

**MINUTES
ORO VALLEY TOWN COUNCIL
REGULAR SESSION
April 17, 2013
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE**

REGULAR SESSION AT OR AFTER 5:00 PM

CALL TO ORDER

Mayor Hiremath called the meeting to order at 5:00 p.m.

ROLL CALL

PRESENT: Satish Hiremath, Mayor
Lou Waters, Vice Mayor
Brendan Burns, Councilmember
Bill Garner, Councilmember
Joe Hornat, Councilmember
Mary Snider, Councilmember
Mike Zinkin, Councilmember

EXECUTIVE SESSION AT OR AFTER 5:00 P.M.

Pursuant to ARS 38-431.03(A)(1) for discussion regarding public appointees/officers/
personnel matters

MOTION: A motion was made by Vice Mayor Waters and seconded by Councilmember
Garner to go into Executive Session at 5:01 p.m.

MOTION carried, 7-0.

REGULAR SESSION AT OR AFTER 6:00 PM

CALL TO ORDER

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

ROLL CALL

PRESENT: Satish Hiremath, Mayor
Lou Waters, Vice Mayor
Brendan Burns, Councilmember
Bill Garner, Councilmember
Joe Hornat, Councilmember

Mary Snider, Councilmember
Mike Zinkin, Councilmember

PLEDGE OF ALLEGIANCE

Girl Scout Junior Troop #1084 led the audience in the Pledge of Allegiance.

UPCOMING MEETING ANNOUNCEMENTS

Misti Nowak, Communications Administrator, announced the upcoming town meetings and events.

COUNCIL REPORTS

• Spotlight on Youth

Councilmember Snider introduced Michael Chen, a 4th grader at Copper Creek Elementary School. Michael had won the Amphitheater School District Spelling Bee, took second place at the Pima County Spelling Bee and placed 14th at the Arizona State Spelling Bee. Michael was an avid reader, a gifted pianist and took his studies very seriously. Councilmember Snider presented a Certificate of Achievement to Michael.

DEPARTMENT REPORTS

Kristy Diaz-Trahan, Parks and Recreation Director, reported that the Aquatics Facility was hosting a synchronized swimming event this weekend.

Ms. Nowak announced the official launch of the Town's new website.

ORDER OF BUSINESS

Mayor Hiremath said the agenda would stand as posted.

INFORMATIONAL ITEMS

1. TC Trip Report - Councilmember Zinkin's attendance at 2013 Municipal Finance Challenge Conference (March 21-22, 2013)

CALL TO AUDIENCE

Pamela Ludwig, President, Friends of Catalina State Park, invited Council and the public to the Park's 30th anniversary celebration on Saturday, May 4, 2013.

Bill Adler, Oro Valley resident, said there was a lack of commitment on the Town's part to arts and culture.

Members of Girl Scout Junior Troop #1084 explained the Troop had been working on its Journey Badge for several months. To complete the badge, the Troop needed to complete a Take Action project within the community. The Troop had surveyed neighborhood parks for trash cans and recycle bins. They found that the parks had a sufficient number of both. However, Steam Pump Ranch still needed trash cans and recycle bins and the Troop requested that Council make sure a sufficient number of each be placed at Steam Pump Ranch.

PRESENTATIONS

1. Presentation of Distinguished Budget Presentation Award from the Government Finance Officers Association for the Town of Oro Valley FY 2012/13 Adopted Budget

Mayor Hiremath presented the Government Finance Officers Association's Distinguished Budget Presentation Award to Wendy Gomez, Management and Budget Analyst. This was the fifth consecutive year the Town had received the award.

CONSENT AGENDA

Councilmember Zinkin requested that Item (A) be removed from the Consent Agenda for discussion.

Councilmember Snider requested that Item (B) be removed from the Consent Agenda for discussion.

- A. Fiscal Year 2012/2013 Financial Update through February 2013
- B. Appointment of Connie Trail to the Historic Preservation Commission (HPC)
- C. Resolution No. (R)13-16, Approving the lease agreement among the Town of Oro Valley, Pima County Free Library District, and Pima County for the transfer of the operating responsibility of the Oro Valley Public Library facilities to the Pima County Free Library District

MOTION: A motion was made by Councilmember Zinkin and seconded by Councilmember Hornat to approve Item (C).

MOTION carried, 7-0.

A. Fiscal Year 2012/2013 Financial Update through February 2013

Councilmember Zinkin asked why the projection for local sales tax, grants and interest had gone down.

Stacey Lemos, Finance Director, explained the projections had been revised because construction sales tax was trending lower than estimated. Interest fluctuated from month to month and the Town could still recover by year end. Some of the capacity for grant revenue had been removed from the budget because instead of receiving funds from the federal grant for a transit vehicle, the Town would receive the actual vehicle.

Councilmember Zinkin asked if the payback for the TEP undergrounding would be for the entire cost of \$2.1 million.

Ms. Lemos said it would be offset by the budget surplus.

MOTION: A motion was made by Councilmember Zinkin and seconded by Councilmember Hornat to approve Item (A).

MOTION carried, 7-0.

B. Appointment of Connie Trail to the Historic Preservation Commission (HPC)

Councilmember Snider thanked Ms. Trail for volunteering to serve on the HPC.

MOTION: A motion was made by Councilmember Snider and seconded by Vice Mayor Waters to approve Item (B).

MOTION carried, 7-0.

REGULAR AGENDA

1. RESOLUTION NO. (R)13-17, REGARDING THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT BETWEEN THE TOWN OF ORO VALLEY (THE "TOWN") AND TOHONO CHUL PARK, INC. (THE "OWNER")

Kevin Burke, Assistant to the Town Manager, gave an overview of the item.

Council questions and discussion followed the presentation.

MOTION: A motion was made by Vice Mayor Waters and seconded by Councilmember Snider to adopt Resolution No. (R)13-17, regarding the Pre-annexation and Development Agreement between the Town of Oro Valley and Tohono Chul Park, Inc.

MOTION carried, 7-0.

2. TOHONO CHUL PAD

a. RESOLUTION NO. (R)13-18, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT KNOWN AS TOHONO CHUL PARK PLANNED AREA DEVELOPMENT, ATTACHED HERETO AS EXHIBIT "A"

MOTION: A motion was made by Councilmember Snider and seconded by Councilmember Hornat to adopt Resolution No. (R)13-18, declaring as a public record that certain document known as Tohono Chul Park Planned Area Development, attached hereto as Exhibit "A".

MOTION carried, 7-0.

b. PUBLIC HEARING: ORDINANCE NO. (O)13-03, APPROVING THE TOHONO CHUL PARK PLANNED AREA DEVELOPMENT, ATTACHED HERETO AS EXHIBIT "A" FOR 48.5 ACRES LOCATED ON THE NORTHEAST CORNER OF INA ROAD AND PASEO DEL NORTE

Planning Manager David Williams gave an overview of the item.

Mayor Hiremath opened the public hearing.

Gil Alexander, Oro Valley resident, spoke regarding the item.

Mayor Hiremath closed the public hearing.

Mr. Mike Racy, representative for Tohono Chul Park, presented final remarks to Council regarding the PAD.

MOTION: A motion was made by Vice Mayor Waters and seconded by Councilmember Snider to adopt Ordinance No. (O)13-03, approving the Tohono Chul Park Planned Area Development, and subject to the following conditions:

1. The minimum open space and maximum lot coverage standards contained in Section II.C.1 shall be removed
2. The Maximum building height shown in Section LL.C.1 shall be 34'

finding that:

- All applicable General Plan criteria are met
- Required PAD findings are met
- PAD standards preserve character of the park
- PAD maintains zoning entitlements enjoyed in Pima County.

MOTION carried, 7-0.

3. PUBLIC HEARING: ORDINANCE NO. (O)13-04, EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE TOWN OF ORO VALLEY, ARIZONA, PURSUANT TO THE PROVISIONS OF ARIZONA REVISED STATUTES, TITLE 9, CHAPTER 4, ARTICLE 7, AND AMENDMENTS

THERETO, BY ANNEXING A CERTAIN TERRITORY CONTIGUOUS TO THE EXISTING LIMITS OF THE TOWN OF ORO VALLEY KNOWN AS THE ORACLE / INA ANNEXATION AREA

Mr. Burke gave an overview of the item.

Mayor Hiremath opened the public hearing.

Donald Bristow, Oro Valley resident spoke regarding the item.

Mayor Hiremath closed the public hearing.

MOTION: A motion was made by Vice Mayor Waters and seconded by Councilmember Zinkin to adopt Ordinance No. (O)13-04, extending and increasing the corporate limits of the Town of Oro Valley by annexing a certain territory contiguous to the existing limits of the Town of Oro Valley known as the Oracle/Ina Annexation Area.

MOTION carried, 7-0.

4. ~~***2012 UNIFORM CODE UPDATES**~~ Removed from agenda on 4/15/13 at 4:50 p.m.
- a. ~~***RESOLUTION NO.'S (R)13-19 THROUGH (R)13-28, DECLARING AS PUBLIC RECORDS CERTAIN DOCUMENTS COLLECTIVELY KNOWN AS THE 2012 INTERNATIONAL BUILDING CODES, THE 2011 ELECTRICAL CODE AND THE 2012 POOL AND SPA CODE**~~ Removed from agenda on 4/15/13 at 4:50 p.m.
- b. ~~***PUBLIC HEARING: ORDINANCE NO.'S (O)13-05 THROUGH (O)13-14, ADOPTING CERTAIN DOCUMENTS COLLECTIVELY KNOWN AS THE 2012 INTERNATIONAL BUILDING CODES, THE 2011 ELECTRICAL CODE AND THE 2012 POOL AND SPA CODE**~~ Removed from agenda on 4/15/13 at 4:50 p.m.
5. **RESOLUTION NO. (R)13-29, GRANTING APPROVAL OF A CONDITIONAL USE PERMIT (CUP) TO LRS ARCHITECTS FOR A MEMORY CARE FACILITY IN THE ORACLE VISTA CENTRE LOCATED ON THE SOUTHWEST CORNER OF ORACLE ROAD AND DESERT SKY ROAD**

Hillary Turby, Principal Planner, provided an overview of the item.

Mayor Hiremath opened the public hearing.

The following Oro Valley residents spoke on the item:

Larry Kincaid

John Musolf
Bill Adler

Mayor Hiremath closed the public hearing.

Jim Heckburg spoke on behalf of the applicant, LRS Architects.

MOTION: A motion was made by Vice Mayor Waters and seconded by Councilmember Hornat to adopt Resolution No. (R)13-29, granting approval of a Conditional Use Permit (CUP) to the Oracle Vista Memory Care Facility, subject to the following conditions:

1. Provide an odor abatement plan for the building's cafeteria with the Final Design submittal
2. Service delivery operations will be restricted to the hours of 6 a.m. - 9 p.m., Monday through Saturday and 7 a.m. - 7 p.m. on Sundays

finding that the proposed CUP meets all applicable Zoning Code requirements.

Councilmember Garner offered a friendly amendment to add the condition that the developer would remove the existing wall adjacent to the proposed 5-foot screen wall with the provision that the homeowners association would provide a signed release of liability.

Vice Mayor Waters and Councilmember Hornat agreed to the amendment.

MOTION carried, 7-0.

6. REQUEST FOR APPROVAL OF CONCEPTUAL SITE PLAN AND CONCEPTUAL ARCHITECTURE FOR THE ORACLE VISTA MEMORY CARE FACILITY LOCATED ON THE SOUTHWEST CORNER OF ORACLE ROAD AND DESERT SKY ROAD

Ms. Turby presented an overview of the item.

The following Oro Valley resident spoke on item #6:

Larry Kincaid

MOTION: A motion was made by Vice Mayor Waters and seconded by Councilmember Hornat to approve the Conceptual Site Plan for the Oracle Vista Memory Care Facility, subject to the following conditions:

Planning

1. Provide shaded seating along all pathways and within the two courtyard areas

2. Provide sidewalks along Desert Sky Road and Oracle Road
3. Limit the amount of parking in the front (east elevation) of the building to 15% of the total provided parking spaces

Engineering

4. All parking area and access drive drainage shall be required to be treated with a Town approved first flush device prior to exiting paved surfaces Provide temporary curbing or another Town approved design along the west parking lot drive to direct stormwater to first flush treatment areas prior to exiting paved areas
5. Provide a 5'-wide sidewalk and curb access ramp along the project limits adjacent to Desert Sky Road
6. Relocate the two proposed accessible parking spaces from the parking lot adjacent to the southwest corner of the memory care building to a location closer to the building entrance that it's intended to serve

Water

7. A Line Extension Agreement must be in place before any water infrastructure work begins

finding that the Conceptual Site Plan meets applicable Design Principles and Standards.

MOTION carried, 7-0.

MOTION: A motion was made by Vice Mayor Waters and seconded by Councilmember Zinkin to approve the Conceptual Architecture for the Oracle Vista Memory Care Facility, subject to the following condition:

1. Provide a detailed roof top screening plan as a part of the Final Design Application.

finding that the Conceptual Architecture meets applicable Design Principles and Standards.

MOTION carried, 7-0.

FUTURE AGENDA ITEMS

Councilmember Garner requested a future agenda item to discuss the addition of a category for assisted living/memory care, seconded by Mayor Hiremath.

CALL TO AUDIENCE

No comments were received.

ADJOURNMENT

MOTION: A motion was made by Vice Mayor Waters and seconded by Councilmember Snider to adjourn the meeting at 8:07 p.m.

MOTION carried, 7-0.

Prepared by:

Julie K. Bower, MMC
Town Clerk

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular session of the Town of Oro Valley Council of Oro Valley, Arizona held on the 17th day of April 2013. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____, 2013.

Julie K. Bower, MMC
Town Clerk