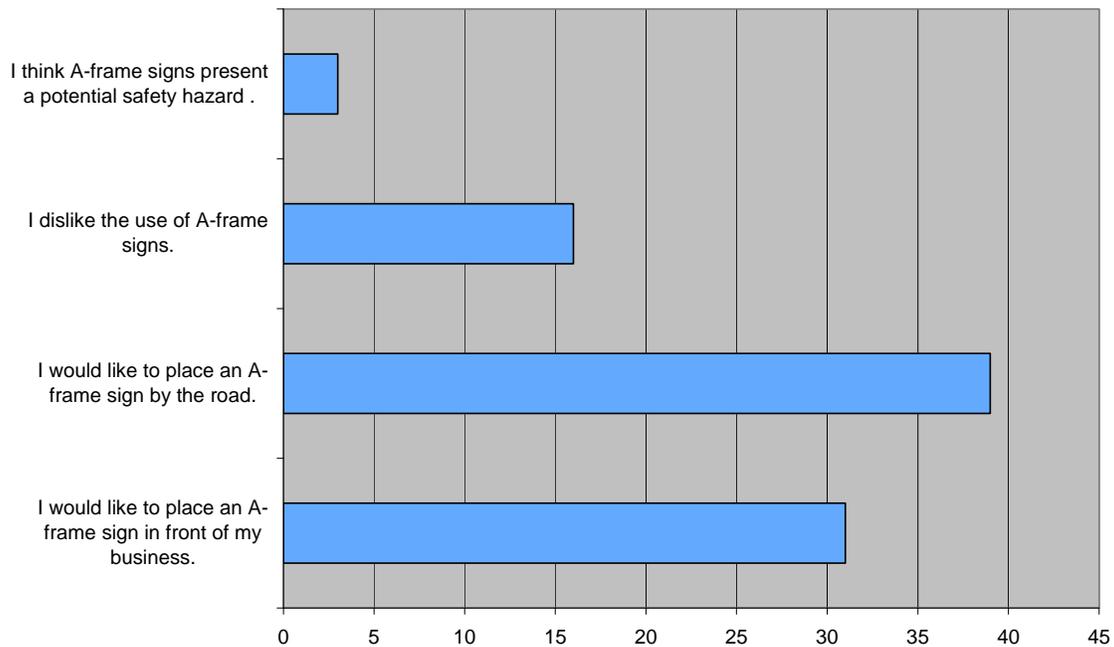
With respect to banner signs, please select the following answers that best fit your opinion. Select all that apply.



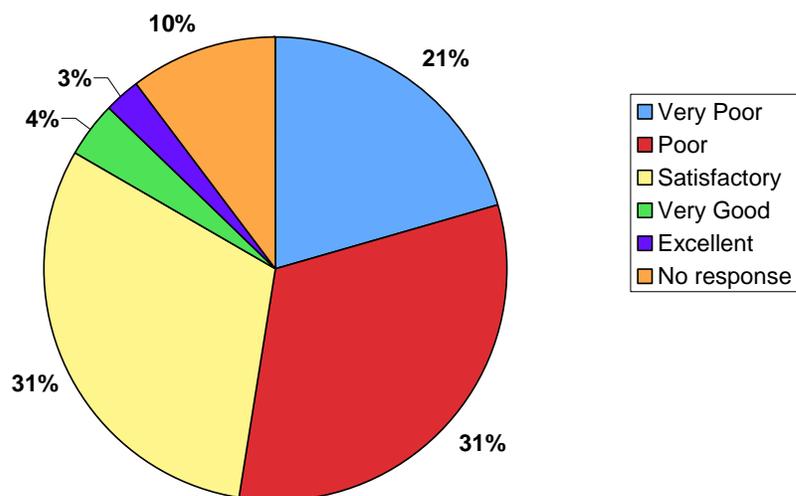
With respect to mounted illumination signs, please select the following answers that best fit your opinion. Select all that apply.

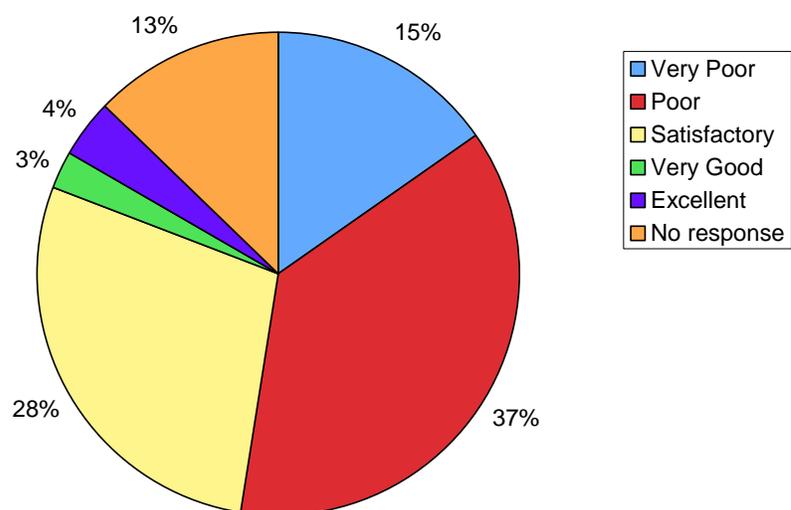


With respect to A-frame/Sandwich Board signs, please select the following answers that best fit your opinion. Select all that apply.

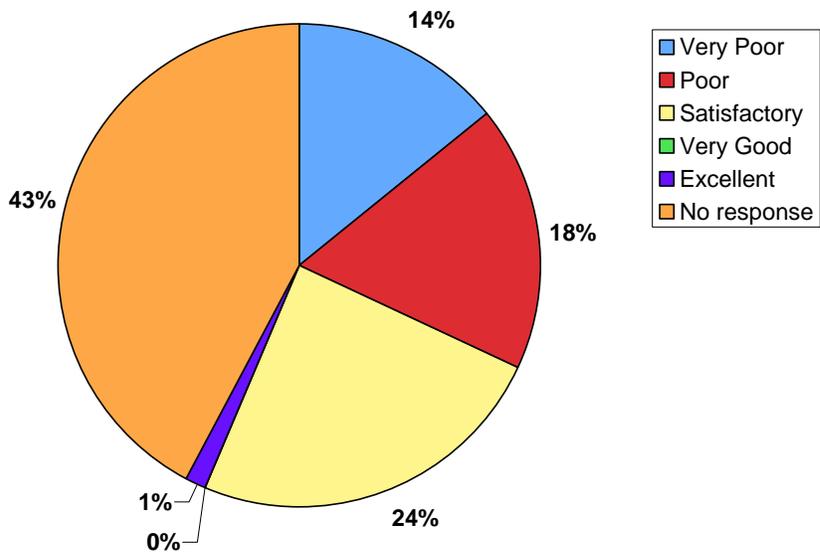


In meeting the Town's sign ordinances, please describe your experience with the following processes

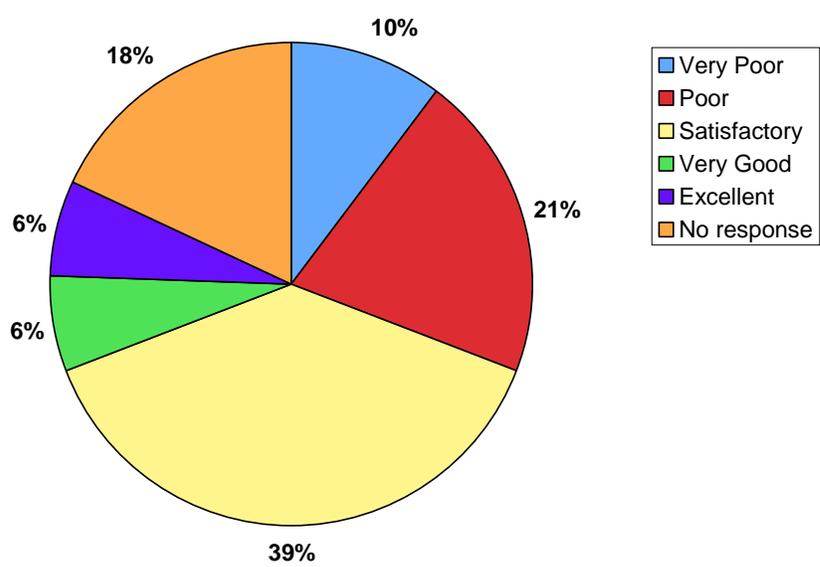


Review & approval timing:

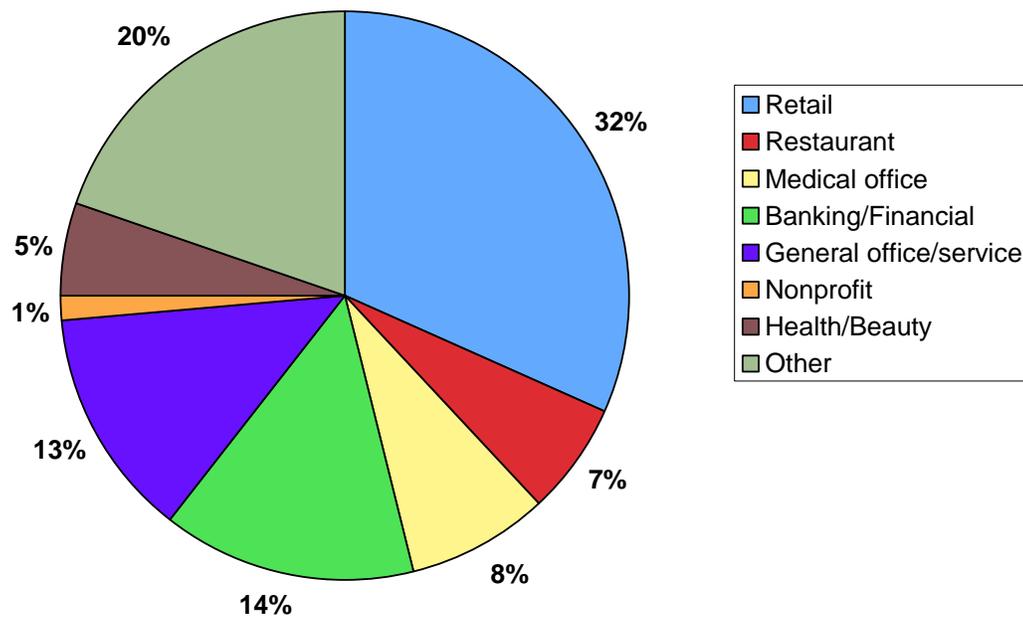
DRB Review (where applicable):



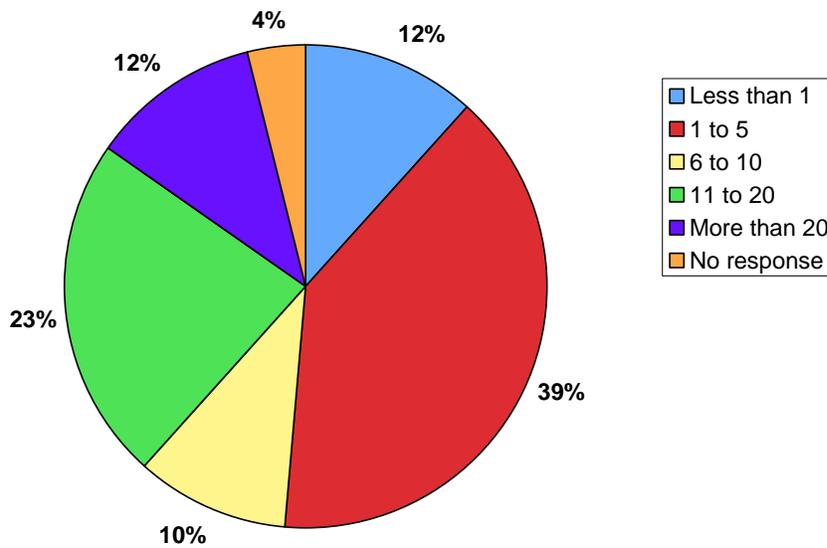
Staff Response Time



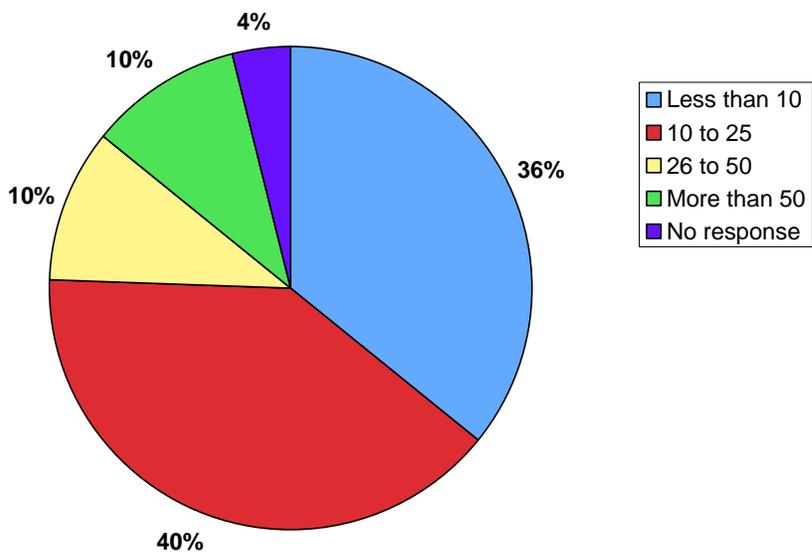
Type of Business



Years in business in Oro Valley



Number of employees:



Appendix B

Business Sign Survey Residential Open Ended Comments

Please feel free to add any additional comments regarding Oro Valley's sign codes.

I believe that the only lighting needed after dark should be for safety and security purposes. Billboards should not be illuminated when the store is closed.

A-frame sandwich board advertisements look tacky. I am leery of any business that relies on them.

Another issue that bothers me is the use of outdoor music in the Oro Valley Marketplace parking lots. I believe there should be no music of any kind in a parking lot--it's just an annoyance.

The dark sky in Oro Valley is so important and beautiful. Having recently viewed the night sky at Kitt Peak, I see how our dark sky has changed with more lights over the last 8 years.

The current sign codes are reasonable.

I liked the business signs much better when they were the copper patina finish or green. I thought Oro Valley had a nice clean look. I have considered not shopping at the stores that are changing their sign colors from the classy copper patina or green.

Important factors to me are the night sky and energy use. Generally, if everyone is using smaller signage it is easy to read and identify a business. Bright, large signs are not necessary to identify a business. In general, fewer signs are better.

Bad enough this community permitted the construction of the Oro Valley Marketplace right opposite a State Park, are we now going to permit such commercial interests to light it up like Times Square in New York? Besides, their arguments for justifying such lighting needs are transparently (*sic*) spurious.

The low light pollution (dark sky) portion of the sign & light ordinance should be strengthened. There is no reason why sign & parking lot lights should be directed anywhere but down. The park district lights light up miles of otherwise dark areas and a few sign lights make no impact on dark skies. Think about shielding these VERY bright, nightly park district lights so that the light emitted is aimed DOWN! At present they are NOT.

The baseball field lights (Oro Valley Park Dist.) actually light up the face of the Pusch Ridge they are so bright. I don't worry about a few store lights, especially when they are in a brightly lit shopping center.

The sign code is just fine the way it is. The sky is already to bright from all the parks and schools in the area. Do not add more light by all night signs. If some businesses had their way they would have rotating beacons and strobe lights.

No, it's fine the way it is leave it alone.

Moved here because of the dark skies.

I don't want a Town Property tax. Help business make money and use the 2% sales tax to run the Town

There are too many lights in our beautiful valley. Turn them off!! I would like to stricter rules from the Town for business lighting signs. Most of the businesses in the Marketplace don't even face Oracle, our main throughfare (*sic*).

I see no good reason for any business to illuminate its signs after closing.

We are amatuer astronmers (*sic*). One of the factors that drew us to this area was the low light density which makes it possible to observe the marvelous (*sic*) night skies.

Keep the lights low in Oro Valley!

Why in the world would the town of Oro Valley want business not to have their sign lit up all night ????????

I'm sure some business owners would take advantage of 100 foot tall signs if they were allowed. However they aren't because we (the city in general) have decided that they are not appropriate. The fact that businesses now want to leave their signs on all night does not have any bearing on weather they should be allowed to.

Two reasons I would like the illuminated signs to be turned off at the close of business are to signal they are closed for business for the day and no need to stop and unnecessary light pollution for viewing the stars and planets at night which is why we don't live closer to downtown.

Signs should conform to surrounding area fixtures.

Modest size, comfortable colors

I find oro valley's current sign illumination regulations to be petty and ridiculous. once again, oro valley is head over heels consumed in nonsense, while practicality and reasonability are not addressed. case in point - the obtrusive, ugly, and unnecessary wall along oracle road; the unsightly side entrance to the new wingate inn (the entrance should have been located on the length of the building for a much better curb appeal image), WALMART, etc.

Not a very good survey. Lots of questions truly can not convey a useful answer

Lights on after closing are a waste of energy and do not uphold our dark skies support. If lights are on, one would assume the business is open. If lights are on and the

business is closed, it would encourage me NOT to do business with someone that wastes resources so lightly.

We do not need now should we allow large numbers of garish sinage (*sic*) that destroys the character of our community and environment. The town should control the size, color, and hours sinage (*sic*) is allowed. Please do not relax he existing regulations.

I like a neat and clean community with quality signs at a minimum level.

I think the night skies are very important to Tucson and its observatories. We really don't need to be blasted with lights from all angles.

Keep the lights low please. No more light pollution.

I am concerned abot (*sic*) safety at night if the lights are dimmed - vagrants, young people, drug peddling and so on.

I think the sinage (*sic*) is not the only problem that you might address. Exterier (*sic*) lighting can be excessive like the Holiday Express as an example.

There is a distinction to be made between being aware of a business, and trying to find it while driving. I often have to go past the place I'm looking for because there isn't enough warning.

Oro Valley's restrictive business sinage (*sic*) law hurts small business locating in our city. The new ACE hardware at 1st Ave. and Tangerine. is significantly handicapped by being forbidden to place a sign on either bordering street. Despite having been here for several months, many customers walk in today saying "I didn't know you were here" We should have policy's that encourage and support small business. The repressive sinage (*sic*) law has the opposite effect. Is this law in place to beautify our streets and thereby limit tax revenues and discourage businesses from locating here?

Please limit the placement and size of signs to the smallest reasonable size. It is wasteful, unnecessary and offensive to have lighted signs after dark if the business is closed.

I do not believe a business needs a gigantic sign to identify their business. I feel a limit on size is needed but should not be too small to catch your eye while driving by.

I just feel that any illumination after the business is closed is not in the best interest of the business or the customers. Anyway, I don't shop by signs.

Help business, I do not want a property tax

I feel sorry for all of us because I see more and more businesses going out and that means less shopping resources available for residents of the area - and less city revenue from sales tax. This could result in a less safe city for everyone. We need our local businesses and the stricter the city is with them the harder it will be to keep them here.

The current sign code and outdoor lighting code are adequate as currently written.

Illuminated signs being on all night reminds us of where this particular business is. A location being dark casts a gloomy atmosphere.

Leaving the lights on after closing is a bad idea. I would not patronize a business that did so. Also, signs should be subdued to minimize light pollution. Many businesses have an infatuated concept of themselves as reflected in garish signs that are inconsiderate of the interests of the larger community. Target comes immediately to mind.

I am very concerned about light pollution. One of the reasons I live in this area is the ability to see the night sky.

I am tired of the Town of Oro Valley dictating policies that don't benefit the residents who live there. You all seem to have your own agenda's . . . whether it's dogs barking (inside a house), business signage, or our youth skate boarding . . . it's ridiculous. If the housing market were different, I would move out of this "Stepford" town immediately!!!

I don't think A-frame signs would be needed if businesses were allowed to have monument signs that were larger and more visible

When it comes to the monument signs I know that some people might not like the large tall signs, so why don't you mandate that all signs must be no taller than 6ft. This way everything is the same height (*sic*) and you don't have large signs all over the place.

I think illuminated signs should match a uniform code that require low-voltage backlit signs like what the businesses at Vistoso Office Park use. These signs are tasteful and subtle.

I don't very often need to look at signs at night because I don't often go to unfamiliar locations at night.

Oro Valley (*sic*) has been (*sic*) over bearing with codes and controls. Both in the laws of zoning and an inability to make allowances for one time events or once a year events. Requiring signage to conform to one color is insane. A logo is the most important symbol of a business. it's time for the town to back and allow some creativeness in to the air.

Signage lighting after 10pm is unreasonable! The current OV code should be enforced now.

I identify by the signage on the business itself or in the case of a strip mall situation, the sign by the street listing the businesses in that complex.

Oro Valley has already compromised being distinctive by allowing too many colors, styles and logos of business signage. We were promised a classy town and it has become just another strip city with not even a scenic corridor. No more compromises!!!

when signs are illuminated that indicates the business is open

We moved to Oro Valley because of the scenery, the people, and the fact that a new community MIGHT make a significant difference to the environment. We admire the fact

that Tucson keeps its lights low to enable Kitts Peak to do scientific research. We would be MOST unhappy to be a part of a community which does not value these things.

There is no reason to have illuminated business signs lit after 10PM unless they are a 24hr. business. I think stargazing is an integral part of Arizona's appeal and quality of life.

Stop putting so many artificial restrictions and onerous regulations and taxes on businesses.

You are now seeing unintended consequences of the anti-business, anti-growth mentality exercised by the DRB, Zoning, Development Services and some Town Council members over the past few years.

Signs for me pollute the environment.

What is a "monument sign?"

I like a few dim lights on at night, but only for a short time. The rest of the night should be lit by star and moonlight only.

They should not be left on all night. Dark skies is why I moved to Oro Valley. Lighted signs at night are an eye sore and a pollutant to the beautiful Arizona evening skies.

Please don't burn lights all night. The observatories don't want any more light at night.

I'm an Astronomy buff and enjoy dark skies. With the growth of Oro Valley, our dark skies are slowing going. As in Tucson, I think we should restrain late night outdoor lighting especially after close of business hours.

I think you should try to promote businesses in Oro Valley and not put barriers in the way for the business owners.

Keep the night sky dark so we can enjoy its beauty (*sic*).

Oro Valley seems to live up to its reputation of being a difficult place to do business. It's time the Town hired an independent firm to assess the areas where the Town can be more business friendly (signage, lighting, building codes come to mind).

I appreciate signs that do not pollute the view. i.e., I consider road signs that tell who is caring for a particular strip of road to be pollution in almost the same way as is garbage.

I do not like signs that 'shout and scream' with their bright colors and size.

I firmly believe that OV must recognize/promote substantial limits in total outdoor lighting in an effort to reduce light pollution of the night skies. There are at least two reasons for doing so:

1. The dark skies economically impact this area for astrological study by U of A Kitt Peak etc.
2. Night time skies are one of nature's most beautiful gifts - a sight long lost in most

urban areas. And a constant reminder of the vast universe surrounding us. I have lived in northern wilderness where the only night sky light interference comes from the Aurora Borealis. I am an astronomer, but we are appreciative of nature whether on the earth or above us. Will OV work to protect or to allow further erosion of people's ability to observe the beauty of a clear night sky?

I do not believe Oro Valley has been a business friendly town in the past. Certainly requiring the businesses now to turn off their signage lighting by a certain time is not how to keep or attract more!

I prefer to see uniform, size regulated signs. Towns that have them look uncluttered and one business isn't having to outdo the other in signage.

Leaving your sign lit up all night when you are closed is not the best way to generate business. Having convenient hours will bring people in and having air-conditioning will keep them there. Too many businesses are closed Saturday-Sunday, the only time that working people have to get anything done. Others close early on Friday-Saturday, not giving their customers enough time to get there. Some never turn their A/C on. I've walked out of many establishments due to this problem. My sense is that they want to run their businesses for the least hours possible and save money by not running the A/C and then complain that they're not doing enough business. Then they want to solve the problem by leaving their signs illuminated all night instead of addressing the REAL problems of inconvenient hours and/or no air-conditioning.

I often leave early in the morning to catch a 6 a.m. flight out of TIA, so I have an opportunity to drive through Oro Valley in the dark. There is virtually no traffic at this time of the morning, so there is no traffic or people to see illuminated signs if the signs are on all night. Likewise, the Oro Valley population being largely retirees and families (*sic*) w/ children are not the categories (*sic*) of people that are out and about late at night, like areas of Tucson that have nightlife/concert venues. To keep business signs on all night is not necessary, is a waste of energy, is a disturbance to nearby homes and IMO does nothing to promote a business purpose. I think lit signage until midnight is sufficient.

Oro Valley's lighting codes should be strengthened to preserve the beauty of the night sky. I would not patronize businesses that cause light pollution. (*sic*)

I have lived in Oro Valley 7 years and drive downtown to work...normally down Oracle or La Canada...Soon I will be leaving while it is dark and returning when it is dark...to not have the ability to identify new businesses that open or find retail establishments that I now need but have not been recognized because I did have a need for that retail offering...is a negative for me and I would assume much more of a negative for new comers who filled our area after I moved here. If we are not in a position to support our businesses by allowing them to market their products and services we will continue to perpetuate the lack of support in Oro Valley and will result in an area that does not have the necessary retail establishments to satisfy potential new residents...as well as current residents. I truly enjoy the atmosphere of Oro Valley...however, we are not Santa Barbara, nor will we achieve that level of totally controlled environment...can we find a compromise that keeps our area growing...or worse case...stable.

Signs being on after a business closes just makes me think they are open and I see no reason for them to be on once a business closes.

Keep lighting low, for clear skies (*sic*)

I think the existing sign code needs to be revised to be more supportive of businesses. We need businesses in our community and should work to attract (*sic*) them and reduce possible obstacles.

Signs lit up at night do not attract more business. Residents are already aware of local businesses. We drive by every day and see them. We do not need to see them at night as well.

Additionally, lights on and off are a great indication of business hours.

"least intrusive" is still the proper description for signs in Oro Valley.

Signage appears to be overly restrictive. I moved to Oro Valley 2+ years ago and occasionally still "discover" a business that I previously was unaware of due to not only very small freestanding signage, but also existing landscaping blocking signage. Why not allow larger freestanding and building signage rather than desperate business owners having to put up the A-Frame signs like you see by the poor guy that has the car wash behind the Target. He has a sign, but the colors blend together and its not noticeable. The OV Marketplace should be allowed signage on the back of buildings. How are commuters supposed to notice the stores, surely not the small signs at the entrance. Other examples are the tiny new gas signs at the Giant on Oracle/Pusch View, and the Loop Taste of Chicago has an ugly banner up with no freestanding sign. I'm all for more visible (*sic*) signage as long as the signage is designed to match the buildings and primarily desert colors. We don't want to end up like the shopping center at the SEC of Thornydale and Cortaro that always has multiple banners attached to a steel railing near the intersection. That demonstrates that the businesses are hurting, most likely partly from the economy but poor signage obviously can't help their situation. Thank you.

Signs are OK for a business until 10 PM. After that, night skies are more important. Comparatively few residents need to find businesses after 10PM.

Encourage animated neon in business areas. It creates a sense of movement, aliveness.

One of the many pleasant features of residing in Oro Valley is not being bombarded by signage. I am not in favor of relaxing the current code.

I have previously lived in Boca Raton which had strict guidelines (*sic*) for signs. I think businesses should have the ability to have illuminated signs but I like the idea of having restrictions on size and height and please do restrict billboards to the Interstate as they are unsightly in a city.

This town seems to do what it can to hamper businesses. I've never seen a town operate like this one.

I think businesses shouldn't be restricted when it comes to promoting their business. The more business done equals more income for Oro Valley.

Oro Valley needs to become more lenient when it comes to their signage rules. As an Oro Valley resident, I feel that signs not only illuminate our small town, but also help promote business, which is very important in this tough economy.

Controlling light pollution in Oro Valley is important. Reaching a compromise situation where lighted signage is illuminated during business hours is a very reasonable approach.

I moved back to Oro Valley (from Kansas) in part because of the beautiful night sky. I have five sons, and we use our telescopes often. I do NOT think signs should be left on after hours as it increases light pollution (*sic*)! Thank you for taking this survey into account.

The sign code needs to be realistic and permit plenty of advertising opportunity, especially in this economy, but even in better times. Advertising and the convenience and efficiency provided by good signage allow the economy to function smoothly, which is what provides jobs, job growth, and tax revenue for the town.

In reference to business lit signs if they are on the highway we don't care if they are on all night... but residential neighborhoods they should be out by midnight

Sometimes when driving through an existing strip mall or business area it is difficult to locate a business because of the signage only being on the front of a building. It would be easier to see something jutting out of the building stating the name of the business. Perhaps not so much an A-frame, but something more stable. Thanks.

They should be made to be business friendly based on the input from Northern Pima Chamber members suggestions

I support the sign guidelines (*sic*) per the Outdoor Lighting Code. I frequent the Oro Valley area. (**non resident**)

Re Lights: As long as the lights are not shining in the windows of my house or lighting up my property at night, I don't care if the signs are lit all night. With today's economy, I realize that the companies are using the a-frame signs to attract customers...it's a difficult world for these businesses. While I don't care for them, I respect that these businesses need to use them to help stay in business.

I feel leaving the lights on beyond business hours is a waste of our valuable energy and is a pollution to the sky.

Signs at the large shopping center on Oracle would be nice to see who is in there while driving past

It seems to me the code that requires that the sign be turned off one hour after closing isn't business friendly nor friendly (*sic*) to their clients. Much of what I see in Oro Valley is a controlled image that really wouldn't be offensive if left on until 10pm or later. The only reason to go past mid-night is if the business happens to be open beyond that hour such as a hospital or emergency care. It is easier to relate to signage than address numerals when looking for a destination (*sic*).

I would like to see the signs conform to a prescribed size and color -enough to identify the business, but still in good taste and quiet.

The on-premise signs are too small. I can't see the signs well from the road. The business (sic) signs should also be lit at night in order for the public to see the signs.

I feel midnight is a reasonable time for the illuminated signs to go off, unless the business is still open, then it should be one hour after closing.

A-frame signs are ok at the store entrance, but not at the edge of the street. Business is really tough right now. The city should do everything it can to help these businesses get through these trying times. If that means having a sign on all night, then they should be allowed (sic) to do it. It also adds a safety factor to an otherwise dark area.

I think your sign code ordinance (sic) is archaic and nonsensical. I also think that billboards should be allowed on main roads. If done right they don't hurt the beauty of an area. I want to know when Oro Valley is going to start acting like a real city(town) and stop living in the past like. Its almost 2010 for God's sake and the last I heard you need all the revenue/tax base you can get!

Signage is important and needs to be obvious enough to be seen, without being overpowering or obnoxious.

I am **not a resident** of Oro Valley but do spend significant amount of time transacting business within the Oro Valley city limits

I think the illumination of signs at night is a waste of electricity and money for businesses. Production of electricity uses precious natural resources which are being wasted by illuminated signs of closed businesses. By turning off unused lights at home or work (or in this case signs) we can reduce the use of our natural resources. Also, it helps cut down on light pollution which cuts down on light pollution and allows another Arizona industry, Astronomy to thrive.

Illuminated signs of closed businesses do nothing to attract people to the stores. People that live in the area know where the businesses are and people not familiar with Oro Valley and are just passing through/visiting will not benefit from illuminated signs of CLOSED businesses, because they will not be able to purchase items or services from them. The A-frame signage is okay immediately in front of a business (if sidewalk width permits) but not 500 yards away on the side of the road.

Businesses need signage to attract new customers, charge them make some revenue, allow them to have the signage they feel necessary to get customers within reason.....

We must maintain a dark sky policy, especially now as the town grows. I feel businesses for the most part think they are above it all. They will do just fine without all of the lighting, all night long.

The present code should stand and be enforced.

I love the requirement for copper patina signs. Much better than gaudy multicolored signs (Shame on Target for breaking this rule!!!)

I am LESS likely to patronize a business that creates an eyesore.

I believe the excessive signage restrictions discourage many MUCH NEEDED prospective "quality" businesses (both large and small) from establishing their operation in our community.

Maybe use the Pima County code so that all businesses in the county have a level playing field in how they can identify and advertise their businesses.

I have always found it very difficult to find a business (*sic*) in Oro Valley. Signage is very poor, hard to locate a business even when I have an address. Businesses should be allowed to advertise their business perhaps a standard on signage but large enough to be seen.

Churches should also be forced to turn off their signs. All business should turn off/down their parking lot lights past a certain hour.

The strength of Oro Valley is the beautiful view of the mountains and the great efforts made to support outdoor recreation. Do not make Oracle Road in Oro Valley as ugly as Oracle Road near Tucson Mall.

What prompted this sign change in the first place? It was not bothersome for me to drive down La Canada or Oracle at night and see the lit up shopping centers. This seems a big waste of everyone's time - why try to fix something that was not broken?

With respect to signs, I believe an organization would benefit (*sic*) from turning off signs after 10 p.m. (as long they are not still open) in that money spent and carbon footprint generated would both be reduced.

If you look at signs where the light emanates (*sic*) from behind a non-lit front, they do not produce light pollution like neon signs and are more effective. I am thinking of church in town, either on La Canada, or Thornydale where the cross is not lit, but there are light behind it that throw light directly on to the building. It is not obtrusive but very appealing and effective.

Thanks

Get off the backs of the businesses and let them prosper.

I would be strongly against extending the time signs can be lit.

A frames are fine, but only during business open hours and only in front of the business. The signs should be of a standard size so as not to block any traffic or sidewalks.

what happened to uniformity? and the discrete sign color too many exceptions to the rule, especially to conglomerates with well paid legal team

the lighting issue mainly involves all the parking lights left on, sign lighting is less invasive

I am happy to see Oro Valley accepting input regarding their sign code. I believe Oro Valley has not been business friendly and personally know several businesses that have either tried to open in Oro Valley or have heard the horror stories associated with opening a business in Oro Valley and chose not to. Relaxing the sign code would be a step in the right direction. Businesses need advertising and signage plays a very important role. Thank you.

I have been following this big hoopla and I think it's absurd (*sic*), how can a business drum up business if you can't see what a store is? Signs have to be illuminated in order for people to know the business is there. Oro Valley is a very dark town at night ! Stores are going under left and right and they need all the help they can get !

I think "dark skies" are very important to Arizona. I am proud to be a part of and supporter (*sic*) of our Astronomy industry/organizations. I just returned from the east coast and was amazed (*sic*) at the limited view of the stars.

I think Oro Valley has cut their throat on this issue and the throat of the business owners. Why do we have a theater with no marquee or sign showing it is a theater till you are right up front. If we are going to have these places they should be able to excel. You tell me...if you were to drive by the wal-mart center on Tangerine or Oracle not knowing what was there would you be able to tell without driving into the center. We wanted that center and then tie their hands. I drive by every day and it would be nice to know what is playing at the theater if it is going to be there. But for how long?

Business signs illuminated (*sic*) past 9 pm is too late, unless the business is open. I would prefer all off by 8 pm unless the business is still open, then off 1/2 hour past closing. 10 pm is entirely unacceptable. When my family and I drive at night, we are not out sightseeing (*sic*); in fact, we would prefer that there be fewer distracting lights off the sides of the road.

Regarding A-frame signs, they should only be allowed for special events, limited to 5 days per month per business/entity.

I REALLY prefer a uniform, unobtrusive set of signs for the businesses in Oro Valley. I feel this is what gives Oro Valley it's unique look and feel, compared to the rest of Tucson (or most other Arizona towns, for that matter).

Oro Valley, as a town, needs to realize that business owners need to have signs that will draw in customers. Leaving a sign lit up a night is not a problem and will only help the business.

Yard Sale signs on weekends are the only free standing I use and I like that they come down after that day.

I love the signage at the shopping plaza at 1st and Oracle. Please don't let Oro Valley become like Tucson with lots of gaudy ugly signs...

No illuminated signs please. We enjoy dark skies in Oro Valley for Astronomy (*sic*) purposes.

I am very much for the idea of restricting sign size and turning illuminated signs off if the business is closed. The size of a sign not actually on the building of the business itself should correspond to how far that sign sits off the roadway for a "reasonable" person to see and identify where that business is. As far as a sign on a building itself, I believe it should be proportionate to the size of actual business. A small 800 sq. ft. shop should not be allowed to have the same size sign as say a large grocery store chain, etc. As I said before, I also am an advocate of reducing light pollution thus forcing businesses to turn off their lights after they close. Not only is this good energy saving practice, (I credit myself with convincing AMC to shut the billboard and other bright lights off at their Catalina Theater at Campbell and Grant in Tucson, which they had left on all hours of the night even after it was shuttered for good) but it also lets citizens enjoy the "peace" and tranquility of looking at the stars, etc. and provides preservation to the reason many move to Oro Valley (for the "darkness" in the first place.) Obviously, safety and security need to be addressed and some leeway allowed such as street and security lights, but this is another issue. Lights should be on to allow customers to see where the business is located. Lights should not be for solely for advertising at all hours of darkness. If a business is closed, then the light should be off. If anything, this also saves a potential customers time by showing them that if the light is off, the business is closed and there is no need to try and drive into the plaza or otherwise make an attempt at trying to go into that business. If the light is on all the time, but the business is actually closed at a certain time, such as at a fast food restaurant that IS NOT open all night, then many potential patrons may approach the restaurant even though it is closed and waste their time. Thanks for reading my input.

We are losing the night sky. Please keep the lights down. Once we give up the darkness, it is hard to get it back. Our clear night skies are a treasure. Please help preserve them.

All businesses in our community need to be in compliance with our lighting ordinance (*sic*) as it pertains to the light pollution (*sic*) and our long standing astronomy interests. This has been good for our tourism businesses too. I feel there is a happy medium for business to have the proper lighting for safety and continued advertising without being over powering. There is a wonderful local/international organization in town called International Dark Sky Assn that works on this issue and they should be consulted!

We need additional businesses in our community and businesses must be able to identify themselves and be found.

I don't really understand the monument-A-frame question. I want signs that are clear and easy to read, if they are illuminated I assume the business is open. A- frames are okay for shops that are tucked away, but should only be out when business is open. Signs should be tasteful, in keeping with an upscale community. I don't want tons of neon/illuminated signs that spoil views and hinder viewing the night sky. Logos are okay because of immediate identification. No Vegas-like strips, please!!!

Please preserve our Arizona dark sky.

AZ House Bill Title 49 (See Chapter 7)

<http://www.darksky.org>

Why would you need a sign if the business is closed.

We do not need any further distraction at night when driving. I only want to know where a business is during opening hours.

Our town is famous for being "dark" lets keep it that way.

All business signs should be off by 9pm unless the business is still open.

I find that inadequate sized/no numbers on businesses are the biggest frustration I have in locating a business especially the office buildings. I feel that brightly lighted as well as large signage is offensive and a threat to our dark skies. I have previously called the city offices to complain about the bright lights on the signs at the storage center on North Oracle. Lights on at night will never have an influence as to whether I would patronize it during the day.

I think that it is a great idea to take this survey. Thank you

While traveling in the northeast, I was pleasantly surprised at the lack of signage along highways, such as billboards. It was VERY pleasing to the eye. We MUST not cave in to business interests and allow signage to run rampant. I think the argument is very poor that business owners rely on drive-by business and therefore need signs (*sic*) to be big, and illuminated all night. We have WAY too many signs along the road.

Talk about a need for inclusion in a distraction while driving law: is it worse to talk on a cell phone while driving, or to read all of the signage along a roadway?

We must do a better job of using (*sic*) less electricity

The lighted signs at night are a waste of energy and a distraction. Turn them off when the business is closed. Also, Fry's (new) RED sign on Oracle Road is ugly too!

I live north of Oro Valley and drive through Oro Valley every day. I do a lot of shopping in Oro Valley, especially along the Oracle corridor near First Avenue and in Oro Valley Marketplace. The signage that has been allowed, per the Town's signage code, is limited and tasteful, so I see no reason to force businesses to turn off their lights at night if they don't want to. (**nonresident**)

I feel that signs should either be turned off 1 hour after a business closes or by 10pm. Keeping signs on all night is a waste of energy and light pollution for our night skies. Also, if I see a sign on, it leads me to believe that the business is open.

Oro Valley should really get rid of the green signs only rule! It is very difficult to distinguish and see different businesses. Shopping centers look bland and boring with all green signs everywhere too.

Business need to be able to keep their signs on as they see fit.

If the Town imposes a time deadline for businesses, why not tell homeowners to turn their outside lights off, too? This is a bad idea. Let businesses keep thier (*sic*) lights on all night. They are paying for it.

The above-"business signage" questions appear to "fish" for an answer to support an agenda. Wouldn't it have been more neutral to have those questions multiple choice like the others?

I believe the lights should be off after a business closes, for the courtesy of surrounding (*sic*) residents and for the observatorys (*sic*) and the natural beauty of the stars.

I do not understand why it's necessary to have the lights on after 10 pm. In this economy isn't it better to save on the electricity?

Sandwich boards are ok if they are professionally done and kept in good condition. Do not like hand painted, messy signs or ones that look like they've been through many seasons without being cleaned up.

I do not like bright lights - they are very distracting while driving and they ruin the beautiful night skies that we have. Please continue to limit the amount of light that we are projecting into our skies.

no signs extending out from a building, no neon lights, no flags other than AZ and US and those should be limited in size and height

Keep them small. Size does NOT matter. They just show you where to park and what door to go into. Being able to see the stars at night is a real showoff blessing for OV residents to our visitors. When its gone its gone forever.

The unobtrusiveness of signs is a "quality of life" feature of Oro Valley that should be maintained. Moreover, our "dark sky" should be maintained.

The current signage code is fine. In keeping with the need for dark skies in this part of AZ, it is important to minimize light usage after sunset.

It's pretty simple to me. The businesses came to Town knowing what the sign code was (or should have). They should comply.

I moved to Oro Valley because Oracle (and La Canada and Rho V Blvd) is not like Speedway and in my humble opinion it should remain that way.

If a business is counting on someone driving by at 2am seeing a sign and returning at some later date for customers....maybe they should reconsider their business model.

p.s. - I happen to live fairly close to Oracle and drive through the Rooney Ranch/Steam Pump area all the time. I think the low key (compared to south Oracle Rd) look they have is definitely preferential.

Do not use signage except to locate the specific location of a business after I have made a decision to use their services / never see a sign and decide spur of the moment to visit the business.

Would prefer 1 hour after closing or midnight, whichever is the earliest time

Size of sign and design must be regulated. Lighted sign illumination (*sic*) output must be controlled (*sic*). OV does not need light pollution

All Business signage should be backlit. A great example is Home Depot, Fry's, Target, and Office Max on Oracle and First Ave.

The business signage at Tangerine Crossing should have never been allowed to fully illuminate their signs.

I want to continue enjoying the Dark night skys (*sic*) and the stars.

Oro Valley in my opinion is very business unfriendly. The cry is support the local business but the Town is so restrictive concerning business needs, I would understand why businesses wish not to open in OV.

I do not believe anyone who is out driving after 10pm is looking at business signs saying oh now I know where they are, let me drive in and check business (*sic*) hours. do not believe lighting except for security purposes is needed after 10pm.

As bad as the economy is currently, the Government should NOT stifle anything a business can do to bring patrons into their shops. I enjoy seeing business signs at night. When I am out to dinner or visiting friends, these signs stand out more and help me to locate business locations in the daylight. The entrepreneur spirit, that these businesses project, is comforting in these troubled economic times. As an Oro Valley Resident, I want new businesses to feel welcome to set up shop here and bring their profitable / taxable wares to our community.

In these difficult times, I think the rules should be relaxed to make the businesses survive. It's tough enough without overregulation to make it.

I like the idea that Oro Valley complies with the dark sky program.

My only concern would be interference with star gazing. Could these lights be low level or covered on top to prevent a lite sky? I don't want this to be a burden to the business community-I use lite (*sic*) signs and like them

They should be off after business hours. Why waste electricity, and why lighten up our beautiful, starry skies.

All signs should meet the codes that all previous businesses had to meet.

I think the current code is sufficient and allowing any larger signs will pollute the night sky.

Oro Valley is scaring businesses from establishing here. It is absurd to keep restricting signage when the residences are far away from the areas where businesses are established.

I like to support small business in Oro Valley and when I think about how I shop and identify shopping locations, I will often see a sign when I'm going to a restaurant at night and say to myself "oh, next time I need a postal store, here is one close to me".

All signs should be off unless the business is still open.

A-frame signs should not be used for daily signage; but instead limited to special occasions.

If Signs are only limited to a height then they need to be visible (*sic*) from the streets with no obstruction. Or if there are multiple business at a location like a plaza then all the names can be posted on 1 taller sign.

Signs - - THE SPEECH OF THE STREET

WE MUST BECOME MORE OF A BUSINESS FRIENDLY COMMUNITY. PEOPLE SEEM TO BE CONCERNED ABOUT PROPERTY TAXES. IF OUR BUSINESSES DO NOT SUCCEED (*sic*), WE WILL BE FACED WITH THE TAX SITUATION MUCH EARLIER.

1. Need to limit illumination level when it can be seen from residences.
2. Need to make an exception to allow rotating Barber Poles
3. Subdivisions should be allowed to have signage at ALL entrances.

Over use of too many signs would not be my suggestion.

Signs should be illuminated during business hours even if that exceeds the time of midnight. I think it is important for our city's economy, that the businesses are properly advertised with their signs at night because very often, a person is driving at night when it is dark, notices a sign for a business they were unaware was located there, and will end up going there another day.

Why have a code if it's being enforced?

We have enough economic headaches without depriving business of advertising their businesses with signs the Town required them to spend a bundle on in the first place. Let's get real!

Oro Valley has established sign codes and we are in favor of enforcing them. We don't see a reason to change or relax a code every time somebody has an objection.

Ok, to relax for a temporary time frame if the need is urgent or in an emergency.

Business Sign Survey

Business Open Ended Comments

Comments regarding types of signs used

- We do not use signs of any sort
- Monument signage is entirely too small to be effective
- The sign is small, the amount of light generated is small
- We share a lighted monument sign with other tenants. We NEED the illuminated sign over our door on the side of the building so our clients can find our office in the evening. We also use a "for sale" in front of each of our properties for sale.
- I have independent contractors and set hours so am confused as to not having any set time to have my signs shut off. Almost afraid to have my ten thousand dollars signs burning at all.
- I have put a table in front of my center to promote foot-traffic from nearby businesses and provide info to potential families
- Color and size are too restrictive
- open house /model open signs
- Temporary A Frame Signs
- None. Signs are an eye sore.
- My proposal is to set a time of 2 am. This will allow those leaving bars or other late night venues to have signs and should cover all bases
- Our signs are real estate marketing signs

Comments regarding size of signs

- Oro Valley is entirely too restrictive on size of signs - its like you want to put us out of busiess (*sic*) which will result in lower city revenue!
- We are in the back row of the shopping center, our sign is hardly visible. We need walk-in business, as it is part of our business model---but we aren't allowed to use banners or A-frames, all we have is a tiny sign
- Used to not having any set time to have my signs shut off
- The color of my sign is NOT the branding color of Huntington Learning Center, I was told that I was NOT allowed to use the branding color.
- I think the size limitations are too small and installation of signage should not be encumbered with a design review board process
- Lack of Monument availabilitiy (*sic*) is hurting traffic
- It would be nice for people to see me easily from the road and not be confused when trying to find a business
- Sinage is another form of free speach! (*sic*) Business pay for or lease a building, they should be able to use any size sign they need or want. No one stops others in making the biggest burger, or cookie or whatever.

Comments regarding banner signage

- We do special promotions, and cannot advertise them to people who drive by
- The limitations to the number of times per year is too restrictive
- I think banner signs should require approval for size, color and duration of being posted
- Business should be allowed to use banners without restrictions to promote their business and products
- We typically only use banners during construction to indicate

Comments regarding application and fees

- We applied to update our signage and should have been given information on the new code before we completed the application. We were never given the information other than when we build the bldg 4 years ago. Codes have changed
- Do not use Signs for our business
- Difficult to navigate the system--at this time I would not recommend Oro Valley as a site to another business owner
- Process takes much too long
- Back in 2000 it was a very trying experience
- Too much money for zero input
- The fees seem expensive compared to other cities.
- \$1000 annual A Frame Sign Permit is criminal
- Overly stringent on specific materials that are very costly
- We find that our costs of doing business in OV the most costly of any of the cities we work in
- I am not the one that submits the applications so I am unaware how they compare

Comments regarding review and approval

- Process takes much too long
- Anything can be done if "extra" fees are paid to push it through the system
- Very cumbersome
- Not sure how it is possible but it actually takes more time in OV than in the City of Tucson which is hard to believe because they are not very quick.
- I am not the one that submits the applications so i am unaware how they compare

Comments regarding DRB Review

- Process takes much too long
- They very seldom like anything the first time
- The process takes too long and staff does not do a very good job of advising people both how long the process is going to take and the steps needed to get there
- Attitude that they don't want business to succeed-no help
- I am not the one that submits the applications so i am unaware how they compare
- Our biggest issue with Oro Valley is the requirements pertaining to color and materials. Our business depends on our Identity and recognition by our clients Signage can be controlled and done tastefully while maintaining identity

Comments regarding staff response time to businesses regarding signage

- The overall philosophy in Oro Valley is obstructionist rather than promoting businesses that provide both the employment and revenue stream that underpin the economic stability of the Town
- Too bad they are not in charge
- They can sometimes be slow
- I have left 3 messages and have yet to receive a call back regarding A-Frames
- It depends on the day and project but overall it is cumbersome
- I am not the one that submits the applications so I am unaware how they compare



Town Council Regular Session

Item # 3.

Meeting Date: 09/21/2011

Requested by: Daniel G. Sharp

Submitted By:

Colleen Muhr, Police
Department

Department: Police Department

Information

SUBJECT:

DISCUSSION REGARDING POLICE DEPARTMENT RESPONSE CRITERIA, STATISTICAL REPORTS AND ALTERNATIVES TO ENHANCE OVERALL PERFORMANCE

RECOMMENDATION:

This report is for information only.

EXECUTIVE SUMMARY:

This report is in response to a request from Councilmember Bill Garner regarding Police Department response criteria, statistical reports and alternatives to enhance overall performance.

In FY 00/01, the Oro Valley Police Department (OVPD) adopted goals, objectives and performance measures as part of the implemented strategic plan. Again in 2004, while conducting an introspective audit during a Strategic Plan review, OVPD took proactive measures and developed policy that established call priority levels and response time goals. This process involved OVPD staff, community members and the Chief's Advisory Committee. In 2005, OVPD began publishing monthly reports related to recommended response time goals.

BACKGROUND OR DETAILED INFORMATION:

Unlike fire service, law enforcement priority level definitions and response times do not have nationally recognized standards. Monthly response time reports are utilized as a barometer for OVPD in managing staffing, identifying areas for improvement and forecasting future need to maintain expected service levels.

Fire service providers within the Town of Oro Valley have performance standards that are clearly defined in Resolution (R) 04-69 and (R) 07-32 as directed by Council. These standards adopted by Council are derived from OSHA, the National Firefighter Protection Association (NFPA) and "acceptable ISO standards".

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

N/A

Attachments

OVPD Policy #401

Response Times - January 2010 thru July 2011



Subject: Priority/Response Levels Guideline

Issued Date: 06/17/2004

Revised:

Rescinded:

Authority: Chief Daniel G. Sharp

PRIORITY/RESPONSE LEVELS GUIDELINE

The following is a guideline for prioritizing the law enforcement level of response. This guideline should be used to assist the call taker and the radio dispatcher in determining the priority of a call based on the nature of the events occurring.

Communications personnel must use discretion and judgment in applying these standards as it may be necessary to upgrade the priority of a call depending on the information available. Circumstances, your experience, and/or instruction from a trainer or supervisor may require deviation from the guideline. If a question arises, consult with a trainer or communications supervisor.

DEFINITIONS:

PRE-DISPATCH TIME: The time from when the call taker answers the telephone to the dispatch of a unit to the call.

TRAVEL TIME: The time from the dispatch of a unit to a call to the first unit arriving on scene.

TOTAL RESPONSE TIME: The time from when the call taker answers the telephone to the first unit arriving on scene.

PRIORITY 1 – EMERGENCY RESPONSE – An incident involving a serious threat to life where injury has occurred or is imminent. A serious offense is in progress or has recently occurred and the immediate response by a field unit is critical.

Pre-dispatch: 1 min Travel: 4 min Total Response: 5 min

PRIORITY 2 – CRITICAL RESPONSE – An incident posing a danger to life or the high potential for a threat to life to develop or escalate. This response may also include significant property crimes where a rapid response is needed because the incident is in progress or has recently occurred. A quick response by a field unit may significantly affect the outcome of the incident.

Pre-dispatch: 2 min Travel: 6 min Total Response: 8 min

PRIORITY 3 – GENERAL RESPONSE – Other crimes or matters requiring a police response. A small delay will not significantly affect the outcome of the incident.

Pre-dispatch: 5 min Travel: 10 min Total Response: 15 min

PRIORITY 4 – ROUTINE RESPONSE – Routine calls for service or matters requiring a police response but a delay will not significantly affect the outcome of the incident.

Pre-dispatch: 10 min Travel: 20 min Total Response: 30 min

SPECIAL CALL TYPE PRIORITIES:

PRIORITY 6 – INFORMATION RESPONSE – An information report or Information for broadcast. Field units are not specifically assigned to this type of call for most circumstances.

PRIORITY 7 – ON SIGHT ACTIVITY – An incident is generated for an officer's on-sight or self generated activity.



Subject: Natures Guideline
Issued Date:06/17/2004
Revised: 01/26/2010

Authority: Chief Daniel G. Sharp

NATURES BY PRIORITY

PRIORITY 1

C12 1031	Assault in progress.	1
Carjacking	Carjacking. Taking a victim's vehicle by force or by threat of physical force.	1
1016P	Domestic violence –Physical. A physical domestic dispute in progress in which a physical assault is occurring. If anyone requires medical assistance, an ambulance should be started.	1
1016	Family fight. An unknown domestic dispute in which sounds of fighting can be heard by a neighbor or over an open phone line.	1
1010	Fight in progress. A physical fight occurring at the time it is being reported.	1
C998	Officer Involved Shooting. An officer has been involved in a shooting by either being shot at or shooting at someone.	1
C999	Officer Needs Emergency Assistance. An officer needs help immediately because their personal safety is in serious jeopardy. These incidents are usually declared over the radio but may come in from a citizen reporting an officer needing help.	1
Poss 1010	Possible fight in progress. A report that a fight is occurring but may not be in view of the caller to confirm it.	1
C19	Armed Robbery. Taking of another's property by force or threat of force with a weapon shown or implied. For the purpose of call taking and dispatch, armed robberies shall be considered in progress or just occurred.	1
Shooting	Shooting. An active shooting incident that is in progress or has just occurred and a victim is involved.	1
1090SFH	Silent Financial Holdup Alarm. This is a silent bank alarm where attempts should be made to determine if there has been a robbery. See procedure on bank robbery response and alarm response.	1
UNKNOWN PROBLEM	Unknown problem nature to be used when the call taker is unable to determine what is being reported. May involve simply screaming heard on the line.	1

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PRIORITY 2

911 HANGUP	911 hangup. Occurs when a 911 caller hangs up before you can elicit any information pertaining to the call.	2
911 OPEN LINE	911 open line. No person is on the line speaking, but the line is off hook at the calling location.	2
AWDW	Assault with a deadly weapon. An assault characterized by the use of a weapon which includes, but is not limited to, guns, knives and vehicles. Default priority is 3 but call should be upgraded when considering factors such as injured persons and proximity of suspect(s) to victim(s)	2 D3
AIRCRAFT DOWN	Aircraft down. Fire and medical should be notified as soon as possible for response by their personnel.	2
1090H 1090SH	Holdup alarm. This nature refers to a holdup alarm from a business that is not a financial institution indicating a trip for a possible robbery at the business location.	2
1090SB	Alarm – Silent, Business. Monitoring companies may be able to provide additional details such as the location of the trip or whether the trip was manually pushed by a person. Some are perimeter only and some alarms may come from a key fob panic button.	2
1090SR	Alarm – Silent, Residential. May be tripped from inside, by panic button or some are perimeter alarms only. May come from a key fob panic button.	2
1078OA	Backup Other Agency. Responding to the request from another agency to backup one of their units. May also be used for checking the welfare of another agency unit not responding to a status/welfare check.	2
1089	Bomb Threat. Report of a threat of an explosive device at a location. Report may come from a citizen who received the threat or the threat may come directly to the Police Department. Default is 3 but should be upgraded to 2 and consideration should be given to how much information is known.	2 D3
C15 1031	Burglary in progress. Burglary is the unlawful entry of a structure with the intent to commit a crime. Entry does not have to be by force, but must be without permission. For the purposes of call taking, the entry into an attached storage shed will be considered a burglary. If there is threat to life, such as the reportee inside the house being broken into, the priority should be upgraded to 1.	2
1016V	Domestic dispute – verbal. A verbal only family fight or domestic dispute.	2
DRIVE BY	Drive by shooting incident. An incident where an assault or attempted assault occurs from shots being fired from a vehicle that is driving by the incident location. With a known gunshot victim, the priority should be upgraded to 1.	2

Oro Valley Police Department Communications

1010 Brewing	Fight brewing. A fight appears to be imminent.	2
1050 1057	Hit & Run Accident – Unknown injuries.	2
1052 1057	Hit & Run Accident – with Injuries.	2
1053 1057	Hit & Run Accident - Fatality	2
C11	Homicide. Unlawful taking of another's life. It is unusual to receive a report of homicide. These calls are usually received as deceased persons, shootings or assaults who are later determined to be homicide victims.	2
MAN DOWN	Man down. Reports of a person in public, male or female, who appear to be unconscious or injured. Usually reported as a person lying by the road or a person slumped over the wheel of a vehicle.	2
MISSING CHILD	Missing child. Missing under circumstances which leads searchers to believe the child is in immediate danger. An example may be a child who was due home at a certain time and never arrived. Default is 3 but any missing child should be upgraded to 2.	2 D3
C14 JUST	Rape, just occurred. A sexual assault, specifically forcible rape. Just occurred nature indicates the suspect may still be in the vicinity.	2
SHOTS FIRED	Shots fired. A shots fired nature indicates that the caller is stating that the shots in question were fired very close to his/her location. An example may be shots within a neighbor's residence or seeing someone firing a weapon at another person. This nature is NOT to be used for rural shots heard calls and is differentiated by the perceived or known intent of the shooter.	2
C1103 ATT	Suicide attempt. Attempting to take one's own life.	2
C1103 THREATS	Suicide threats. Threatening to take one's own life.	2
1014	Prowler. A person reporting a prowler will advise of seeing a person or shadow outside the building, or hearing noises outside the building. A report of a peeping tom will also be considered a 1014.	2
1050	Traffic accident, unknown injuries.	2
1052	Traffic accident, with injuries.	2
1053	Traffic accident, fatality.	2
C1803 1031	Vehicle theft in progress. Default is 3 but should be upgraded to 2 if in progress as the nature entails.	2 D3

Oro Valley Police Department Communications

PRIORITY 3

1011	Animal problem. A concern involving an animal may include livestock in the roadway, wild animals in someone's home, or an animal in a hot car. Do NOT use 1011 for barking dogs, use disturbing the peace.	3
C14 C14 ATT	Rape or attempted sexual assault on a person. Priority should be upgraded when considering factors such as injuries or the proximity of the suspect to the victim.	3
DOG BITE	Dog bites can be minor or severe. Priority should be upgraded for serious bites or mauling.	3
1016S	Domestic Violence – parties are separated. A domestic dispute where parties are separated by a significant distance . A domestic dispute is not considered separated if the victim can be easily accessed by the suspect. Examples: Parties in different rooms of the same house are not separated and one party outside the front door yelling to be let inside are not separated. Even with distance between the parties, if the call taker assesses the potential for the incident to escalate and become violent, the priority should be upgraded accordingly.	3
1070 1070S,B,V	Fire. Primary response for fires call for the Fire Department, however police presence is often needed for crowd control or possible criminal activity.	3
Firearm Accident	Firearm accident while hunting or handling a firearm. If there is an injury, the call should be upgraded accordingly.	3
HAZMAT	Hazardous materials.	3
1051	Traffic accident – no injuries.	3
1057	Hit & Run accident. Property damage is caused and the suspect vehicle has left the scene.	3
1051 1057	Hit & Run accident, no Injuries.	3
Incorrigible Juvenile	Incorrigible Juvenile. A juvenile who repeatedly will not obey his/her parents. For example, a juvenile who will not go to school or clean their room.	3
Irate person	Irate person may be used for a call where a customer is very angry at a business or when another nature may not apply.	3
KIDNAP	Kidnapping. Taking a person against their will from one place to another or preventing a person from moving about at their leisure. The call taker should upgrade the priority when taking into consideration whether the incident is in progress or not, and proximity of the suspect to the victim(s).	3
OD	Overdose. Deliberate or accidental overdose of drugs, legal or illegal. The call taker should start medical help if they are not already aware of the incident.	3

Oro Valley Police Department Communications

C19 PAST	Robbery – past. This nature implies a considerable amount of time has passed since the incident occurred. Armed Robberies that just occurred should not use this nature and should be should be given priority 1.	3
PUBLIC HAZARD	Public hazard. Any condition that puts the general public in danger. Examples – electric lines/poles down, flooding, natural gas leak, hazardous materials incident, etc. The call taker may upgrade the priority if it is believed that the threat to the general public is significant.	3
RFU	Rescue follow-up. Medical runs that are handled by the Fire department are also responded to by the PD. An officer responds to make a determination that a crime has not occurred resulting in the need for medical assistance.	3
ROAD RAGE	Road rage natures are for incidents requiring officer contact with the reportee or parties involved. Example – a traffic altercation that has motorists stopping and yelling at each other. Some road rage activity may be witnessed by other motorists and may be entered as ATL's.	3
SEARCH	Search for lost or missing person. This nature has a default code for lost person and is to be used for searches for people. Example – Alzheimer's patients or walkaways from an elderly care home. (K9 officers regularly require call numbers for K9 searches. Use MISC OFCR nature and indicate K9 search in the call info.)	3
C1103	Suicide. Taking one's own life.	3
C18 1026	Theft, with suspect detained...no threat of force. This nature is most often used for misdemeanor thefts and shoplifters who are being detained by someone until police arrive. The call taker may upgrade the priority accordingly if the suspect is causing a hazard such as wrestling with or spitting on the person detaining them.	3
C18 1031	Theft in progress. The deliberate taking of another's property in progress, without the threat of force.	3
TRAFFIC HAZARD	Traffic hazard. A vehicle or debris in the roadway that is creating a hazard to the public traveling on public roadways.	3
VAGRANCY	Vagrancy. A public nuisance that is caused by a person who wanders from place to place with no permanent residence. Loitering may often be a better nature classification.	3
C16 1031	Vandalism in progress. Deliberate damage done to another's property.	3

Oro Valley Police Department Communications

PRIORITY 4

1090AR 1090	Alarm audible - residential Used for when alarms are not known to be silent or audible.	4
Alarm Violation	Used administratively for repetitive alarm violations that may accompany fines.	4
Animal bite	Animal bites other than dog bites.	4
Animal Cruelty	Animal Cruelty.	4
C17	Arson. Most often arson is determined after a 1070, rarely will a call begin as an arson.	4
C12	Assault. The call taker may modify the priority once they have determined several factors including how recent the incident was, the proximity of the suspect to the victim, any injuries sustained, and whether a weapon was used in the incident. Should the call taker determine an immediate threat exists, the priority must be upgraded accordingly.	4
Assist OA	Assist other agency. The request from other agencies for non-emergency assistance from an officer. Often death notifications or to check an address for a vehicle owner or suspect.	4
C15	Burglary. All other burglaries that are not in progress or that would not be considered just occurred.	4
C15 ATT	Burglary attempt. An incident that would indicate burglary was the intention. Example – doors and window broken or damaged in an apparent attempt to gain access to the building.	4
CHILD ABUSE	Child abuse. Physical abuse of a child. May include slapping, hitting, throwing, shaking, dropping, etc. For incidents in progress, the priority must be upgraded accordingly.	4
C1410	Child Molestation. Sexual misconduct with a child. Can range from fondling to intercourse. These calls are usually reported by someone other than the victim and often are reported well after the original incident. The call taker should consider whether the victim is currently in danger when assigning a priority to this type of call. Other considerations might be injuries to the victim and age of the victim.	4
Child Neglect	Child Neglect. Refusing to provide sufficient food, clothing or shelter for a child. Many times these incidents are reported by neighbors, friends, schools, day care providers or medical practitioners.	4
Civil Matter	Civil matter. Incidents which are not criminal in nature. These calls usually involve written or verbal contract agreements between 2 parties where one has not honored the agreement. Officers may be able to offer some advice for callers insisting on speaking with an officer. Civil matters where the caller indicates there is a potential for confrontation between the parties should be dispatched to an officer.	4

Oro Valley Police Department Communications

Counterfeiting	Counterfeiting. Making or using fake currency.	4
Custodial Interference	Custodial Interference. Preventing legally assigned child custody from occurring. If no legal custody agreement has been formalized and the couple is married, one parent cannot keep a child from the other parent. Custody issues can be very involved and parties can often become very emotionally charged. If a confrontation is occurring or is likely, the call taker should upgrade the priority accordingly.	4
C900	Dead body. Found deceased person.	4
1064	Deliver emergency message for a citizen. The police department may be asked to deliver death notifications or other serious content messages when the citizen is not able to do so. Often because they are out of state.	4
DTP	Disturbing the peace. Can take many forms from loud music to loud parties to barking dogs. Ongoing persistent barking dog problems will be defined as DTP. When the caller believes a dog may be barking because of a prowler or other activity, the nature should be defined accordingly with the dog barking information detailed in the call notes.	4
Embezzlement	Embezzlement. Different from theft in the fact that the suspect has been loaned the item and failed to return it in the specified time frame. Embezzlement can also occur when the suspect has access to "legal tender" (cash, checks, stocks, bonds) and the suspect has taken items for personal use.	4
Endangerment	Endangerment. Deliberately or callously placing another in jeopardy. Example, leaving a loaded gun where anyone has access. Endangerment is usually determined by an officer.	4
Fireworks	Fireworks. Possession or ignition of fireworks without a permit is illegal in the State of Arizona.	4
Forgery	Forgery. Use of the signature of another for illegal purposes.	4
Found child Found person	Found child/person. Caller is reporting having found a living child or person, usually wandering in the area.	4
Found property	Found property. Caller is reporting finding property that does not belong to them.	4
Fraud	Fraud. Obtaining another's property, money or service by deliberate misrepresentation of actual circumstances. Most fraud calls can be handled by telephone report.	4
Harassment	Harassment. Continuing, unwanted contact. May be from letters, telephone calls, email, pages or text messages.	4
HWM	Health, Welfare, and Morals. Situations involving juveniles that are generally considered harmful to the health or welfare of the juvenile.	4
Illegal Burn	Illegal burn. Burning of trash or weeds without a burn permit. May come from or be referred by the fire department.	4

Oro Valley Police Department Communications

Illegal Dumping	Illegal dumping. Reports of dumping any materials in unrecognized dump sites.	4
Illegal Parking	Illegal parking. Parking a vehicle in an area that is properly marked NO PARKING. Arizona Revised Statutes do NOT apply to private property so for calls where someone is parked in the caller's parking space, for example, would not generate a police response. May be used for cars parked in a handicapped space without a permit.	4
Illegal Shooting C309 Shots Heard	Illegal shooting or Shots Heard. Report of someone shooting in the distance. This nature is used when there is not a clear threat to human life or property identified.	4
Indecent Exposu	Indecent Exposure. Exposing genitalia, buttocks or breasts to another person. This includes reports of masturbating in public, urinating in public, swimming nude in public, "mooning" someone, or someone exposing themselves from a window in their home.	4
1056	Intoxicated person. Public intoxication where no other nature applies.	4
1098	Jail or prison escape. A prisoner, either in jail or in the custody of a law enforcement officer who has escaped from that custody.	4
Juvenile Problem	Juvenile problem. Catch-all nature for problems with juveniles, usually loitering, causing a problem in a neighborhood or at a business.	4
KTP	Keep the Peace. Also known as preserve the peace, is a request for an officer to accompany the caller to a location to prevent trouble. Often the caller will be picking up property, doing a custodial parent exchange, or dealing with an ex-employee or ex-employer. The call taker will have the caller wait at a neutral location, then use the location where the KTP will be executed as the LOI. The neutral location will be listed in the call notes as to where the officer is to meet the caller.	4
Loitering	Loitering. To stand idly about; linger aimlessly.	4
Lost Person	Lost person. Usually a child or elderly person who has wandered off. Usually a person not capable of knowing how to return home.	4
Lost Property	Lost property. Most often used when someone has lost something of value and requires a police report to have it replaced or covered by insurance.	4
Missing Person	Missing person. A person who is missing under circumstances which lead searchers to believe the person is in danger.	4
C181	Drugs or narcotics. Catch-all involving narcotics and can be used for use, possession or sale. The details should be spelled out in the call notes.	4
Neighbor Prob	Neighbor problem. Any type of problem occurring within a neighborhood that doesn't fall into another category.	4
Obscene 1021	Obscene phone calls. Unwanted or unwelcome calls of a distinctly sexual nature.	4

Oro Valley Police Department Communications

Open door	Open door. Report of an unsecured door or window at a residence or business where the door or window should be secure.	4
Overdue Party	Overdue party. Report of someone, usually an adult, not returning to an appointed location or home at the time they were expected.	4
1091	Prisoner transport.	4
C693	Reckless driving. May also be entered as an ATL.	4
C1803R	Recovered Stolen Vehicle. This vehicle was reported stolen to a law enforcement agency and now has been found.	4
C8	Runaway juvenile. An unemancipated child, under the age of 18, usually over the age of 12, who has left home or school without parental consent. For reporting purposes, the home address of the juvenile is always considered the location of incident.	4
C8 LOC	Runaway juvenile, located. This nature is used for when our agency locates a juvenile that has been entered by another agency.	4
C8 RET	Runaway juvenile, returned. This nature is used for when a juvenile returns home and follow up is generated by our department for the original report.	4
Sex Offenses	Sex Offenses. A call of a situation of a sexual nature not covered by C14, C1410 or indecent exposure. The call taker should consider whether the victim is currently in danger when assigning priority to this call. Other considerations might be injuries to the victim and age of the victim.	4
SKIP	Skip. Theft of items such as gas or beer, usually from convenience or gasoline/food markets. Just occurred skips may be upgraded accordingly. Gas skip reports will only be taken for amounts more than \$10. A report may be taken for less than \$10 when a good vehicle description is obtained. Default is 6 but should be given a 4 for dispatch.	4 D6
STALKING	Stalking. The deliberate "targeting" of the victim by the suspect through the suspect focusing all of his/her attention on the victim in a very unwelcome manner. The victim may report being followed, being the victim of vandalism, receiving strange or threatening mail and/or phone calls. The priority should be upgraded if the suspect is currently at the victim's location.	4
C1803	Stolen Vehicle. The registered owner is reporting a vehicle stolen. The call taker should confirm that the caller's vehicle has not been towed or repossessed by a finance company.	4
STRONG ARM	Strong Arm Robbery – no weapon. The unlawful taking of another's property by force or intimidation or the threat of force or intimidation. Example, purse snatching. The call taker should upgrade the priority if it is determined that injuries were sustained by the victim or if the suspect is still in the vicinity.	4
SUSP ACT C81 1037	Suspicious activity, person, or vehicle. Activity, persons, or vehicles that the caller or call taker deem suspicious. If the caller perceives something "off-base" about activity, the call taker should articulate the reportee's reasoning as much as possible in the call notes when using these natures.	4

Oro Valley Police Department Communications

SUSP MAIL	Suspicious mail. This nature was created following the Sept 11 th attacks when mail may be received that is suspicious looking or was unsolicited. Instruction should be given to the caller regarding their personal safety in avoiding or not handling suspicious mail or packages.	4
C18	Theft. The deliberate taking of another's property without the threat of force.	4
C18 ATT	Theft Attempt.	4
THREATS	Threats. Usually verbal, sometimes written statements that the complainant perceives as threatening. The call taker should take into consideration any immediate threat made and upgrade the priority accordingly.	4
1050 PAST 1051 PAST 1052 PAST	Traffic accidents – past. For traffic accidents reported well after the fact.	4
TRESPASS	Trespassing occurs when someone is on someone else's property without the property owner's permission. The trespasser must know the land is private property, have been asked to leave and refuses to comply with that request. Most often this involves a person at a residence or business who has been asked to leave and is refusing.	4
POSS UDA	Possible undocumented alien.	4
UNWANTED PERSON	Unwanted person. A person at a residence or business who has NOT been asked to leave (making it trespassing) but is not wanted there by the property owner.	4
C16	Vandalism. Deliberate damage done to another's property.	4
VIOL COURT ORDE	Violation of court order. Usually reports of contact with the victim by a person who has been court ordered to have no contact with the victim.	4
CHECK WELFARE	Check welfare on a person. A set of circumstances has occurred to cause the caller to be concerned about someone's well being. Example, a call regarding an elderly relative or neighbor who hasn't been seen or heard from in several days. 911 misdials where callers have dialed 911 by accident will be entered as check welfare calls.	4
ADULT ABUSE	Adult abuse. Mistreatment of an adult under the care of another person.	4

Oro Valley Police Department Communications

PRIORITY 5

Priority 5 is intentionally skipped for future use and to coincide with already in place defaults set by the Sheriff's Department.

PRIORITY 6

Priority 6 is to be used for informational type calls that most often do not get dispatched such as PPR – Private Property Removal, REPO – Repossessed vehicle, and ATL – Attempt to Locate.

PRIORITY 7

Priority 7 is to be used for all on-sight unit activity. Natures that most commonly occur on-sight are given a priority 7 default. **When these types are received by a call taker and added for dispatch, the call must be assigned a 1,2,3 or 4 priority.**

Priority 7 Defaults:

C1401	Abandoned Vehicle
1080	Chase/Pursuit
CCW	Carrying a concealed weapon
CURFEW	Juvenile curfew violation
DISORDERLY COND	Disorderly conduct
1055	DUI
FALSE REPORTING	False Reporting
FICTITIOUS PLAT	Fictitious license plate
GAMBLING	Illegal gambling
LITTERING	Littering
LIQUOR LAWS	Liquor law violation
MISC OFCR	Miscellaneous officer
MISC PUB	Miscellaneous public
OTHER FELONIES	Other felonies
OTHER MISD	Other misdemeanors
C950	Patrol car accident – unknown injuries
C951	Patrol car accident – no injuries
C952	Patrol car accident – with injuries
C953	Patrol car accident – fatality
PROSTITUTION	Commercialized sex
1046	Public assist
SEARCH WARRANT	Search warrant service
STOLEN PROPERTY	Possession of stolen property
TRAF	Traffic stop
VORDL	Violation of road and driving laws
1088	Wanted person/Warrant
WEAPONS VIOL	Weapons violation

JANUARY 2011							
Priority 1		# of calls	%	Priority 2		# of calls	%
Dispatch Time	< 1 minute	21	95%	Dispatch Time	< 2 minute	49	100%
	> 1 minute	1	5%			> 2 minute	0
Travel Time	< 4 minutes	21	95%	Travel Time	< 6 minutes	40	82%
	> 4 minutes	1	5%			> 6 minutes	9
Total Response Time				Total Response Time			
	< 5 minutes	21	95%		< 8 minutes	43	88%
	> 5 minutes	1	5%		> 8 minutes	6	12%
Total Calls	22			Total Calls	49		
Average response time 2:58				Average response time 3:59			

FEBRUARY 2011							
Priority 1		# of calls	%	Priority 2		# of calls	%
Dispatch Time	< 1 minute	17	85%	Dispatch Time	< 2 minute	49	96%
	> 1 minute	3	15%			> 2 minute	2
Travel Time	< 4 minutes	14	70%	Travel Time	< 6 minutes	41	80%
	> 4 minutes	6	30%			> 6 minutes	10
Total Response Time				Total Response Time			
	< 5 minutes	14	70%		< 8 minutes	44	86%
	> 5 minutes	6	30%		> 8 minutes	7	14%
Total Calls	20			Total Calls	51		
Average response time 3:42				Average response time 4:44			

MARCH 2011							
Priority 1		# of calls	%	Priority 2		# of calls	%
Dispatch Time	< 1 minute	27	100%	Dispatch Time	< 2 minute	68	99%
	> 1 minute	0	0%			> 2 minute	1
Travel Time	< 4 minutes	21	78%	Travel Time	< 6 minutes	60	87%
	> 4 minutes	6	22%			> 6 minutes	9
Total Response Time				Total Response Time			
	< 5 minutes	22	81%		< 8 minutes	63	91%
	> 5 minutes	5	19%		> 8 minutes	6	9%
Total Calls	27			Total Calls	69		
Average response time 3:39				Average response time 4:23			

APRIL 2011							
Priority 1		# of calls	%	Priority 2		# of calls	%
Dispatch Time	< 1 minute	17	94%	Dispatch Time	< 2 minute	51	100%
	> 1 minute	1	6%			> 2 minute	0
Travel Time	< 4 minutes	16	89%	Travel Time	< 6 minutes	42	82%
	> 4 minutes	2	11%			> 6 minutes	9
Total Response Time				Total Response Time			
	< 5 minutes	16	89%		< 8 minutes	47	92%
	> 5 minutes	2	11%		> 8 minutes	4	8%
Total Calls	18			Total Calls	51		
Average response time 3:01				Average response time 4:31			

MAY 2011

Priority 1		# of calls	%
Dispatch Time	< 1 minute	21	100%
	> 1 minute	0	0%
Travel Time	< 4 minutes	17	81%
	> 4 minutes	4	19%
Total Response Time			
		< 5 minutes	18
		> 5 minutes	3
Total Calls	21		
Average response time 3:38			

Priority 2		# of calls	%
Dispatch Time	< 2 minute	54	98%
	> 2 minute	1	2%
Travel Time	< 6 minutes	51	93%
	> 6 minutes	4	7%
Total Response Time			
		< 8 minutes	53
		> 8 minutes	2
Total Calls	55		
Average response time 4:14			

JUNE 2011

Priority 1		# of calls	%
Dispatch Time	< 1 minute	20	100%
	> 1 minute	0	0%
Travel Time	< 4 minutes	16	80%
	> 4 minutes	4	20%
Total Response Time			
		< 5 minutes	17
		> 5 minutes	3
Total Calls	20		
Average response time 3:09			

Priority 2		# of calls	%
Dispatch Time	< 2 minute	60	97%
	> 2 minute	2	3%
Travel Time	< 6 minutes	55	89%
	> 6 minutes	7	11%
Total Response Time			
		< 8 minutes	59
		> 8 minutes	3
Total Calls	62		
Average response time 4:03			

JULY 2011

Priority 1		# of calls	%
Dispatch Time	< 1 minute	19	95%
	> 1 minute	1	5%
Travel Time	< 4 minutes	17	85%
	> 4 minutes	3	15%
Total Response Time			
		< 5 minutes	17
		> 5 minutes	3
Total Calls	20		
Average response time 3:31			

Priority 2		# of calls	%
Dispatch Time	< 2 minute	65	97%
	> 2 minute	2	3%
Travel Time	< 6 minutes	55	82%
	> 6 minutes	12	18%
Total Response Time			
		< 8 minutes	61
		> 8 minutes	6
Total Calls	67		
Average response time 5:17			

JANUARY 2010							
Priority 1			# of calls	%			
Dispatch Time	< 1 minute	21	100%	Dispatch Time	< 2 minute	85	96%
	> 1 minute	0	0%		> 2 minute	4	4%
Travel Time	< 4 minutes	20	95%	Travel Time	< 6 minutes	78	88%
	> 4 minutes	1	5%		> 6 minutes	11	12%
Total Response Time				Total Response Time			
	< 5 minutes	20	95%		< 8 minutes	82	92%
	> 5 minutes	1	5%		> 8 minutes	7	8%
Total Calls			21	Total Calls			89
Average response time 2:37				Average response time 4:08			

FEBRUARY 2010							
Priority 1			# of calls	%			
Dispatch Time	< 1 minute	20	100%	Dispatch Time	< 2 minute	60	98%
	> 1 minute	0	0%		> 2 minute	1	2%
Travel Time	< 4 minutes	18	90%	Travel Time	< 6 minutes	50	82%
	> 4 minutes	2	10%		> 6 minutes	11	18%
Total Response Time				Total Response Time			
	< 5 minutes	18	90%		< 8 minutes	53	87%
	> 5 minutes	2	10%		> 8 minutes	8	13%
Total Calls			20	Total Calls			61
Average response time 2:44				Average response time 4:51			

MARCH 2010							
Priority 1			# of calls	%			
Dispatch Time	< 1 minute	22	100%	Dispatch Time	< 2 minute	77	97%
	> 1 minute	0	0%		> 2 minute	2	3%
Travel Time	< 4 minutes	17	77%	Travel Time	< 6 minutes	68	86%
	> 4 minutes	5	23%		> 6 minutes	11	14%
Total Response Time				Total Response Time			
	< 5 minutes	17	77%		< 8 minutes	71	90%
	> 5 minutes	5	23%		> 8 minutes	8	10%
Total Calls			22	Total Calls			79
Average response time 3:25				Average response time 3:55			

APRIL 2010							
Priority 1			# of calls	%			
Dispatch Time	< 1 minute	14	88%	Priority 2	< 2 minute	75	99%
	> 1 minute	2	13%		> 2 minute	1	1%
Travel Time	< 4 minutes	12	75%	Travel Time	< 6 minutes	65	86%
	> 4 minutes	4	25%		> 6 minutes	11	14%
Total Response Time				Total Response Time			
	< 5 minutes	12	75%		< 8 minutes	70	92%
	> 5 minutes	4	25%		> 8 minutes	6	8%
Total Calls	16			Total Calls	76		
Average response time 3:23				Average response time 4:43			

MAY 2010							
Priority 1			# of calls	%			
Dispatch Time	< 1 minute	21	100%	Priority 2	< 2 minute	63	100%
	> 1 minute	0	0%		> 2 minute	0	0%
Travel Time	< 4 minutes	16	76%	Travel Time	< 6 minutes	56	89%
	> 4 minutes	5	24%		> 6 minutes	7	11%
Total Response Time				Total Response Time			
	< 5 minutes	16	76%		< 8 minutes	61	97%
	> 5 minutes	5	24%		> 8 minutes	2	3%
Total Calls	21			Total Calls	63		
Average response time 3:52				Average response time 3:49			

JUNE 2010							
Priority 1			# of calls	%			
Dispatch Time	< 1 minute	19	100%	Priority 2	< 2 minute	57	95%
	> 1 minute	0	0%		> 2 minute	3	5%
Travel Time	< 4 minutes	10	53%	Travel Time	< 6 minutes	46	77%
	> 4 minutes	9	47%		> 6 minutes	14	23%
Total Response Time				Total Response Time			
	< 5 minutes	14	74%		< 8 minutes	49	82%
	> 5 minutes	5	26%		> 8 minutes	11	18%
Total Calls	19			Total Calls	60		
Average response time 3:56				Average response time 4:26			

JULY 2010

Priority 1		# of calls	%
Dispatch Time	< 1 minute	21	95%
	> 1 minute	1	5%
Travel Time	< 4 minutes	19	86%
	> 4 minutes	3	14%
Total Response Time			
		< 5 minutes	21
		> 5 minutes	1
Total Calls	22		
Average response time 3:13			

Priority 2		# of calls	%
Dispatch Time	< 2 minute	65	97%
	> 2 minute	2	3%
Travel Time	< 6 minutes	54	81%
	> 6 minutes	13	19%
Total Response Time			
		< 8 minutes	61
		> 8 minutes	6
Total Calls	67		
Average response time 4:21			

AUGUST 2010

Priority 1		# of calls	%
Dispatch Time	< 1 minute	25	93%
	> 1 minute	2	7%
Travel Time	< 4 minutes	22	81%
	> 4 minutes	5	19%
Total Response Time			
		< 5 minutes	23
		> 5 minutes	4
Total Calls	27		
Average response time 3:19			

Priority 2		# of calls	%
Dispatch Time	< 2 minute	70	96%
	> 2 minute	3	4%
Travel Time	< 6 minutes	55	75%
	> 6 minutes	18	25%
Total Response Time			
		< 8 minutes	60
		> 8 minutes	13
Total Calls	73		
Average response time 4:58			

SEPTEMBER 2010

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

Priority 2		# of calls	%
Dispatch Time	< 2 minute	84	100%
	> 2 minute	0	0%
Travel Time	< 6 minutes	75	89%
	> 6 minutes	9	11%
Total Response Time			
		< 8 minutes	80
		> 8 minutes	4
Total Calls	84		
Average response time 4:22			

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		
Average response time 4:01			

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		
Average response time 4:36			

NOVEMBER 2010

Priority 1		# of calls	%
Dispatch Time	< 1 minute	18	95%
	> 1 minute	1	5%
Travel Time	< 4 minutes	14	74%
	> 4 minutes	5	26%
Total Response Time			
	< 5 minutes	17	89%
	> 5 minutes	2	11%
Total Calls	19		
Average response time 3:38			

Priority 2		# of calls	%
Dispatch Time	< 2 minute	62	98%
	> 2 minute	1	2%
Travel Time	< 6 minutes	58	92%
	> 6 minutes	5	8%
Total Response Time			
	< 8 minutes	59	94%
	> 8 minutes	4	6%
Total Calls	63		
Average response time 4:36			

DECEMBER 2010

Priority 1		# of calls	%
Dispatch Time	< 1 minute	16	94%
	> 1 minute	1	6%
Travel Time	< 4 minutes	12	71%
	> 4 minutes	5	29%
Total Response Time			
	< 5 minutes	12	71%
	> 5 minutes	5	29%
Total Calls	17		
Average response time 3:38			

Priority 2		# of calls	%
Dispatch Time	< 2 minute	48	100%
	> 2 minute	0	0%
Travel Time	< 6 minutes	40	83%
	> 6 minutes	8	17%
Total Response Time			
	< 8 minutes	44	92%
	> 8 minutes	4	8%
Total Calls	48		
Average response time 4:19			