

****SECOND AMENDMENT (3/4/14, 10:00 A.M.)
*AMENDED (2/27/14, 11:00 A.M.)
AGENDA
ORO VALLEY TOWN COUNCIL
REGULAR SESSION
March 5, 2014
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE**

REGULAR SESSION AT OR AFTER 5:00 PM

CALL TO ORDER

ROLL CALL

***EXECUTIVE SESSION** - Pursuant to A.R.S. ~~38-431.03(A)(3)~~ to receive legal advice regarding annexation Pursuant to A.R.S. Section 38-431.03(A)(4) for discussion or consultation with the Town Attorneys in order to consider its position and instruct its attorneys regarding the Town's position regarding pre-annexation development agreements for annexation of certain properties that are the subject of negotiations

****Pursuant to A.R.S. Sections 38-431.03(A)(1) and (A)(3)** for discussion or consideration of appointment of an elected official and for discussion or consultation with the Town Attorney for legal advice regarding same and regarding potential liabilities to the Town for private acts of public officers

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

1. Letter of Appreciation - Development Infrastructure Services

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. Elizabeth Kempshall, Director - Arizona High Intensity Drug Trafficking Area (HIDTA)

CONSENT AGENDA

(Consideration and/or possible action)

- A. Minutes - February 19, 2014
- B. Reappointment of Stephen Dean as the Town's citizen representative on the Pima Association of Governments (PAG) Environmental Planning Advisory Committee (EPAC)
- C. Cancellation of the March 19, 2014 Regular Town Council Meeting
- D. Resolution No. (R)14-11, authorizing and approving an Intergovernmental Agreement (IGA) between Pima County and the Town of Oro Valley for the Pima County Wireless Integrated Network (PCWIN) subscriber services
- E. Resolution No. (R)14-12, approval of Steam Pump Ranch Fee Schedule
- F. Request for approval of Conceptual Public Art for the Catalina Springs Memory Care Facility, located on the Southwest corner of Oracle Road and Desert Sky Road

REGULAR AGENDA

1. COURTESY REVIEW OF CONCEPTUAL ARCHITECTURE FOR BASIS PRIMARY SCHOOL LOCATED AT STEAM PUMP VILLAGE, NORTHWEST OF STEAM PUMP WAY AND ORACLE ROAD
2. CONCEPTUAL ARCHITECTURE FOR COXCO PROPERTY RETAIL BUILDING LOCATED ON THE NORTHWEST CORNER OF ORACLE ROAD AND INA ROAD
3. RESOLUTION NO. (R)14-13, REPEALING RESOLUTION NO. (R)04-14, AUTHORIZING AND APPROVING THE DISTRIBUTION OF THE TWO (2) PERCENT INCREASE IN THE LOCAL TAX ON CONSTRUCTION CONTRACTING ACTIVITIES
4. DISCUSSION AND POSSIBLE DIRECTION TO INITIATE A ZONING CODE AMENDMENT RELATED TO GUEST HOUSES IN SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS
5. ORDINANCE NO. (O)14-03, AMENDING THE ORO VALLEY TOWN CODE CHAPTER 4, PUBLIC SAFETY, ARTICLE 4-1, POLICE DEPARTMENT, SECTION 4-1-8, PUBLIC SAFETY EMPLOYEE RELATIONS AND PROCESSES
6. RESOLUTION NO. (R)14-14, APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN PUBLIC SAFETY EMPLOYEES AND THE TOWN OF ORO VALLEY PURSUANT TO CHAPTER 4, SECTION 4-1-8 OF THE TOWN CODE, PUBLIC SAFETY EMPLOYEE RELATIONS AND PROCESSES

7. RESOLUTION NO. (R)14-15, REPEALING AND REPLACING PERSONNEL POLICY NUMBER 28, ON-CALL AND EMERGENCY CALL-OUT PAY, OF THE TOWN OF ORO VALLEY PERSONNEL POLICIES AND PROCEDURES MANUAL
8. REQUEST FOR COUNCIL APPROVAL OF \$60,000 IN ADDITIONAL FUNDS TO FULLY IMPLEMENT THE TOWN-WIDE UPGRADE OF MICROSOFT (MS) OFFICE SUITE PROJECT
9. DISCUSSION AND POSSIBLE DIRECTION REGARDING PRACTICES THAT PERTAIN TO ADOPTING AND/OR AMENDING THE TOWN BUDGET

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: 2/26/14 at 5:00 p.m. by mrs

AMENDED AGENDA POSTED: 2/27/14 at 5:00 p.m. by mrs

SECOND AMENDED AGENDA POSTED: 3/4/14 at 12:00 p.m. by mrs

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: 03/05/2014

Submitted By: Julie Bower, Town Clerk's Office

Information

Subject

Letter of Appreciation - Development Infrastructure Services

Attachments

Letter

From: Sandy Catron
Sent: Friday, February 21, 2014 7:09 AM
To: Williams, David
Cc: Arellano, Roosevelt
Subject: RE: Roosevelt Arellano

Dear Mr Williams,

My name is Sandy Catron and I am an appraiser. Yesterday I called your dept. needing help on a property I'm appraising. Roosevelt was absolutely wonderful. In 28 years of appraising and calling government offices for help, he is by far, the most helpful I have ever had, and the nicest! Plus, he knows his job and he went the extra mile.

In addition, Katie Furman, the loan officer on the property, went down to your office and I told her to ask for Roosevelt for help. Again, total cooperation and help was given to her. And Roosevelt is further helping her today with additional assistance from either Chad Davis or Chuck King, I'm told.

If I could call Roosevelt every time I needed help on a property, I'd be the happiest appraiser in Tucson! I hope you recognize what a valuable employee Oro Valley has in this gentleman.

Sincerely,
Sandy Catron

PS: Have a great day!



Town Council Regular Session

Item # 1.

Meeting Date: 03/05/2014
HIDTA Presentation

Information

Subject

Elizabeth Kempshall, Director - Arizona High Intensity Drug Trafficking Area (HIDTA)

Summary



Town Council Regular Session

Item # A.

Meeting Date: 03/05/2014

Requested by: Julie Bower **Submitted By:** Mike Standish, Town Clerk's Office

Department: Town Clerk's Office

Information

SUBJECT:

Minutes - February 19, 2014

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 February 19, 2014 minutes.

Attachments

2/19/14 Draft Minutes

**MINUTES
ORO VALLEY TOWN COUNCIL
REGULAR SESSION
February 19, 2014
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

MOTION: A motion was made by Vice Mayor Waters and seconded by Councilmember Garner to go into Executive Session at 5:01 p.m. pursuant to ARS 38-431.03(A)(1) personnel matters regarding the Police Chief's annual performance review.

MOTION carried, 7-0.

Mayor Hiremath stated that the following staff members would join Council in Executive Session: Police Chief Danny Sharp, Town Clerk Julie Bower, Town Manager Greg Caton and Town Attorney Kelly Schwab.

REGULAR SESSION AT OR AFTER 6:00 PM

CALL TO ORDER

Mayor Hiremath reconvened the meeting 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

Mayor Hiremath led the audience in the Pledge of Allegiance.

UPCOMING MEETING ANNOUNCEMENTS

Communications Administrator Misti Nowak announced the upcoming Town meetings and events.

COUNCIL REPORTS

Councilmember Snider recognized Erin Ferber, Senior at Canyon del Oro High School, for her outstanding achievements.

Councilmember Hornat attended a Youth's On Their Own (YOTO) fundraiser event on Sunday, February 16th in Sun City.

Councilmember Zinkin noted that Bill Carson collected cans throughout the community and donated all proceeds to YOTO. Should residents wish to donate their cans, please contact Councilmember Zinkin and he would forward their information to Mr. Carson.

Councilmember Snider reported on the findings of an outside investigation regarding Councilmember Zinkin.

DEPARTMENT REPORTS

Planning Manager David Williams gave an update regarding the Your Voice, Our Future project. Additional information could be found at www.yourvoiceov.com.

Finance Director Stacey Lemos reported that Standard and Poor's Ratings Services raised its long-term rating on the Oro Valley Oracle Road Improvement District two notches to 'A+' from 'A-'.

ORDER OF BUSINESS

Mayor Hiremath stated that the agenda would stand as posted.

INFORMATIONAL ITEMS

1. Public Safety Providers Quarterly Reports
2. Letter of Appreciation for Oro Valley Police Department

CALL TO AUDIENCE

Oro Valley resident Richard Furash urged Council to move forward after the unsuccessful recall effort of Councilmember Zinkin.

CONSENT AGENDA

Vice Mayor Waters requested that item (C) be removed from the Consent Agenda for discussion.

Councilmember Garner requested that item (B) be removed from the Consent Agenda for discussion.

- A. Minutes - December 11, 2013, January 15, 2014 and February 5, 2014
- D. Council Approval of M3S Sports' Request for In-Kind Support for the Arizona Distance Classic

MOTION: A motion was made by Councilmember Zinkin and seconded by Vice Mayor Waters to approve Consent Agenda items (A) and (D).

MOTION carried, 7-0.

B. Request for approval to exempt Sun City from the Rancho Vistoso Planned Area Development (PAD) Sign Standards

Councilmember Garner requested clarification regarding the proposed sign standards exemption.

Planning Manager David Williams stated that the Sun City Association had requested a comprehensive change to place all of their signage under the Oro Valley Zoning Code sign regulations.

Discussion ensued amongst Council regarding the sign exemption request.

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

MOTION carried, 5-2 with Councilmember Burns and Councilmember Garner opposed.

C. Revised Final Plat for Block 2, Innovation Corporate Center, located on the northeast corner of Innovation Park Drive and Vistoso Park Road

Vice Mayor Waters asked how an assisted living facility would fit within the Economic Expansion Zone (EEZ).

Planning Manager David Williams stated that the revised Final Plat request wouldn't fit closely with the EEZ, however, the property was private and the property owners received approval of a Zoning Code Amendment in 2008 which permitted assisted living and skilled nursing on specific parcels in Innovation Park and Innovation Corporate Center.

MOTION: A motion was made by Vice Mayor Waters and seconded by Councilmember Hornat to approve the revised final plat for Block 2, Innovation Corporate Center.

MOTION carried, 6-1 with Councilmember Garner opposed.

PRESENTATIONS

1. Presentation - Oro Valley Historical Society

Jack Evert, Vice President of the Oro Valley Historical Society, spoke on the following topics:

- Mission Statement
- Partnership Programs
- Partners in Oro Valley Library
- Partners at Honey Bee Village Excavations
- Partners in Steam Pump Ranch
- Strategic Plan Goals
- Upcoming Emphasis Areas

2. Presentation - Oro Valley Kiwanis Club

Oro Valley resident and Director of the Kids in Need Foundation (KIN), George Krieg, spoke on the following topics:

- Kiwanis Club
- Christmas tree disposal at Naranja Park
- Donated funds used to purchase school clothes for disadvantaged children k-5

REGULAR AGENDA

1. REQUEST FOR MODIFICATION TO A CONCEPTUAL ARCHITECTURE CONDITION OF APPROVAL FOR EL CORREDOR MULTI-FAMILY DEVELOPMENT, LOCATED ON THE NORTHEAST CORNER OF ORACLE

ROAD AND LINDA VISTA BOULEVARD

Senior Planner Matt Michels gave an overview of item #1.

- Location and Context Map
- Proposed Partial Stone Veneer Band
- Staff Recommends Denial

Applicant Ross Rulney, gave an overview of the proposed modification.

Discussion ensued amongst Council and Mr. Rulney regarding the proposed modification.

MOTION: A motion was made by Councilmember Zinkin and seconded by Vice Mayor Waters to deny the proposed modification to Conceptual Architecture Condition #7, as proposed by the applicant and depicted in Attachment 5.

MOTION carried, 7-0.

2. REQUEST FOR APPROVAL OF CONCEPTUAL SITE PLAN AND CONCEPTUAL PUBLIC ART FOR A 3,600 SQUARE FOOT RETAIL BUILDING, LOCATED ON THE NORTHWEST CORNER OF ORACLE ROAD AND INA ROAD

Mr. Michels gave an overview of item #2.

- Applicant's Request
- Location
- Conceptual Site Plan
- CDRB recommended approval subject to condition

Mayor Hiremath recessed the meeting at 7:32 p.m.

Mayor Hiremath reconvened the meeting at 7:40 p.m.

Applicant Thomas Sayler-Brown, representative for SBBL Architecture, spoke on the proposed Conceptual Site Plan and Conceptual Public Art.

The following individual spoke in opposition to item #2.

Oro Valley resident Bill Adler

MOTION: A motion was made by Vice Mayor Waters and seconded by Councilmember Zinkin to approve the Conceptual Site Plan for the Coxco property retail building subject to the condition in Attachment 1, finding that the Conceptual Site Plan meets applicable Design Principles and Standards.

Attachment 1
Condition of Approval
Coxco Property Retail Building
OV1213-14

Conceptual Site Plan

1. Provide at least two (2) shaded seating areas, in locations acceptable to the Planning and Zoning Administrator, along the front of the building.

MOTION carried, 7-0.

Mr. Michels gave an overview of the proposed Conceptual Public Art

MOTION: A motion was made by Vice Mayor Waters and seconded by Councilmember Garner to approve the Conceptual Public Art for the Coxco property retail building subject to the condition in Attachment 1, finding that the Conceptual Public Art meets applicable Design Principles and Standards.

Attachment 1
Condition of Approval
Coxco Property Retail Building
OV1213-14

Conceptual Public Art

2. The applicant shall install a small metal plaque containing the artist's name, name of the artwork, installation date, and recognition of the Town's Public Art requirement.

MOTION carried, 7-0.

3. PUBLIC HEARING: ORDINANCE NO. (O)14-___, REPEALING AND REPLACING ORO VALLEY TOWN CODE CHAPTER 13 - DEVELOPMENT FEES AND CHAPTER 15, ARTICLE 17 - WATER RATES, FEES AND CHARGES SETTING FORTH STANDARDS AND PROCEDURES FOR CREATING AND ASSESSING DEVELOPMENT IMPACT FEES CONSISTENT WITH THE REQUIREMENTS OF ARIZONA REVISED STATUTES (A.R.S.) SECTION 9-463.05

Finance Director Stacey Lemos outlined the following topics regarding item #3:

- Town and Water Utility Impact Fees Approval Process - Schedule
- Proposed Impact Fee Schedule
- Historical Comparison of Combined Fees
- Jurisdiction Comparison Non-Utility Impact Fees
- Town Code Changes Ch. 13 - Development Fees

Water Utility Director Philip Saletta gave an overview of the following Water Utility Impact Fees:

- Water Utility Impact Fees
- Comparison of Combined Fees Potable and Alternative Water
- Water Code Changes Ch. 15 Article 17 of Town Code

Mayor Hiremath opened the public hearing.

The following individual spoke in opposition to item #3.

Oro Valley resident Bill Adler

Mayor Hiremath closed the public hearing.

No action was taken on item #3.

4. FISCAL YEAR 2013/14 MID-YEAR FINANCIAL UPDATE

Ms. Lemos gave an overview of the following Funds:

- General Fund
- Highway Fund
- Bed Tax Fund
- Water Utility Fund
- Stormwater Utility Fund

FUTURE AGENDA ITEMS

No future agenda items were requested.

CALL TO AUDIENCE

No comments were received.

ADJOURNMENT

MOTION: A motion was made by Vice Mayor Waters and seconded by Councilmember Burns to adjourn the meeting at 8:31 p.m.

MOTION carried, 6-1 with Councilmember Hornat opposed.

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 19th day of February 2014. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2014.

Julie K. Bower, MMC
Town Clerk

DRAFT



Town Council Regular Session

Item # **B.**

Meeting Date: 03/05/2014
Submitted By: Julie Bower, Town Clerk's Office
Department: Town Clerk's Office

Information

SUBJECT:

Reappointment of Stephen Dean as the Town's citizen representative on the Pima Association of Governments (PAG) Environmental Planning Advisory Committee (EPAC)

RECOMMENDATION:

The reappointment of Stephen Dean to the PAG Environmental Planning Advisory Committee to a term expiring June 30, 2015, is recommended.

EXECUTIVE SUMMARY:

The PAG EPAC charter allows two representatives from each jurisdiction - one staff member and one citizen representative. Bayer Vella is the staff representative and Stephen Dean is the citizen representative.

Mr. Dean was first appointed as the Town's citizen representative effective January 7, 2009. He has requested reappointment to the committee and staff supports his reappointment to a term expiring June 30, 2015.

BACKGROUND OR DETAILED INFORMATION:

Mr. Dean's request for reappointment is attached.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to approve Stephen Dean's reappointment to the PAG Environmental Planning Advisory Committee for a term ending June 30, 2015.

Attachments

Reappointment Request

From: Stephen

Sent: Thursday, February 06, 2014 6:35 PM

To: Stine, Michelle

Subject: Re: PAG Environmental Planning Advisory Committee (EPAC)

Michelle,

Yes, I had given prior notification to continue on being the Oro Valley Citizen Representative for PAG/EPAC. So yes, I am interested in being reappointed. I have continued to attend the monthly meetings and have (as needed) provided information to Phil Saletta.

Thank you for your help in reappointing me to this position.

Sincerely,

Stephen E Dean



Item # **C.**

Town Council Regular Session

Meeting Date: 03/05/2014
Requested by: Mayor Hiremath & Councilmember Burns
Submitted By: Julie Bower, Town Clerk's Office
Department: Town Clerk's Office

Information

SUBJECT:

Cancellation of the March 19, 2014 Regular Town Council Meeting

RECOMMENDATION:

N/A

EXECUTIVE SUMMARY:

Currently, there is no business scheduled for the March 19, 2014, regular Town Council meeting. In the event that the Mayor and Town Council would like to cancel the March 19th regular Town Council meeting, formal action must be taken to cancel the meeting.

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to cancel the March 19th Regular Town Council Meeting.



Town Council Regular Session

Item # D.

Meeting Date: 03/05/2014

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

Department: Police Department

Information

SUBJECT:

Resolution No. (R)14-11, authorizing and approving an Intergovernmental Agreement (IGA) between Pima County and the Town of Oro Valley for the Pima County Wireless Integrated Network (PCWIN) subscriber services

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

In December 2003, the Pima County Sheriff's Department joined 31 other public safety entities within Pima County in a collaborative effort to present a plan for a regional public safety communications system, which became the Pima County Wireless Integrated Network (PCWIN). In 2004, voters approved a \$92 million bond initiative for the development, procurement, implementation and management of PCWIN to improve coordination of public safety services. The Oro Valley Town Council has approved five Intergovernmental Agreements (IGA) since 2010 to advance this project.

The IGA, attached as 'Exhibit A', is necessary for the Oro Valley Police Department's subscriber maintenance to be provided by Pima County Information Technology.

The IGA must be approved and signed prior to Oro Valley's cut-over date to PCWIN, which is scheduled for March 31, 2014.

BACKGROUND OR DETAILED INFORMATION:

During the final phases of this project, two maintenance plans were made available for the 226 OVPD units:

1. A 'monthly' fee of \$8 per unit (\$96.00 annually), resulting in a total cost of \$21,696 per year for the 226 units, or
2. A 'Time and Material Services' for an annual base fee of \$20 per unit, resulting in a total cost of \$4,520 per year.

OVPD elected the 'Time and Material' option, and as a result, PCWIN calculated a 'T&M Estimated Annual Service Cost' of approximately \$3,975.34 for capacity to complete repairs under this option.

FISCAL IMPACT:

This equipment is warrantied for the first year; therefore, there is no fiscal impact to the FY 13/14 approved budget.

Future maintenance costs of approximately \$8,500 will be included in FY 14/15 budget capacity.

SUGGESTED MOTION:

I MOVE to (adopt or deny) Resolution No. (R)14-11, authorizing and approving an Intergovernmental Agreement (IGA) between Pima County and the Town of Oro Valley for the Pima County Wireless Integrated Network (PCWIN) subscriber services.

Attachments

(R)14-11 PCWIN Maintenance

IGA-Exhibit A

RESOLUTION NO. (R)14-11

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, AUTHORIZING AND APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN PIMA COUNTY AND THE TOWN OF ORO VALLEY FOR PIMA COUNTY WIRELESS INTEGRATED NETWORK (PCWIN) SUBSCRIBER SERVICES

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

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

WHEREAS, the Town desires to use PCWIN communication equipment and services and does not have the ability to maintain same; and

WHEREAS, the Town desires to enter into an Intergovernmental Agreement (IGA) with Pima County to maintain PCWIN subscriber equipment; and

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

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

1. The Intergovernmental Agreement between the Town of Oro Valley and Pima County, attached hereto as Exhibit "A", for Pima County Wireless Integrated Network subscriber services is hereby authorized and approved.
2. The Chief of Police 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 5th day of March, 2014.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath

ATTEST:

APPROVED AS TO FORM:

Julie K. Bower, Town Clerk

Tobin Sidles, Legal Services Director

Date: _____

Date: _____

EXHIBIT "A"

**INTERGOVERNMENTAL AGREEMENT
FOR PCWIN SUBSCRIBER SERVICES
BETWEEN PIMA COUNTY AND
TOWN OF ORO VALLEY POLICE DEPARTMENT**

THIS INTERGOVERNMENTAL AGREEMENT (Agreement), is made and entered into by and between Pima County, a political subdivision of the State of Arizona (“*County*”) and Town of Oro Valley Police Department (hereinafter referred to as “*Agency*”) pursuant to [A.R.S. §11-952 et seq.](#)

WHEREAS County and Agency may contract for services and enter into agreements with one another for joint or cooperative action pursuant to A.R.S. §§11-951 through 11-954 and 41-2631 through 41-2634; and

WHEREAS County is implementing a regional public safety communications network known as the Pima County Wireless Integrated Network (“**PCWIN**”); and

WHEREAS Agency agrees to participate in the PCWIN program; and

WHEREAS Agency desires to use PCWIN communication equipment and services and does not have the ability to maintain same; and

WHEREAS County has facilities and resources to maintain and service PCWIN communication equipment; and

WHEREAS County is willing to provide communication service and equipment maintenance to Agency.

NOW, THEREFORE County and Agency agree as follows:

1. Purpose.

The purpose of this Agreement is to set forth the responsibilities of the parties and provide communication service and equipment maintenance to Agency.

2. Scope:

- A. County, through its Information Technology Department, Wireless Services Division, shall provide communication equipment maintenance to Agency at 1313 South Mission Road, Tucson, Arizona, 85713. County shall only provide

communication equipment maintenance to PCWIN communications equipment owned or leased by Agency, and all affected equipment shall be clearly marked or identified as such.

- B. County guarantees communication equipment maintenance work for 90 days and will pass on to Agency any parts warranty provided by the manufacturer. If County communication equipment maintenance work or replacement parts fail in normal service within that period, the County shall make additional repairs at no additional charge to Agency. County provides no other express warranty on communication equipment maintenance work. Any implied warranty of merchantability or fitness is limited to the 90 day duration of this warranty.
- C. Agency shall be liable for all damages to the County facility caused by Agency in the course of maintaining the Agency's communication equipment, except for damages that result from the sole negligence of County.

3. Payment

- A. County shall bill Agency monthly through the Finance Department, Revenue Management Division for maintenance services. This service will be billed in arrears of the service provided. Current rates are outlined in the attached Exhibit A, which requires each participating Public Agency to opt for either monthly or time and materials billing; provided, however, that Agency may opt for both monthly and time and materials payment, as set forth in Exhibit B. Agency shall pay County within fifteen (15) days of County's bill.
- B. If, after ten (10) days written notice to Agency it fails to pay the full amount due, County may terminate this Agreement immediately and without notice.
- C. Upon renewal of this IGA, County reserves the right to increase the rates set forth in Exhibit A or Time and Materials charges as applicable to Agency, if County's actual costs increase.

4. Term and Termination

- A. County and Agency shall within their lawful methods of financing provide for payment of the costs and expenses of their obligations arising each year under this Agreement from current annual budgeted funds for that year.
- B. The term of the Agreement shall be from the date of signature by the Pima County Board of Supervisors for a period of one year and is renewable upon mutual agreement of both parties, unless terminated pursuant to Section 4 (D.) below. Any modification of this Agreement shall be by formal written amendment and executed by the parties hereto.

- C. Notwithstanding any other provision in this Agreement, this Agreement may be terminated if for any reason the Pima County Board of Supervisors or Agency's governing body do not appropriate sufficient monies for the purpose of maintaining this Agreement. In the event of such cancellation, County shall have no further obligation to the terminating Agency, and Agency's only obligation to County will be payment for services rendered and the satisfaction of any other obligations under this Agreement
- D. Either party may terminate this Agreement only by issuing a written notice of its intention not to renew this Agreement at least 90 days prior to the end of the then existing Term.

5. Severability

Each provision of this Contract stands alone, and any provision of this Contract found to be prohibited by law shall be ineffective to the extent of such prohibition without invalidating the remainder of this Contract.

6. Indemnification

Each party (as "Indemnitor") agrees to indemnify, defend, and hold harmless the other party (as "Indemnitee") from and against any and all claims, losses, liability, costs, or expenses (including reasonable attorney's fees) (hereinafter collectively referred to as "Claims") arising out of bodily injury of any person (including death) or property damage, but only to the extent that such Claims which result in vicarious/derivative liability to the Indemnitee are caused by the act, omission, negligence, misconduct, or other fault of the Indemnitor, its officers, officials, agents, employees, or volunteers.

In addition, Town of Oro Valley Police Department shall cause its contractor(s) and subcontractors, if any, to indemnify, defend, save and hold harmless Pima County, any jurisdiction or agency issuing any permits for any work arising out of this Agreement, and their respective directors, officers, officials, agents, and employees (hereinafter referred to as "Indemnitee") from and against any and all claims, actions, liabilities, damages, losses, or expenses (including court costs, attorneys' fees, and costs of claim processing, investigation and litigation) (hereinafter referred to as "Claims") for bodily injury or personal injury (including death), or loss or damage to tangible or intangible property caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of (insert name of other governmental entity)'s contractor or any of the directors, officers, agents, or employees or subcontractors of such contractor. This indemnity includes any claim or amount arising out of or recovered under the Workers' Compensation Law or arising out of the failure of such contractor to conform to any federal, state or local law, statute, ordinance, rule, regulation or court decree. It is the specific intention of the parties that the Indemnitee shall, in all instances, except for

Claims arising solely from the negligent or willful acts or omissions of the Indemnitee, be indemnified by such contractor from and against any and all claims. It is agreed that such contractor will be responsible for primary loss investigation, defense and judgment costs where this indemnification is applicable.

7. Americans With Disabilities Act

Agency shall comply with all applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 12101-12213) and all applicable federal regulations under the Act, including 28 CFR Parts 35 and 36.

8. Cancellation For Conflict Of Interest

This Agreement is subject to cancellation for conflict of interest pursuant to ARS § 38-511, the pertinent provisions of which are incorporated into this Agreement by reference.

9. No Joint Venture

It is not intended by this Agreement to, and nothing contained in this Agreement shall be construed to, create any partnership, joint venture or employment relationship between the parties or create any employer-employee relationship between County and any of Agency's employees, or between Agency and any County employees. None of the parties shall be liable for any debts, accounts, obligations or other liabilities whatsoever of the other party, including (without limitation) Agency's and County's obligation to withhold Social Security and income taxes for itself or any of its employees.

10. Insurance.

A. Coverages. Subject to section 10. E. below, the Parties to this Intergovernmental Agreement shall obtain and maintain at their own expense, during the entire term of this Agreement the following type(s) and amounts of insurance:

- 1) *Commercial General Liability.* Coverage shall be at least as broad as ISO form CG 00 01 in an amount not less than \$2,000,000.00, endorsed to include County as an additional insured with coverage at least as broad as ISO form CG 20 10.
- 2) *Commercial General Automobile Liability.* Coverage shall be at least as broad as ISO form CA 00 01 in an amount not less than \$1,000,000.00 for vehicles actually used in the operations at the Premises (as compared to use for simple commuting).

- 3) *Workers' Compensation. Statutory limits, with Employers' Liability coverage in an amount not less than \$1,000,000.00 per injury, illness, or disease.*
 - 4) *Property. Property insurance covering the Party's real and personal property.*
- B. Changes to Insurance Requirements. County retains the right to reasonably increase the limits or types of coverage from time to time as determined in the best interests of County by Pima County Risk Management.
- C. Waiver of Subrogation. Each Party waives its claims and subrogation rights against the other for losses typically covered by liability or property insurance coverage.
- D. Certificates of Insurance. The Parties shall provide each other with current certificates of insurance within thirty (30) days of the execution of this Intergovernmental Agreement. All certificates of insurance must provide for guaranteed thirty (30) days written notice to all Parties to this Intergovernmental Agreement of cancellation, non-renewal or material change.
- E. Self-Insurance Pool. The requirements of this Section 10 above may be alternatively met by the Parties through self-insurance or participation in a governmental insurance risk pool, at no less than the minimal levels set forth in this article. If applicable, Parties to this Intergovernmental Agreement shall provide all other Parties with certificates of self-insurance under A.R.S. §§ 11-261 and 11-981 (or if a school district, § 15-382) or documentation of participation in an insurance risk pool pursuant to A.R.S. § 11-952.01, (if a school district, § 15-382) within thirty (30) days of the execution of this Intergovernmental Agreement. All certificates must provide for guaranteed thirty (30) days written notice to all other Parties of cancellation, non-renewal or material change.

11. Compliance With Laws

The parties shall comply with all federal, state, and local laws, rules, regulations, standards and Executive Orders, without limitation. In the event any services provided under this Agreement require a license issued by the Arizona Registrar of Contractors (ROC), County certifies that those services will be provided by a contractor licensed by ROC to perform those services in Arizona. The laws and regulations of the State of Arizona shall govern the rights, performance and disputes of and between the parties. Any action relating to this Agreement shall be brought in a court of the State of Arizona in Pima County.

Any changes in the governing laws, rules, and regulations during an agreement shall apply, but do not require an amendment/revisions.

12. Non-Discrimination

Agency agrees to comply with all provisions and requirements of Arizona Executive Order 2009-09 **including flow down of all provisions and requirements to any subcontractors.** Executive Order 2009-09 supersedes Executive order 99-4 and amends Executive order 75-5 and may be viewed and downloaded at the Governor of the State of Arizona's website http://www.azgovernor.gov/dms/upload/EO_2009_09.pdf which is hereby incorporated into this contract as if set forth in full herein. During the performance of this contract, Agency shall not discriminate against any employee, client or any other individual in any way because of that person's age, race, creed, color, religion, sex, disability or national origin.

13. No Third Party Beneficiaries

Nothing in the provisions of this Agreement is intended to create duties or obligations to or rights in third parties not parties to this Agreement or affect the legal liability of either party to the Agreement by imposing any standard of care with respect to the maintenance of public facilities different from the standard of care imposed by law.

14. Workers' Compensation

Agency shall comply with the notice of A.R.S. §23-1022 (E). For purposes of A.R.S. §23-1022, Agency shall be considered the primary employer of all personnel currently or hereafter employed by those parties, irrespective of the operations of protocol in place, and said party shall have the sole responsibility for the payment of Workers' Compensation benefits or other fringe benefits of said employees.

15. Entire Agreement

This document constitutes the entire agreement between the parties pertaining to the subject matter hereof, and all prior or contemporaneous agreements and understandings, oral or written, are hereby superseded and merged herein. This Agreement may be modified, amended, altered or extended only by a written amendment signed by the parties.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

IN WITNESS THEREOF, the parties have affixed their signatures to this Agreement on the date written below.

PIMA COUNTY

TOWN OF ORO VALLEY POLICE DEPARTMENT

Chair, Board of Supervisors

Authorized Officer Signature

Date

Printed Name and Title

Date

ATTEST

Clerk of Board

Date

APPROVED AS TO CONTENT:

Pima County Chief Information Officer

Date

INTERGOVERNMENTAL AGREEMENT DETERMINATION

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

PIMA COUNTY:

Deputy County Attorney, Civil Division

Date

AGENCY NAME: TOWN OF ORO VALLEY POLICE DEPARTMENT

Print Name, Title

Signature

Date

EXHIBIT A

Subscriber Services and Time & Materials Services (Aug 6, 2013)

Monthly Radio Subscriber Agencies/Departments (Pima County; or Other Agencies who subscribe for service):

- A. Monthly fee of \$8/Radio
- B. Subscriber Services Provided:
 - i. Programming
 - ii. New Radio Activation
 - iii. Radio Deactivation
 - iv. Encryption/no Encryption
 - v. Basic Troubleshooting
 - vi. Radio Kill (lost or stolen)
 - vii. Loaner Radio during Radio repairs
 - viii. Preventative Maintenance Services at Agency Premises or in Maintenance Provider shop to tune radios and replace various parts (antennas, clips, knobs, batteries, etc.)
- C. Motorola Radio Repair Costs (including shipping and applicable taxes) are charged directly to the Agency
- D. Radio Reactivation fee of \$50 / per occurrence

PCWIN Requires CommShop 360 to Be the Book of Record for All Radio Subscriber Services Provided To Agencies

Subscriber Services and Time & Materials Services (Aug 6, 2013)

Time & Material (Non Pima County) Radio Agency Services:

- A. T&M Services Provided (\$40/hour, 1 hour minimum charge):
 - i. Programming
 - ii. New Radio Activation
 - iii. Radio Deactivation
 - iv. Encryption/no Encryption
 - v. Basic Troubleshooting
 - vi. Radio Kill (lost or stolen)
 - vii. For other costs associated with T&M Services not included in the hourly charge which are charged directly to the Agency:
 - a. Minimum of \$20 shipping or actual shipping costs where over \$20, for Motorola Radio repairs, where applicable
 - b. Actual Motorola radio repair costs and applicable taxes
 - c. Spare parts and materials used in basic repairs
 - d. Any T&M Services(including Annual Preventative Maintenance) provided at the Agency Location are charged a mileage expense (Trip Charge) of:
 - i. \$ 1.16 per mile roundtrip
- B. Other Costs That Will Be Directly Charged To An Agency:
 - i. Radio Reactivation fee of \$50 / per occurrence
 - ii. Each T&M Agency must pay for an Annual Mandatory Preventative Maintenance checkup to tune their radios @ \$20/Radio (Agency pays for cost of parts, if applicable).
- C. Agencies on T&M Must Maintain An Inventory of Spare Radios

PCWIN Requires CommShop 360 To Be The Book Of Record For All Radio T&M Services Provided To Agencies

EXHIBIT B

Agency Name	Oro Valley Police Dept.
County or COT Maintenance	County
Monthly / T&M / Both	T&M

	Totals
# of Mobiles	105
# of Portables	119
# of Control Stations	2
# of DVRs	0
Totals	226

Monthly		\$8 Monthly Fee (\$96 Annual)
Mobiles	0	\$ -
Portables	0	\$ -
Control Stations	0	\$ -
DVRs	0	\$ -
Totals	0	\$ -

T&M		\$20 Base Annual Fee
Mobiles	105	\$ 2,100.00
Portables	119	\$ 2,380.00
Control Stations	2	\$ 40.00
DVRs	0	\$ -
Totals	226	\$ 4,520.00

T&M Estimated Annual Service Cost* \$ 3,975.34

Grand Total	226	\$ 8,495.34
--------------------	------------	--------------------

*10% of total radios needing 1 hour repair and an average of battery, belt clip and antenna replacement (\$135.90 for parts and \$40 for one hour of labor = \$175.90).

EXHIBIT C

PIMA COUNTY WIRELESS INTEGRATED NETWORK

PUTTING PIMA COUNTY IN A BETTER STATE OF COMMUNICATION



PCWIN Maintenance Provider Survey

November 26, 2013

To All PCWIN Subscribers:

Completion of this survey will assist both maintenance providers with projecting the quantity and type of spare parts to stock and personnel staffing needs.

Please provide your agencies' contact for radio maintenance policies and procedures.

Agency Name: ORO VALLEY POLICE
Point of Contact: NANCY ANDERSON
Phone Number: 520-229-4911
Email Address: Nanderson@orovalleyaz.gov

Mark an "X" for your selection

	City of Tucson Communications Maintenance Services
	Pima County Wireless Services X
	1) Monthly Services OR
X	2) Time & Material Services

Agency sections will be valid for one (1) year once an agreement is in place.

Daniel G. SHARP [Signature] 11/26/13
Name (printed) Signature Date



Item # **E.**

Town Council Regular Session

Meeting Date: 03/05/2014
Requested by: Kristy Diaz-Trahan
Submitted By: Kristy Diaz-Trahan, Parks and Recreation
Department: Parks and Recreation

Information

SUBJECT:

Resolution No. (R)14-12, approval of Steam Pump Ranch Fee Schedule

RECOMMENDATION:

The Parks & Recreation Advisory Board recommends approval of this fee schedule.

EXECUTIVE SUMMARY:

The Steam Pump Ranch (SPR) Master Plan includes formal documentation related to revenue, which includes rental fees. The Historic Preservation Commission reviewed the fee schedule recommendation at their meeting on May 6, 2013. The Parks & Recreation Advisory Board subsequently approved the recommendation at their September 17, 2013, meeting.

BACKGROUND OR DETAILED INFORMATION:

The Steam Pump Ranch (SPR) Master Plan has identified a three-phased implementation process which consists of the Pre-Opening Phase, Opening Phase, and Full Build-Out Phase.

The Pre-Opening Phase stipulates that existing capital is to be utilized for the rehabilitation and restoration of one building onsite, as well as for the implementation of docent-led visits. This phase was to begin on May 1, 2008, with an expected completion of November 2009.

In regard to the Opening Phase, SPR would then be open to the general public after completion of an interpretive plan. In addition, capital funds would be secured to renovate existing buildings, construct new buildings, install interpretive elements and exhibits, and install required infrastructure and landscaping. The targeted completion date for this phase was early 2012 in order to prepare for the Arizona Centennial.

The Full Build-Out Phase incorporates other public and commercial uses not developed onsite during the Opening Phase, which would be developed over time.

There are several improvements that have already been made to SPR and are as follows:

- Site clean-up and beautification
- Renovate/restore Pusch House
- Department of Transportation approved entrance off Oracle Rd.
- Historically significant garden
- Full service restroom
- Roadway and parking to include designated handicap space

- Water and electricity
- Ramadas (currently accommodating the Farmers Market)

SPR has also hosted several programs and events that represent the intentions of the Opening Phase and include the following:

- Town Annual Tree Lighting
- Town's 35th Birthday Celebration
- Fall Festival (two)
- Spring Festival (one)
- 2nd Saturday at SPR Educational Series
- Youth Summer Camp
- Farmers Market (weekly as of Oct 1, 2013)

The Master Plan includes formal documentation related to revenue, which includes rental fees. The fee recommendation to rent outdoor space was \$250 in both the Opening and Full Build- Out phases and was initially discussed at the Historic Preservation Commission (HPC) meeting on May 6, 2013. The HPC meeting concluded with a recommendation of rental zones and a participant sliding scale fee, which was later presented at the Parks & Recreation Advisory Board (PRAB) meeting on September 17, 2013.

After consideration, PRAB unanimously approved the recommended fee schedule which is illustrated in Exhibit "A" of Attachment 1. Please note:

*Fees are per event day/per zone (Attachment 2)

*Commercial is defined as relating in commerce; engaged in commerce; having profit as chief aim.

Staff anticipates that the parking lot (only) option will be minimally utilized and will typically be used to stage equipment, conduct equipment auctions or for events that do not require other amenities. Please note that if an organization opts to use electricity, it will be assessed the electrical fee in addition to the space rental fee. Staff will work with the event coordinators to ensure all use/fees are applied based on the scope of their event programming.

FISCAL IMPACT:

Staff estimates that the Town will receive approximately \$1,200 in annual revenue from these uses.

SUGGESTED MOTION:

I MOVE to approve Resolution No. (R)14-12 as presented.

OR

I MOVE...

Attachments

(R)14-12 SPR Fee Schedule

SPR rental Zones

RESOLUTION NO. (R)14-12

**A RESOLUTION OF THE TOWN OF ORO VALLEY, ARIZONA,
PROPOSING THE STEAM PUMP RANCH FEE SCHEDULE
FACILITY USE RULES AND REGULATIONS**

WHEREAS on October 16, 2002, the Town Council adopted Ordinance No. (O) 02-32, granting the Town Council authority to establish Parks and Recreation Facility Usage Fees by resolution; and

WHEREAS, on December 5, 2008, the Town Council approved Resolution No. (R) 08-88 adopting the Town of Oro Valley Parks and Recreation Department Revenue and Fee Policy; and

WHEREAS, the proposed Steam Pump Ranch Fee Schedule Facility Use Rule and Regulations, attached hereto as Exhibit "A" and incorporated herein by this reference, will allow additional revenues in compliance with the Parks and Recreation Revenue and Fee Policy.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Oro Valley, Arizona that: the proposed Steam Pump Ranch Fee Schedule Facility Use Rule and Regulations, attached hereto as Exhibit "A" and incorporated herein by this reference, is hereby authorized and approved.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona, this 5th day of March, 2014.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie K. Bower, Town Clerk

Tobin Sidles, Legal Services Director

Date: _____

Date: _____

EXHIBIT “A”

Description	# Participants	*Commercial Rate	Non-Commercial Rate
Outdoor Area	1 – 50	\$100	\$80
	51-150	\$175	\$140
	151+	\$250	\$200
Electrical		\$75	\$60
Parking lot (only)		\$250	\$200

Fees are per event day/per zone

*Commercial is defined as relating in commerce; engaged in commerce; having profit as chief aim.



Map

Traffic

Oracle Rd

Oracle Rd

Hawley Rd

N

100 ft

25 m

© 2013 Google

1

2

3

Granddaddy's River Park

Granddaddy's River Park

Granddaddy's River Park

Map

Traffic



Town Council Regular Session

Item # **F.**

Meeting Date: 03/05/2014
Requested by: David Williams
Submitted By: Rosevelt Arellano
Development Infrastructure Services
Department: Development Infrastructure Services

Information

SUBJECT:

Request for approval of Conceptual Public Art for the Catalina Springs Memory Care Facility, located on the Southwest corner of Oracle Road and Desert Sky Road

RECOMMENDATION:

The Conceptual Design Review Board (CDRB) recommends approval, subject to providing an identification plaque for the artwork (Attachment 1).

EXECUTIVE SUMMARY:

This is a request for approval of Conceptual Public Art design for the Catalina Springs Memory Care Facility located in the partially developed Oracle Vista Center on the southwest corner of Desert Sky Road and Oracle Road. The applicant proposes to install three (3) sculptures to fulfill the Town's public art requirement (Attachment 2). Town Council reviews Conceptual Public Art to confirm a project's adherence to the adopted Design Principles and Design Standards. The CDRB voted to recommend approval of the proposed artworks.

All other elements of this project have been approved and are not available for discussion and/or consideration. This includes the previous rezoning, site plan and architectural elements of the project. The project is currently under construction with all required and necessary permits issued.

BACKGROUND OR DETAILED INFORMATION:

The applicant is developing a 65-bed memory care facility on a portion of the Oracle Vista Center. The development has completed the Final Design review process and the proposed art is necessary to meet the Town's 1% Public Art requirement. The proposed art has been evaluated using the Design Principles and Design Standards of the Zoning Code. A detailed analysis regarding the request's compliance with the Zoning Code is provided in the CDRB Staff Report (Attachment 3).

Proposed Artwork

- Install two (2) kinetic wind sculptures at the front of the building
 - "Desert Spinner": 56" (diameter)
 - "Desert Flame": 34" x 17"
 - Materials: copper and steel
- Install one (1) shade pergola at the front of the building
 - Untitled: 9' x 6.5' x 15' to 18' (height, width and length)
 - Materials: bronze and steel
- Total Art Budget: \$41,310

Approvals-to-Date

- 2001: Rezoned to Neighborhood Commercial (NC)
- 2008: Master Development Plan approved for the Oracle Vista Centre
- 2013: Conceptual Site Plan and Architecture approved for a memory care facility

Conceptual Public Art

The applicant proposes to place three sculptures along the east building elevation (see Attachment 4). The proposed sculptures are intended to mimic the desert environment and will be created by two different artists. The first artist, Lyman Whitaker, proposes to install two kinetic wind sculptures entitled “Desert Flame” and “Desert Spinner.” These kinetic sculptures are approximately 6’ and 11’ tall and will be constructed from copper and steel. The second artist, Joe Tyler, proposes to install a shade pergola with metal vines, leaves and flowers. The proposed pergola is approximately 9’ tall and 15’ long and will be constructed from bronze and steel.

Detailed analysis regarding conformance of the proposed Conceptual Public Art design in relation to the Design Principles and applicable Design Standards is provided in the attached CDRB staff report (Attachment 3). As a note, this project review does not include the Town's updated Public Art standards as it was initiated prior to the adoption of the new standards.

Conceptual Design Review Board Review

The Conceptual Public Art was considered by the Conceptual Design Review Board (CDRB) at their December 10th meeting. Issues discussed at the meeting included questions about safety and maintenance. The CDRB minutes are included as Attachment 5. The CDRB found the Conceptual Public Art to be in substantial conformance with the applicable Design Principles and Standards, and has recommended approval, subject to the condition in Attachment 1.

Public Comment

Notice was provided to the following:

- Homeowners Association mailing
- Town Hall and website posting
- No comments have been received

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to approve the Conceptual Public Art for Catalina Springs Memory Care Facility, subject to the condition in Attachment 1, finding that the Conceptual Public Art meets applicable Design Principles and Standards.

OR

I MOVE to deny the Conceptual Public Art for the Catalina Springs Memory Care Facility, finding that the Conceptual Public Art does not meet applicable Design Principles and Standards.

Attachment 1 Conditions of Approval

Attachment 2 Application

Attachment 3 CDRB Staff Report

Attachment 4 Site Plan

Attachment 5 CDRB Minutes

Attachment 1
Condition of Approval
Catalina Springs Memory Care Facility
Conceptual Art
OV1213-01
January 15, 2014 Town Council

1. The applicant shall install small individual metal plaques containing the artist's name, name of the artwork, installation date, and recognition of the Town's Public Art program.

CONCEPTUAL PUBLIC ART

DESIGN SUBMITTAL

10.4.2013

OCT 9 2013

CATALINA SPRINGS MEMORY CARE, ORO VALLEY AZ

Catalina Springs Memory Care

Art Proposal Budget

<u>1%</u>	
Construction Budget	\$4,100,000
	x .001
1% for Public Art	<u>\$ 41,000</u>

BUDGET

Architectural Fee for Selection/Coordination	\$ 4,500
Wind Sculpture	\$ 6,810
Shade Pergola	\$ 30,000
	<u> </u>
TOTAL ART INSTALLATION	\$ 41,310

IMPLEMENTATION TIMELINE

Conceptual Art Design Submittal	10.4.2013
Final Art Design Submittal	11.4.2013
Pergola Begin Work (4 mo.)	4.01.2014
Pergola Begin Installation	8.01.2014
Install Wind Sculptures	8.15.2014
Art Installations Complete	8.31.2014

CATALINA SPRINGS MEMORY CARE, ORO VALLEY AZ

REQUEST FOR FEE APPROVAL

Section 27.3 (C)(3) If specifically approved by the Art Review Commission, art work budgets may include integrated pedestals, bases, walls, utility extensions and architect's fee exclusively required for the artwork.

ORO VALLEY MEMORY ASSOCIATES, LLC, developers of the project, are requesting that the Art Review Commission allow the fee charged by the architect to aid in the art/artist selection process, to prepare the art submissions for board review and to coordinate the art with the construction, be included in the 1% art budget.

Attached please find the Additional Services contract between the developer and the architect.

RECEIVED
7/9/13

7/9/13

DESIGN WITH INTEGRITY

PLANNING DESIGN INTERIORS ARCHITECTURE

720 NW Davis 503.221.1121
Suite 300 503.221.2077
Portland OR 97209 www.lrsarchitects.com

ADDITIONAL SERVICE AUTHORIZATION

Project Name: Oro Valley Memory Care Community
a.k.a. Catalina Springs Memory Care

Project Number: 211351

Owner: Frontier Management, Inc.
17400 Upper Boones Ferry Rd. Ste 230
Durham, Oregon 97224

Date: 7.02.2013

Existing Agreement Date:

Additional Service Number: 01

Please review this Additional Service Authorization and approve below. The approved and signed copies of this agreement become part of existing Agreement between LRS Architects, Inc. and the Owner and are subject to the conditions thereof. Copy and return original of this document to LRS Architects, Inc.

Description of Additional Services:

Administrative work to include:
Selection and coordination of artist and art for Public Artwork 1%.

FEE: \$4,500.00

Total: \$4,500.00

Attachments: Exhibit "A" - Schedule of Hours
Exhibit "B" - Section 4.0 Art Content
Exhibit "C" - Section 27.3 Public Artwork Provisions

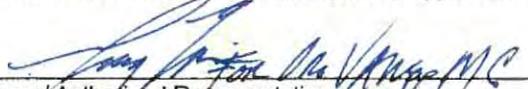
Agreement Revisions:



NOTE: Per Section 27.3 (C)(3) of the Oro Valley Town Code, this Additional Service 01 fee will be submitted to the Planning and Zoning Administrator for approval to be included as part of the 1% Public Art budget. Approval by the Planning and Zoning Administrator will be determined after the preliminary Art Work submittal.

Approval:

The Additional Service described above is approved:


 Owner/ Authorized Representative
 7/9/13


 LRS Architects, Inc.

Date

07.03.13
Date



EXHIBIT A - SCHEDULE OF HOURS

CATALINA SPRINGS, ORO VALLEY	
1% Art - Additional Services	
	hrs
Review artists, select 3	4
Present 3 to client, discuss concept	3
Ask 3 artist for proposals	3
Present to client, select 1	2
Prelim to Conceptual Design Review Board	4
Modifications as required	2
Submission to Conceptual Design Review Board	4
Town Council Submission	1
Coordination with Construction Documents	10
Permitting	3
Installation Coordination	5
Final - C of O	4
TOTAL	45

CATALINA SPRINGS MEMORY CARE, ORO VALLEY AZ

The art work for this project was selected for its kinetic quality in the case of the wind sculptures and for the visceral feel the shade pergola will provide.

Both artists have national installations while Mr. Whitaker's include world-wide locations.

The locations of the two installations provide for public viewing from several locations on the around the project site. Both are located along the sidewalk serving the building's main entry and connecting the site to future development of the master plan. At opposite ends of the property, both are well out of the site visibility triangles for traffic.

The Wind Sculptures

The wind sculptures offer an ever changing visual focus that translates the weather conditions into visible motion. The two pieces selected are reminiscent of the local desert flora: the taller "Double Spinner" flower shape and a "Desert Flame." The two different heights and two different shapes will create intriguing movement with a variety of directional lines. The "Double Spinner" rotates like a weather vane as well as spinning like a wheel. The Desert Flame piece rotates creating spiraling vertical lines.

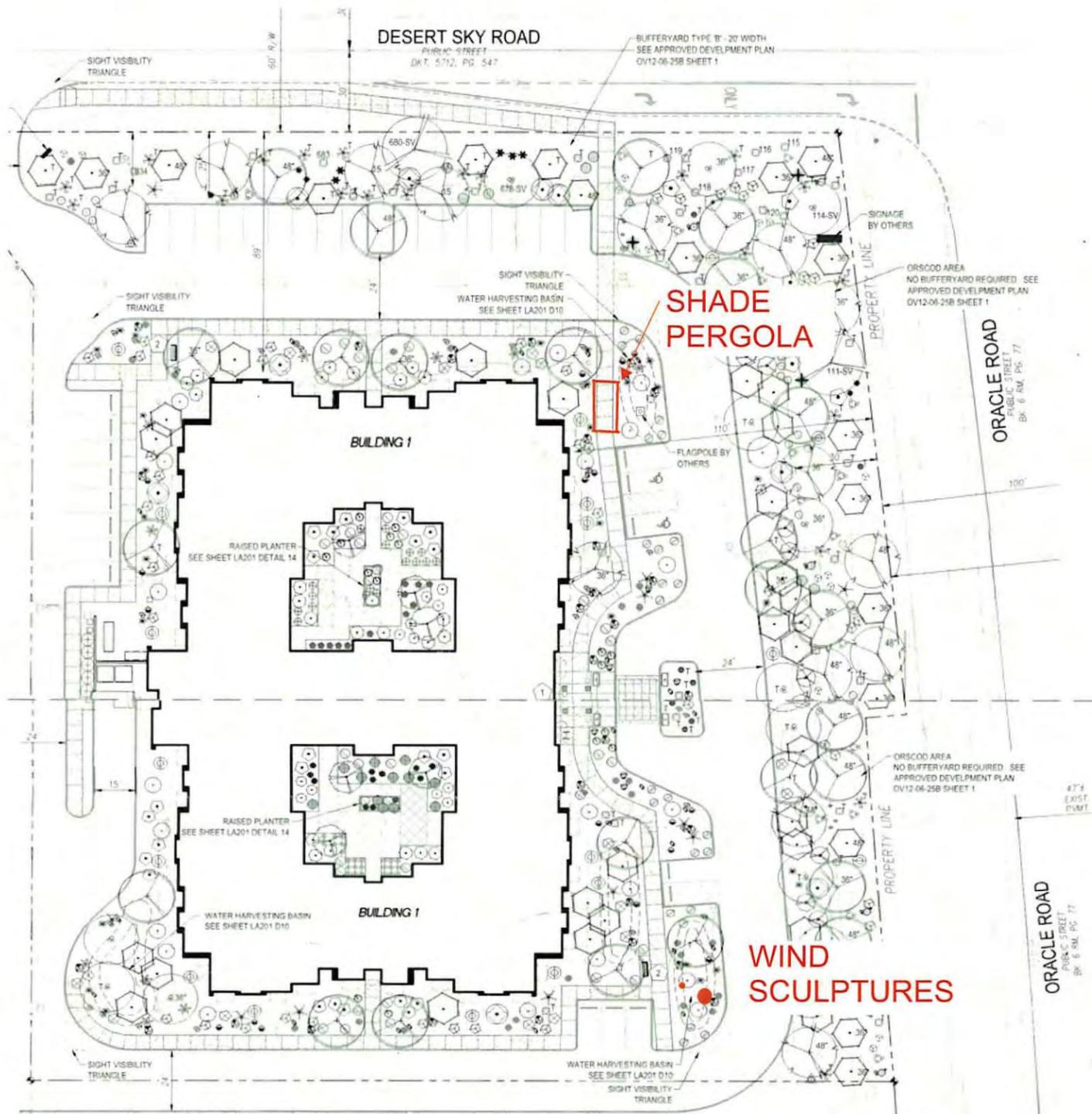
The installation is a unique arrangement and theme for Mr. Whitaker's established work. While Mr. Whitaker's pieces are not "originals" per se, the inclusion of his work will add a truly fascinating accent to the project. As this part of the art concept is approximately 17% of the art budget, it allows the remaining dollars to be spent on the steel and bronze piece described below. The installation will be positioned at the southeast corner of the building in the landscape and across the sidewalk from a shaded seating area.

Mr. Lyman's work requires little to no maintenance as the moving parts are sealed ball bearings. The steel and copper designs are all tested for durability with a one-year installation in the Utah desert. The physical install is a one to two day process. The secure base will prevent any public hazard after installation.

The Shade Pergola

Intended to be reminiscent of an overgrown garden trellis, Joe Tyler's ten to fifteen foot long pergola will be a steel frame with metal vines and leaves growing up the posts and covering the structure. This is a unique twist to Mr. Tyler's organic arboreal theme as it is positioned over the sidewalk connecting the majority of the parking to the building entry. This location will give relief from the sun during the approach to the building. The leaves providing dappled shade will "sprout" desert flowers painted to recall the local varieties and add bursts of color. The installation will be located at the northeast corner of the building and will be welcomed respite from the sun.

The pergola structure will be steel tube set in a concrete foundation and painted to mimic a wooden trellis with bronze leaves and painted metal flowers. The flowers will be painted with automotive paint to provide long lasting vibrancy. Engineering will be provided for the structure and foundation attachment insuring that there is no public hazard. The entire piece will receive a protective coating to inhibit rust.



UNSUBDIVIDED

LANDSCAPE PLAN



CATALINA SPRINGS MEMORY CARE, ORO VALLEY AZ

WIND SCULPTURES

BY LYMAN WHITAKER

CATALINA SPRINGS MEMORY CARE, ORO VALLEY AZ



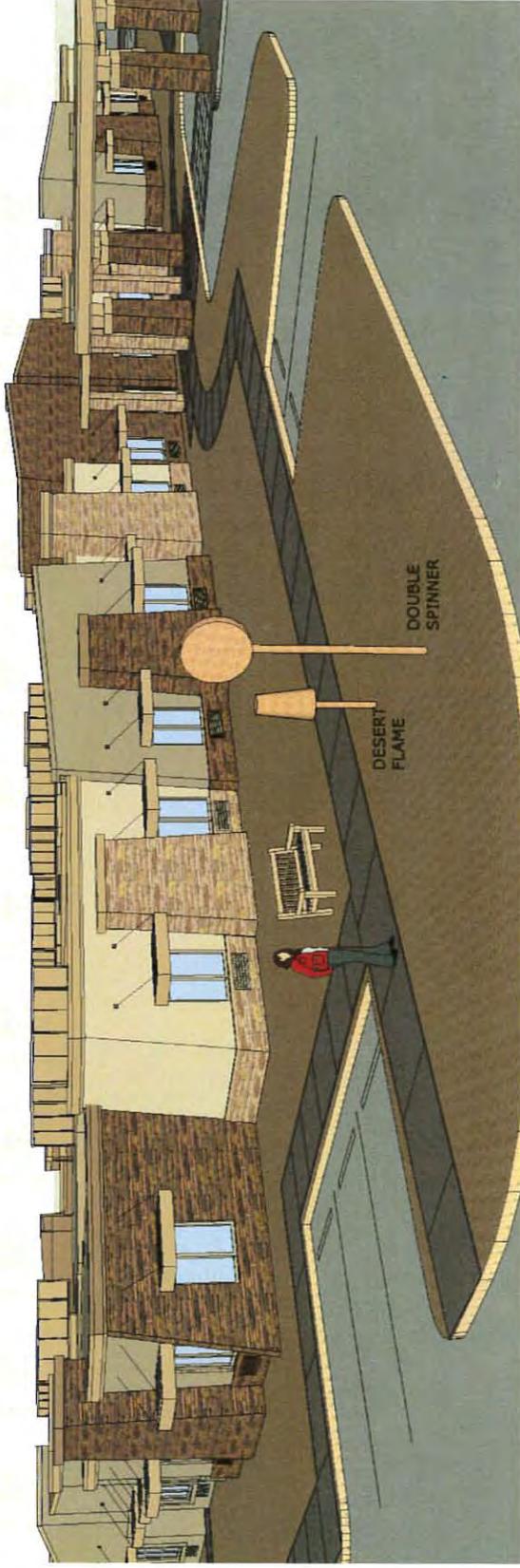
Desert Flame
Copper and Steel

76h x 17w



Double Spinner
Copper and Steel

132h x 56w



CATALINA SPRINGS MEMORY CARE

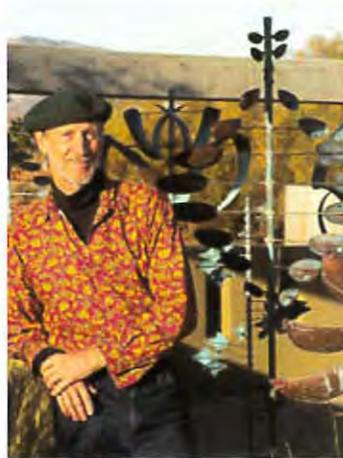
1% for ART

WIND SCULPTURE INSTALLATION - PROPOSED LOCATION

LRS ARCHITECTS
10.03.2013

CATALINA SPRINGS MEMORY CARE, ORO VALLEY AZ

Artist - Lyman Whitaker



Lyman has been a practicing sculptor for over 40 years, with a unique knowledge of materials and their application. The past 19 years have primarily been focused on creating Wind Sculptures™, which are all produced by hand. The Wind Sculptures™ are innovative and artistic with a high degree of mechanical integrity; they are well respected for their quality craftsmanship.

Lyman's sculptures have an organic and mystical theme in keeping with his life philosophy. As an artist, he can express his concern for the survival of the planet through a creative medium. Disquieted about the durability of our culture's present systems, in relation to climate changes, Lyman's strongest wish is to have his artwork symbolize a move toward better solutions in relationship to the earth.

By placing the sculptures in settings dependent on natural elements for movement, opportunities are provided for participants to think about their surroundings. Lyman's sculptures are organic and natural like vegetation and are enjoyed best in interactive settings where they are viewed over time.

The receptivity to his work has allowed Lyman to create an inspiring modern studio in Southern Utah with representation at fine art galleries around the country. In addition, public and private installations exist throughout the United States, Canada, Europe and Australia.

Lyman's early work was significantly more representational, with a wonderful mix from traditional bronzes to small mobiles, and also included several public fountains. Believing that there are a variety of ways to accomplish anything, his process has continued to evolve and maintain originality. Currently, Lyman is going back to what he loves best: combining a broad range of materials and techniques to freely create movement and form.

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Lyman Whitaker has over 50 years' experience as a sculptor with a unique knowledge of materials and their application. Since 1988 Lyman has been focused primarily on creating wind sculptures that are fabricated out of copper, stainless steel and steel. His "Wind Symphonies" create a dynamic and silent interplay of rhythms.

Education

- Bachelors of Fine Art; Emphasis in Sculpture.
University of Utah - Salt Lake City, UT. 1978

Additional Studies

- Avard Fairbanks, Angelo Caravaglia, Neil Hadlock -
Salt Lake City, UT
- Alvirro - Madrid, Spain

2012

West Valley City, UT. Twenty sculptures (11-24 feet) in 3 groupings. Five to be added along highway in 2013.
Crossroads Project, UT State Univ., Logan, UT. 16 sculptures (11-14 feet) as part of an art/science collaboration.
Radiumhospitalet Hospital, Oslo, Norway. Memorial sculpture (12 feet).
Palace, Denmark. A Tulip sculpture was presented to Danish Queen Margrethe II for her summer palace.
Humlemagasinet Gardens, Denmark. Five sculptures (6-12 feet) on display in the gardens.
Bensenville Public Library, Bensenville, IL. Five sculptures (5-8 feet).
Darrow School, New Lebanon, NY. Two sculptures (12-14 feet).
Helen Diller Park, San Francisco, CA. One Extra Huge sculpture (23 feet).

2011

Disney Aulani Resort, Kapolei, HI. Three sculptures (15-23 feet).
Hill-Stead Museum, Farmington, CT. Twelve sculptures (5-10 feet).
Butchart Gardens, Vancouver Island, B.C., Canada. 3 sculptures (5-8 feet).
Hastings House, Salt Spring Island, B.C. Canada. Five sculptures scattered throughout the property (6-9 feet).
Delta College, University Center, MI. Four sculptures (12-18 feet).
Fountains at Pershing Park, Orlando, FL. Five sculptures (6-11 feet).
St. Paul's School, Kansas City, MO. One sculpture (15 feet).
City of Texas, TX. One 14-foot sculpture. Burning Man, BRC, NV. Nineteen stainless steel sculptures (5-16 feet).

2010

Grace Point Square, Salt Spring Island, B.C. Canada. Nine sculptures (6-18 feet).
Children's Campus of Kansas City, KS. Three sculptures (15-23 feet).
Sea World, Orlando, FL. Three sculptures (12-16 feet).
Island End Park, Chelsea, MA. Ten n sculptures (16-28 feet).
Public Radio Interview, Leopold Gallery, Kansas City, MO.
Medical City Children's Hospital, Dallas, TX. One sculpture (17 feet).
Fine Living Festival, Kennebunkport, ME. Featured guest on "Chef's Kitchen" live TV show.
Richins Eye Center, St. George, UT. Three sculptures, (14-18 feet).
La Posada, Santa Fe, NM. Fifteen sculptures, (10-23 feet).
Northglenn Arts & Humanity Foundation, Northglenn, CO. One sculpture (9 feet), People's Choice Award.

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2009

DRMC Health & Performance, St. George, UT. Eight sculptures (8-23 feet).
Town of Frederick, CO. Wind Forest Trailhead on Legacy Trail. Eight sculptures (10-23 feet).
Xetava Gardens, Kayenta, UT. Three sculptures (17-28 feet).
Colleyville Garden Club, TX. Three sculptures (11-17 feet).
Fine Living Festival, Kennebunkport, ME. Featured guest on "Chef's Kitchen" live TV show.
"Sculpture of the Rockies", Featured artist (back cover) on collectible coffee table book.
Sol Foods Supermarket, Springdale, UT. Five sculptures (14-18 feet).

2008

City of Whittier, CA. Eleven sculptures along trail system (9-23 feet).
Jubilee/Ronald McDonald House, St. George, UT. One sculpture (13 feet).
Ruben Ingold Park—LA County Arts Commission, Los Angeles, CA. Three sculptures (9-15 feet).
Grove Park Inn Resort & Spa, Asheville, NC. One sculpture (18 feet).
Reid Hospital, Richmond, IN. Two sculptures (9-14 feet).
St. Joe Company, Watersound, FL. Five sculptures (7-21 feet).
The Brentmoor, St. Louis, MO. Three sculptures (10-16 feet).
Ran for public office, Democrat for Utah House of Representatives seat,
District 71.

2007

City of Wood Dale, IL. Nine sculptures (10-18 feet).
MKM Commercial Holdings, Dubai, United Arab Emirates. Two sculptures (16 feet).
City of Dorchester, Dorchester, MA. One sculpture (21 feet).
The Cliffs at Walnut Cove, Arden, NC. Two sculptures (7-11 feet).
City of Nashua, Nashua, NH. One sculpture (21 feet).
Hospice of Southern Maine's Gosnell Memorial Hospice, Scarborough, ME. Six sculptures (5-11 feet).
Barnstable High School, Hyannis Cape Cod, MA. Two sculptures (13-16 feet).
Grand Central Mall, Vancouver, WA. Four sculptures (16-18 feet).
Best Western Lincoln Sands, Lincoln City, OR. One sculpture (14 feet).
Coming Attractions Corporate Office, Ashland, OR. Two sculptures (5-14 feet).
Desert & Alpine Lifestyles Magazine (covering the West & Rockies). Featured artist in Winter 2007 edition.

2006

Sol Foods Market/Cafe, Springdale, UT. Three sculptures (11-13 feet).
St. George Magazine April Edition, Featured artist. cover story article, the Magazine for Southern Utah.
East Shore Unitarian Church, Bellevue, WA. One sculpture (10 feet). Four Seasons Nursery, Central Point, OR.
One sculpture (11 feet).
The Gardens at Southern Illinois University, Edwardsville, IL. Five sculptures (5-16 feet) near the campus Library
and new Medical Facility.
Seattle Builders Office Complex,
Seattle, WA. 5 sculptures (13-23 feet).

2005

Public Art in the Park, Sun Valley/Ketchum, ID. Featured artist. Twenty two sculptures (13-22 feet).

Falcon Gateway Mall, Mesa, AZ. Five sculptures (16-27 feet).

2004

St Louis University Museum, St Louis, MO. Eight sculptures (13-28 feet) alone and grouped throughout the Henry
Lay Center.

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2003

Yavapai College Sculpture Garden, Prescott, AZ. Two sculptures added to grouping (13 feet).
Cinemark Theatre, American Fork, UT. One sculpture (24 feet).
Lakeside DFW, Dallas Fort Worth, TX. Eleven sculptures (12-28 feet) alone and grouped.

2002

Shapiro's Deli, Carmel, IN. Grouping of three sculptures (13-16 feet).
Avenues Mall, Appleton, WI. Three indoor sculptures (11-13 feet) grouped in fountain area, and five sculptures outdoors (20-28 feet).

Phoenix Cancer Institute, Elyria, OH. One sculpture (16 feet).
Springdale Elementary School, Springdale, UT. One sculpture 14 feet.
Highland Village Shopping Mall, Jackson, MI. One sculpture (20 feet) added to group of three (16-18 feet).

2001

Missouri Botanical Gardens, St. Louis, MO. Three sculptures (8-17 feet). Three additional sculptures (11-17 feet) added in 2002 and three more (6-7 feet) added in 2006.
Mary's Woods Retirement Community, Lake Oswego, OR. Four sculptures (6-13 feet).
City of Hamilton, OH. Three sculptures (11-17 feet).
Raytheon, Aurora, CO. Thirteen sculptures alone and grouped (11-22 feet) placed throughout Corporate Campus.
Yampa River Park, Steamboat Springs, CO. One sculpture (17 feet).

2000

Bennington Center for the Arts, Bennington, VT. Thirteen sculptures (13-22 feet).
Foundation for the Junior Blind, Los Angeles Department of Education, LA, CA. Three sculptures (16-18 feet).
Utah Tourist Information Center, Moab, UT. One sculpture (11 feet).

1999

Yavapai College Sculpture Garden, Prescott, AZ. Two sculptures (13-feet).
In 2003 added in grouping to existing 19-foot sculpture.
Berg Park, Farmington, NM. Riverine Arts Project in coordination with the Farmington Parks Department.
Grouping of three sculptures (11-16 feet).

Each Wind Sculpture™ hand-crafted in the studio reflects master artisan quality. They range in height from 5 to 27-feet tall, and can be installed alone, in small groupings or in a Wind Forest™. The kinetic shapes are bold and distinctive. Based on technical and imaginative innovations, new Wind Sculptures™ are always in development.

The sculptures are fabricated from copper, steel and stainless steel that provide beauty and strength. Each Wind Sculpture™ is secured against theft, and rests on a sealed ball bearing at the top of a vertical rod. They also come with a steel ground mount receptacle for simple installation; concrete bases are available for smaller pieces. Lyman's designs permit the sculpture to be responsive to the currents of the wind, allowing changing forms to emerge in a slight breeze, yet balance in high winds.

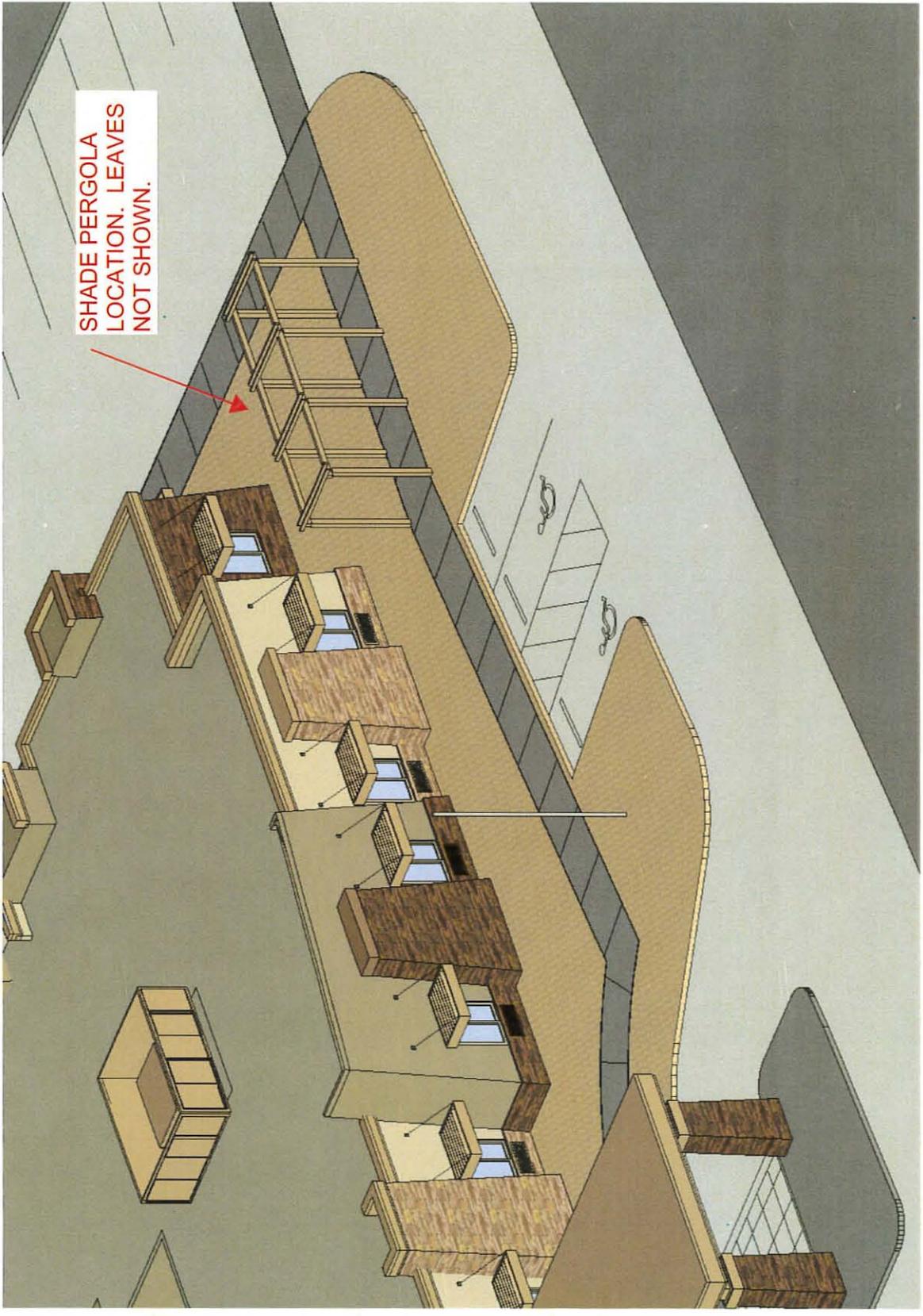
The weathered color pallet fits extremely well with a variety of locales; the rust, brown, tan and green are all elements of the applied patina. The copper and stainless steel elements have a glistening effect as they move in the sun and low lighting definitely enhances the appeal at night. The sculptures are intriguing when caught in one's peripheral vision for a second, but not a diversion; up close, the experience is mesmerizing and interactive.

CATALINA SPRINGS MEMORY CARE, ORO VALLEY AZ

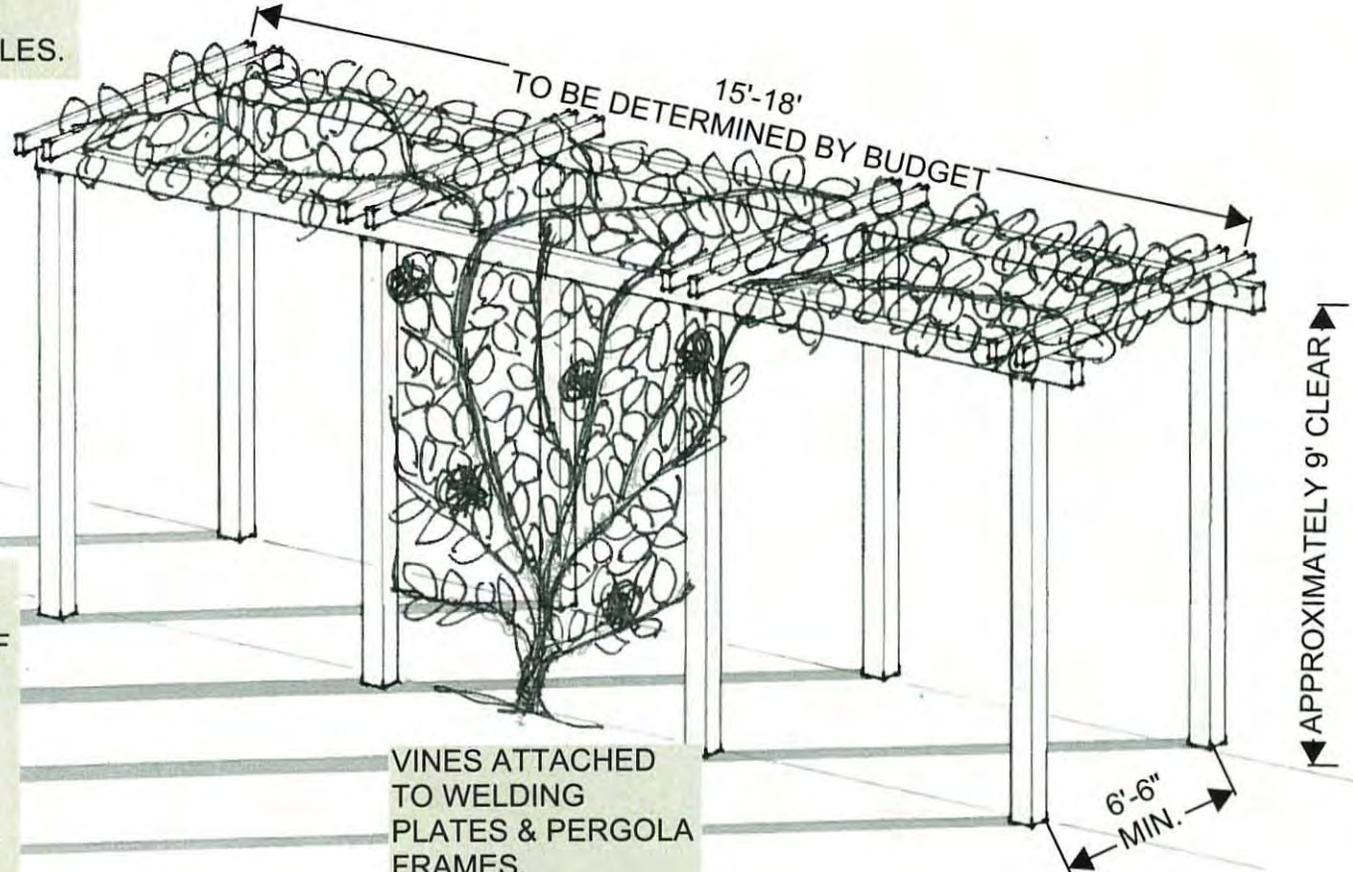
SHADE PERGOLA

BY JOE TYLER

SHADE PERGOLA
LOCATION. LEAVES
NOT SHOWN.



ALL VINES, LEAVES AND FLOWERS FABRICATED IN WELDED STEEL. FLOWER COLOR AND SCALE TO BE DETERMINED. SEE IMAGES FOR VINE/FLOWER EXAMPLES.



PERGOLA CONSTRUCTED WITH TUBE STEEL. SIZE OF TUBE STEEL TO BE DETERMINED BY A STRUCTURAL ENGINEER, INCLUDING FOUNDATION AND WELDING REQUIREMENTS.

VINES ATTACHED TO WELDING PLATES & PERGOLA FRAMES.

Drawing Not to Scale

ROUND TUBE STEEL
 $\frac{1}{2}$ " & $\frac{3}{4}$ " WELDED
AND INTERLOCKED TO
FORM VINE/FRAMES
TO SUPPORT LEAVES
& FLOWERS, SEE PHOTO
EXAMPLES

VINE CONTINUES ON TO
PERGOLA ROOF STRUCTURE &
SAME INTERLOCKED PATTERN

LEAVES 18 gage
STEEL WELDED A BOTH TIPS
INSIDE VINE FRAME,
SEE PHOTO EXAMPLES
LEAF SIZE TO BE DETERMINED

WELDED STEEL FLOWERS
MADE OF 16 gage STEEL AND
WELDED TO VINE FRAME.
SEE PHOTO EXAMPLE.

VINES ARE
WELDED TO
PERGOLA VERTICAL
MEMBERS

EVERYTHING IS WELDED
TOGETHER AND LOCKED IN
NO SHARP POINTS OR SHARP EDGES

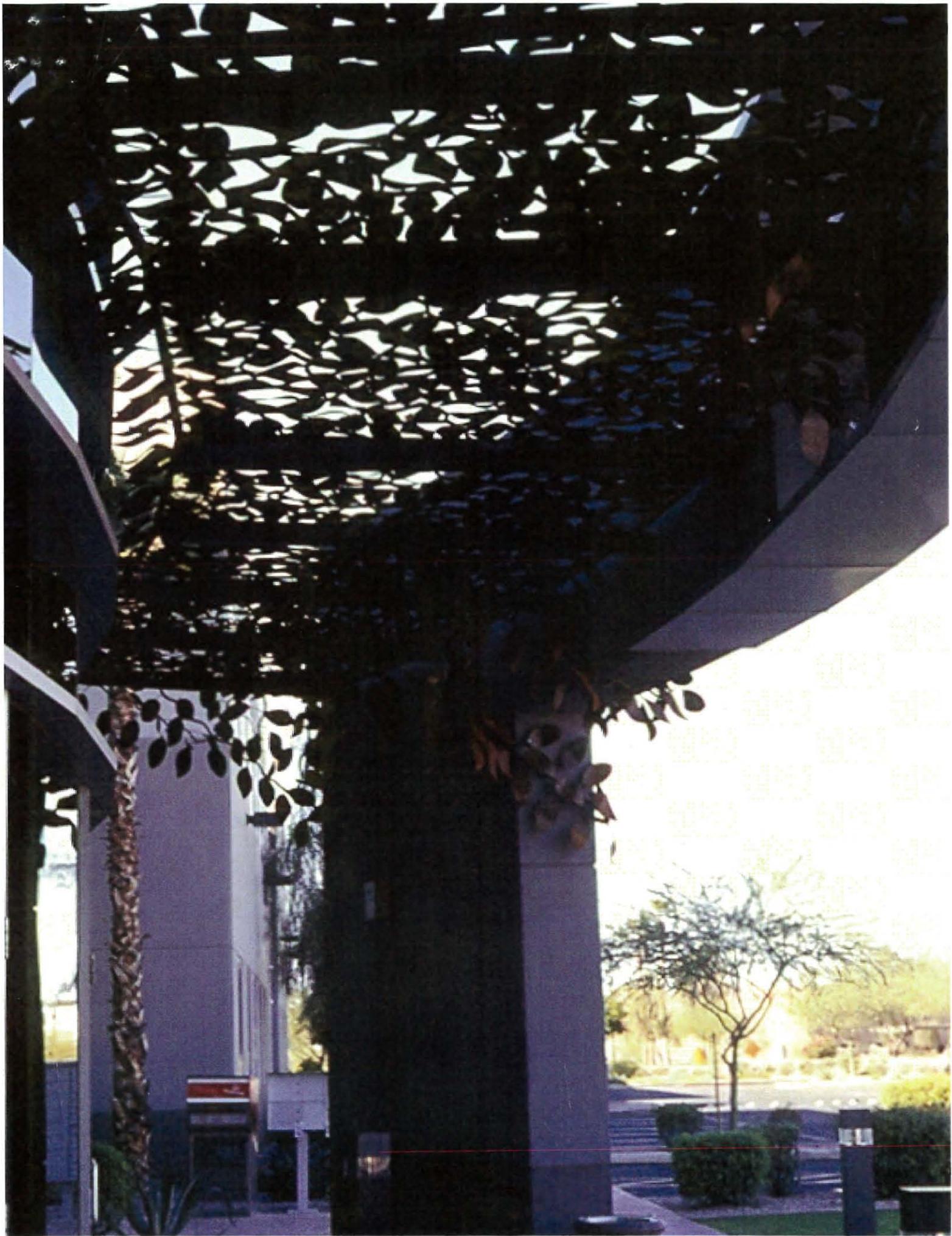
MAIN VINE STALKS
TEXTURED TO RESEMBLE
TREE BARK $\frac{1}{8}$ " WALL STEEL
PIPE.

MAIN VINE STEM ATTACHED TO
WELDING PLATE

Rong Seck
Zylor
2013







CATALINA SPRINGS MEMORY CARE, ORO VALLEY AZ

Artist Joe Tyler

In 1972 I graduated from Arizona State University with a Master of Science degree in Environmental Horticulture. I then owned and operated my own nursery for fifteen years. I have always had a love of plant life and like watching things grow, especially trees, and have over five hundred different species of trees on my 40- acre property. I eventually sold my business and became the Founding Director of the Arboretum at Arizona State University for six years, during which time I also began creating art for my garden and home. Through a series of events, I was given an opportunity to have a one-man art show and my professional artistic career took off. I made a decision to pursue art on a full time basis and for the past twenty years I have worked on over one hundred projects, most of them large public art sculptures.

A great deal of my work has strong botanical influences due to my background in, and passion for horticulture and my love for the Sonoran Desert where I was born and raised. I have, however, done a very wide range of public and private artwork that has been inspired by natural, historical, cultural, architectural and site-specific differences. I have done contemporary pieces with straight lines and shiny surfaces. Much of my artwork, however, looks as though it has been in place for a long amount of time, perhaps because I purposely design my work to fit into the scene.

I have been inspired by many various inconsequential, surprising little things, such as a conversation, a phrase, a song, a thought while driving in traffic, a dream, an ordinary rainstorm, the colors of a rainbow or a relaxing moment after a long hot hard day of sweaty work under the welding helmet. Suddenly without warning the perfect form will appear in my minds' eye. Sometimes the best ideas come from community members or from the particular history or folklore of a town.

My work can be seen in Germany, Japan, California, New Mexico, Texas, and Nevada, and of course in Arizona. I work mostly with welded steel, but also sometimes incorporate wood, masonry, fiber optic, neon, and conventional lighting, copper, brass, glass, paint enamel, and ceramic tile, depending upon the project.

It seems as though most of my work has been in the area of large- scale public art. Orders from municipalities and corporations have made up most of my commissions, however, I do enjoy doing projects for private collectors and each creation is an adventure. I have created war memorials, transit shelters, entry features, gates, fountains, benches, signage, animals of all kinds, and custom artwork.

My goal as an artist is to give the client, whether public or private, a piece of artwork that they feel a connection to because it reflects their own visions, dreams and deep desires. My work is durable, vandal resistant, and designed to last for several generations. I enjoy working with landscape architects, architects, structural engineers, artists, and other design professionals. I design functional art and free-standing sculpture that melds into a particular environment, helping to give a project a thematic sense of place and purpose. My work is meant to create a special memory.

I dream of someday creating a beautiful public garden with trees and plants of many varieties much like my private garden, where sculpture and art are intertwined. It would be a place where nature and art combine to bring peace and joy to all who enter. There would be fountains and a gazebo and comfortable benches where people could sit and watch the glory of nature unfold. It will be named The Healing Garden.

Over the years I have created commissioned public art projects for the cities of Tucson, Phoenix,

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Scottsdale, Stockton, CA. Los Angeles, CA., Queen Creek, Glendale, Peoria, Mesa, Oro Valley, Tempe, Chandler, Yuma, Santa Fe, New Mexico, Sun City, Peoria, Sedona, El Paso, Texas, Surprise, and Litchfield Park. I also have done public art for institutions and major corporations: Arizona State University, the Desert Botanical Gardens, Westcore, Del Webb Co., Good Samaritan Health Corp., Mayo Clinic, Kitchell Construction, F.N.F. Construction, Westin Hotels Corp., Concord Companies Inc., and the Iohono Golf Corp. in Japan. By working with these various entities I have acquired a great deal of experience working with architects, landscape architects, and structural engineers on numerous design teams from respected firms around the country. I have an excellent reputation for completing projects on time and within budget restraints.

I have done many monumental site specific sculptures as well as public parks, gateways, entry features, war memorial, fountains, roadway projects, pedestrian/bike path projects, transit shelters, Kiosks, sculpted signage, lighting treatments, seating, interactive functional art, wall art, neighborhood monuments, bridges, kinetic work, sculpted gates, and ornamental fencing/ railing. I fabricate my own designs and work mostly with welded steel, but also sometimes incorporate stone, copper, lighting, glass, ceramic tile, enamel paint, and masonry materials. I take great care when designing and fabricating to make the finished work as durable and maintenance free as possible. I have experience completing art projects inside and outside of my home state of Arizona, and am familiar with the logistics of fabricating, shipping, and installing intricate artworks. I crated and shipped three large-scale 35'-55' sculptures to Japan where I reassembled and installed them.

I also have a C-26 Landscape Contractors license and possess extensive experience in the field of horticulture, landscape design and installation. I operated my own nursery for twenty years and served for six years as the Founding Director of the Arboretum at Arizona State University. Also, I am acutely aware of the magical beauty of melding art with landscape and architecture because of my unique background in botany. On my 40-acre property I have over 500 established trees of different varieties, many grown from seedlings from my greenhouses. In fact, my front yard resembles a park like you are describing. I began my artistic career by creating sculptures for my landscape and there are several smaller nooks and crannies where someone could sit and reflect upon life and the perfect beauty of nature.

Sincerely,

Joe Tyler

CATALINA SPRINGS MEMORY CARE, ORO VALLEY AZ

Artist Joe Tyler

27602 N. 151 Ave.

Surprise, AZ 85387

Joe is a graduate of Arizona State University with a degree in Environmental Horticulture.

Honors and Awards

2004 Art In Private Development Award, Elliot Corp. Center, City of Tempe

2003 Valley Forward, Art in Public Places. "Veterans War Memorial"

2001 Valley Forward Award, Art in Public Places, "Lizard Acres"

2000 Phoenix Business Journal Orchid Award/Public Art Transit Shelters/ "Sonoran Monsoon" and "Desert Moods"

2000 MAG Clean Air Award, "Elements" Transit Shelter

1997 New Times/Best Of Phoenix Award/ Best Transit Shelters "Desert Moods" City of Scottsdale.

1997 Valley Forward Award of Merit Art In Public Places "Desert Moods" and "Sonoran Monsoon"

1997 Arizona Department of Transportation Friendly Facilities

Award: Bus shelters, City of Scottsdale "Desert Moods"

1996 Phoenix Business Journal Orchid Award Art In Public Places, Exterior Art: bus shelters, Interior Art: entrance gates to the Healing Garden, Good Samaritan Hospital

1996 Landscape Architecture Magazine Art In Public Places Award "Come Together", "La Sombra", and "Waiting For A Date"

1996 Valley Forward Crescordia Award Art in Public Places "Sonoran Silhouettes"

1995 Valley Forward Crescordia Award Art In Public Places "Come Together"

SELECTED EXHIBITIONS AND SHOWS

2004 Carefree, AZ., Shemer Art Gallery

2002 Mesa Childrens Art Museum, Mesa, AZ

2000 Shemer Art Gallery, Phoenix, Az.

2000 West Valley Fine Art Museum, Sun City, Az.

2000 Mesa Childrens Museum, Mesa, Az.

1997 Artisimo Gallery, Scottsdale, Az.

1995 Tsukuba Museum of Art, Ibaraki, Japan

1994 Artisimo Gallery, Scottsdale, Az.

1993 Gallery Tsukuba, Tsukuba, Japan

1992 Wigwam Resort, Litchfield Park, Az.

1992 Chandler Center For The Arts, Chandler, Az.

1992 Art Walk, El Pedrigal, Scottsdale, Az.

1992 City of Tolleson Public Library, Tolleson, Az.

1992 West Valley Fine Arts, Litchfield Park, Az.

1992 Casa Grande Art Museum, Casa Grande, Az.

1991 Nelson Fine Arts Center, A.S.U., Tempe, Az.

1989 Sun Cities Art Museum, Sun City, Az.

Professional Experience

2009-2010 West Valley Art Museum Board of Trustees Member

1995-Present Professional Artist

1989-1995 Arizona State University Arboretum Director

1973-1988 Beardsley Nursery Owner/ General Manager

1972-1973 City of Tempe Parks and Recreation Department

1970-1972 Arizona State University Department of Horticulture

1968-1969 U. of AZ. Experimental Farm, Dept. of Horticulture

Education/ JOE TYLER

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1974 Arizona State University, Master of Environmental Horticulture
1972 Arizona State University, Bachelor of Science, Horticulture
1969 University of Arizona, Horticultural Studies
Collaborative and Public/ Private Projects
2010 Bridge Artistic Design, Peoria, AZ.
2010 Public Art for Miller Ranch Corporate Park, Tucson, AZ
2010 Sculptural Screen Wall, City of Casa Grande. AZ
2009 Sculptural Entry Feature, Tempe Hyatt Hotel, Tempe, AZ
2009 Gateway Entry Feature, Sanofi-Aventis Pharmaceutical Co, Oro Valley, AZ.
2009 Design Team for Centennial Park, City of Peoria, AZ
2009 Alwin House, Sculptural Entry Feature Signage, Phoenix, Az.
2009 Artistic Benches, Midwestern University, Glendale, AZ.
2008 Memorial Sculpture, Hansons' Memorial Cemetery, Scottsdale, AZ
2008 Mercy Gilbert Hospital, Healing Garden Art, Gilbert, AZ.
2008 Fire Station #301 City of Surprise, AZ.
2007 Phx. Convention Center, Artistic Sign Enhancements, Phx. AZ.
2007 West Valley Art Museum, Ornamental Entry Gates, Surprise
2007 John C. Lincoln Hospital, Healing Garden Art, Phoenix, AZ.
2007 Gateway Entry Feature, City of Casa Grande, AZ.
2007 Lighted Entry Feature, Pulte Homes
2007 Entry Feature, Iasis Healthcare, Mountain Vista Med. Center, Mesa, AZ.
2007 Gateway Entry Feature/ Free-Standing Sculpture, Vistancia Botanical Garden, Surprise, AZ
2007 Entry Lights, Mountain Central Place, Phoenix, AZ
2006 Lighted Entry Feature, Del Webb, Sun City Festival, Surprise, AZ
2006 Entry Feature Gates, Sonoran Preserve, Scottsdale, AZ
2006 Entry Feature Phase II Power Market Place, Queen Creek, AZ
2006 Monument Sculpture and Cabana, South Mtn. Corp. Center, City of Tempe Art in Public Places
2006 Architectural Amenities, Blackstone Country Club at Vistancia, Peoria, AZ
2006 Entry Feature with seating and sculptures for Botanical Park at Vistancia, Peoria, AZ
2006 City of Phoenix Public Art Project Gateway to Historic Garfield Park, Phoenix, AZ
2005 Architectural Amenities, The Barn/Power Ranch Queen Creek AZ.
2005 Memorial Sculpture, Midwestern University, Glendale, AZ.
2005 City of Surprise, AZ Surprise Lake Park Sculpture
2005 Arizona Elm Award, Northern Arizona University
2005 City of Surprise, AZ Surprise Public Library Sculpture
2004 Entry Feature, City of Tempe, AZ Elliot Corporate Center
2004 Memorial Bench, Palace of the Governors, Santa Fe, N.M.
2004 Good Samaritan Hospital Employee Recognition Sculpture
2004 Rose Garden Pergola, Mesa Community College, Mesa, AZ.+
2004 Gateway Entry Feature/ Cross Creek Dev., Sedona, AZ.
2004 Apache Elementary School, Habitat Garden
2004 Entry feature, Town of Queen Creek, AZ.
2004 The Pinnacle Gateway Entry Feature/gates/ El Paso, TX.
2004 Gateway Entry Feature, Surprise Town Center
2004 Rocks Resort, Monarch Development
2004 Sculptural Gazebo, city of Stockton, CA.
2004 Sculptural Transit Shelter, Mesa Community College
2004 Fire Station #77, City of Los Angeles
2003 City of Peoria, AZ design Team Rio Verde Park
2003 Town of Oro Valley-Lacanada Road Project
2002 Gateway Entry features, Westin Resort, Scottsdale, AZ

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2002 Sculpted Benches, Midwestern University
2002 Gateway Entry Feature, Palmea, LaQuinta, Ca.
2002 The Learning Tree, 27th Av84. Wastewater Treatment Plant
2002 Desert Garden Park Sculptures, City of Scottsdale
2002 Mayo Clinic Chapel Sculpture, Scottsdale
2002 City of Mesa, Fiesta Mall Transit Shelter
2002 Oro Valley Library, Town of Oro Valley, AZ
2001 City of Glendale, Veterans War Memorial
2001 City of Peoria, Windrose Park
2001 Perimeter Center sculptures, Hardison/Downing Const.
2000-2001 City of Phoenix, Gateway Project/Phx. Police Academy
2000-2001 City of Santa Fe, N.M.,Sculptural Transit Shelter
2000-2001 City of Phoenix Skyharbor Transit Shelters 4 each
2000 Pima County, Thornydale Road Improvement Project
2000 City of Tucson, Harrison Road Project
2000 City of Tucson, Patano Road Project
2000 City of Phoenix Fire Station #30 Gazebo
1999 City of Tucson Pima Street Improvement project
1999-2000 City of Yuma design team downtown development project
1999 Litchfield Park, five sculptural signs.
1999 Bus shelter,McClintock H.S., Tempe Az."Sonoran Journey".
1999 Entry feature gates, Bouldercrest at Troon Parade of Homes.
1998-1999 Pima, McDonald Dr. pedestrian, bike path, Scottsdale.
1998-1999 Eight large sculptures at Nordstrom's Dept. Store.
1998 City of Chandler-Ramada Desert Breeze Park Sculptures.
1998 City of Tempe Adopt a Tree Kiosk Rio Salado Project
1998 Troon North, "Agave Americana" sculpture entry feature
1998 Historic Tucson County Courthouse, "Arbor Depot", Tucson
1998 Entry Gates to Talus at Troon North, designed by Kris Floor
1998 Main Mall Renovation at Alhambra High School, Phoenix, Az.
1998 City of Yuma, "Century of Dreams" fountain/Sculpture, Yuma
1997 Entry Gates, Pinnacle Canyon Golf Course at Troon,Scottsdale
1997 Boulders Resort Entry Feature, "Ironwood", Carefree, Az.
1997 Entry Gates, Desert Arboretum Park at A.S.U.
1997 Comfort Inn Hotel, "Salix Babylonica",entry,Scottsdale, Az.
1996-1997 "Desert Moods" and "Sonoran Monsoon", sculptural bus shelters for city of Scottsdale, Az.
1996 Healing Garden Gates for Good Samaritan Hospital,Phx.,AZ
1996 Two 38' sculptures, Iohono Golf Resort, Japan
1995 "El Deseo", Entrance feature,Boulders Resort, Carefree, Az.
1995 "Trovas", sculpted gates for McDowell Mountain Ranch.
1995 "Come Together", sculptural bus shelter, city of Tempe,AZ
1995 "La Sombra", sculptural bus shelter, city of Tempe, AZ
1995 "Waiting for a Date", bus shelter, city of Tempe.
1993 Entrance gates-Desert Botanical Garden, Phoenix, Az,
1993 "The Friendship Tree", Sun City Del Webb, Las Vegas, Nevada.

CATALINA SPRINGS MEMORY CARE, ORO VALLEY AZ

List of Public Art References for Joe Tyler

1. Chris Kelly, Greg Esser, Raphael Negote-Public Art Coordinators City of Phoenix Phone: 602-534-8334 or 602-495-0197 email: ed.lebow@phoenix.gov
Address: 200 West Washington Street, 10th Floor, Phoenix, AZ 85003
2. Kate O'Mara- Professor of Public Art, City of Chandler/Gilbert Community College
Phone: 480-732-7378 email: kate.omara@cgcmail.maricopa.edu
Address: 2626 E. Pecos Rd., Chandler, AZ 85225
3. Margret Bruning- Associate Curator of Public Art, Scottsdale Museum of Contemporary Art, Phone: 480-874-4634 email: MargretB@sccarts.org
Address: 7380 E. 2nd Street, Scottsdale, AZ 85251
4. David Johnson- Public Art Administrator , Tucson/Pima Arts Council
Phone: 520-624-0595 EXT. 15 email: dhjohnson@tucsonpimaarts.org
Address: 10 E. Broadway, Tucson, AZ 85701
5. Erick Fulhaber- Public Art Director, City of Chandler, Vision Gallery
Phone: 480-917-6859 email: eric.faulhaber@chandleraz.gov
Address: 80 S. San Marcos Place, Chandler, AZ 85225
6. Kevin Eatherly- Department of Public Works Project Manager
Phone: 928-373-5195 or 928-919-1617 email: Kevin.eatherly@ci.yuma.az.us
Address: 3 West 3rd Street, Yuma, AZ 85354
7. Elizabeth Lagman- Public Art Specialist, City of Tempe
Phone: 480-350-5163 email: Elizabeth_Lagman@tempe.gov
Address: 3340 S. Rural Road, Tempe, AZ 85282
8. Rex Gulbranson- City of Glendale, Public Art Administrator
Phone: 623- 930-3520 email: Rgulbranson@glendaleaz.com
Address: 5959 W. Brown, Glendale, AZ 85302
9. Grady Miller- Assistant Manager, City of Peoria
Phone: 623-773-7305 email: G.Miller@peoriaaz.gov
Address: 8401 W. Monroe St., Peoria, AZ 85345
10. Kimberly Grace- Cultural Arts Coordinator, City of Gilbert
Phone: 480- 503- 6895 email: KimberlyG@ci.gilbert.az.us
Address: 50 East Civic Center Drive, Gilbert, AZ 85296

CATALINA SPRINGS MEMORY CARE, ORO VALLEY AZ

Catalina Springs Memory Care

Art Proposal

Joe Tyler - Shade Pergola

10.4.2013

1. Artist Fee-----	\$2,000.00
2. Custom Steel Fabrication includes steel----	\$7,000.00
3. Welding Supplies-----	\$2,000.00
4. Hardware and Fittings-----	\$500.00
5. Equipment Rental-----	\$2,000.00
6. Fabrication/ Labor-----	\$5,000.00
7. Working Drawings-----	\$1,000.00
8. Installation-----	\$5,000.00
9. Insurance-----	\$500.00
10. Contingency/ Permits-----	\$2,000.00
11. Site Preparation-----	\$2,000.00
12. Transportation-----	\$1,000.00

Total-----\$30,000.00



Conceptual Public Art Conceptual Design Review Board Staff Report

CASE NUMBER: OV1213-01
MEETING DATE: December 10, 2013
AGENDA ITEM: 2
STAFF CONTACT: Rosevelt Arellano, Planner
rarellano@orovalleyaz.gov (520) 229-4817

Applicant: Gail Boger, LRS Architects
Request: **Conceptual Public Art for Catalina Springs Memory Care**
Location: Southwest corner of Desert Sky Road and Oracle Road
Recommendation: Approve requested Public Artwork with condition

SUMMARY:

The applicant proposes three freestanding sculptures for the Catalina Springs Memory Care Facility. The proposed sculptures are located along Oracle Road and directly in front of the memory care facility. A site plan showing the proposed art locations is included as Attachment 1.

The proposed artworks will be created by two different artists to fulfill the Town's public art requirement. The first artist, Lyman Whitaker, proposes to install two wind kinetic sculptures entitled "Desert Flame" and "Desert Spinner." The second artist, Joe Tyler, proposes to install a shade pergola with metal vines, leaves and flowers.

The applicant's description of the proposed artworks is provided as Attachment 2.

BACKGROUND / DETAIL INFORMATION:

Approvals-to-Date

The following approvals are related to the request:

2001: Rezoned approved from R1-144 to Neighborhood Commercial (NC)

2008: Master Development Plan approved for the Oracle Vista Centre

2013: Conceptual Site Plan and Architecture approved for a memory care facility

Request Details

- Install two (2) wind kinetic sculptures at the front of the building
 - “Desert Flame”: 76” x 17” (height and width)
 - “Desert Spinner”: 132” x 56” (height and width)
 - Materials: Copper and steel
 - Total cost: \$6,810
 - Install one (1) shade pergola at the front of the building
 - Untitled: 9’ x 6.5’ x 15’ to 18’ (height, width and length)
 - Materials: Bronze and steel
 - Total cost: \$30,000
 - Building permit valuation: \$4,100,000
 - Cost of proposed artworks: \$41,310 (includes \$4,500 administrative fee)
-

DISCUSSION / ANALYSIS:

The Catalina Springs Memory Care Facility is a proposed development consisting of a 26,670 sq. ft. building. The final design is currently under review, and the proposed art is necessary to meet the Town’s 1% Public Art Requirement. The proposed art has been evaluated with the Design Principles and Design Standards in the Zoning Code.

Design Principle Analysis

The Design Principles contained in Section 27.3.H provide the primary guidance for evaluating Public Art. Principles are shown below in italics, followed by staff commentary.

Public art should serve as a distinctive and integral element in the overall design of a project or development.

Staff Commentary: The proposed artworks are located in front of the building to meet this standard. The narrative states that the proposed artwork will enhance the aesthetic values of the building by providing kinetic movement and shade.

Public art should relate to the historical, cultural or natural context of the project area, the neighborhood or the Town.

Staff Commentary: The proposed art is intended to relate to the natural context of this area by incorporating a desert design and minimizing natural landscape elements. The proposed kinetic sculptures are shaped like a desert flower and flame. The proposed shaded pergola contains painted metal vines, leaves and flowers which symbolize local desert flora.

Public art shall not include corporate advertising elements of a business including colors, graphics, logos, or other representations of corporate identity.

Staff Commentary: The proposed sculptures do not contain elements of corporate advertising. To better recognize the Town’s public art collection, a condition requiring a small metal plaque containing the artist’s name, name of the artwork, installation date and recognition of the Town’s Public Art requirement has been added.

Public art shall be designed to prevent hazards to the public. Durability and safety of materials shall be considered including potential areas of excessive wear or damage, which shall be mitigated.

Staff Commentary: The proposed artworks will be anchored to a concrete base to ensure public safety. Additionally, the shade pergola does not contain any sharp points or edges and the kinetic sculptures will be tested for durability prior to installation.

Public art shall be original and not duplicate existing artwork in the Town and shall conform to community standards.

Staff Commentary: The applicant proposes two (2) kinetic sculptures and one (1) shade pergola to meet the Town's 1% Public Art requirement. Although the artwork is not a one-of-kind piece, the applicant indicates that the proposed art is unique to the Town and provides the development with a visually appealing arrangement. The proposed kinetic sculptures make up seventeen (17%) percent of the total required art budget.

The artist, Joe Tyler, has created other shade structures (i.e. bus shelters, trellises, free-standing trees, etc.) similar to the proposed shade pergola. While the artist has used the same design theme in other shade structures, the proposed shade pergola is an original artwork and will not be duplicated.

Design Standards Analysis

The Design Standards contained in Addendum "A" provide the secondary guidance for evaluating Conceptual Public Art. The Design Standard below is shown in italics, followed by staff commentary.

Public art shall be integrated into the overall design of the project and shall be located in areas of high visibility and use such as courtyards, seating areas, and along public roadways.

Staff Commentary: The proposed artworks will be located at the front of the building in an area with high visibility from Oracle Road. The proposed art will be accessible by any member of the public. Due to the heights and locations, the proposed artworks will be highly visible, meeting the above Design Standard.

SUMMARY / CONCLUSION

The applicant's request includes the installation of one (1) shaded pergola and two wind kinetic sculptures for the memory care facility. In staff's opinion, the proposed artworks are well suited for the project site based on its relation to overall design of the project and the natural context. The proposed art meets other requirements in terms of accessibility and maintenance. The proposed artwork meets the 1% construction cost of the building permit valuation.

RECOMMENDATION:

Based on the following findings:

- The request is consistent with the Design Principles and Design Standards.

It is recommended that the Conceptual Design Review Board take the following action:

Recommend approval to the Town Council of the requested Conceptual Public Art under case OV1213-01, subject to the condition below.

SUGGESTED MOTIONS:

I move to recommend approval of the Conceptual Public Art for the Catalina Springs Memory Care Facility, based on the finding that the proposed public artwork replacement is consistent with the Zoning Code criteria, subject to the following condition:

1. The applicant shall install small individual metal plaques containing the artist's name, name of the artwork, installation date, and recognition of the Town's Public Art requirement.

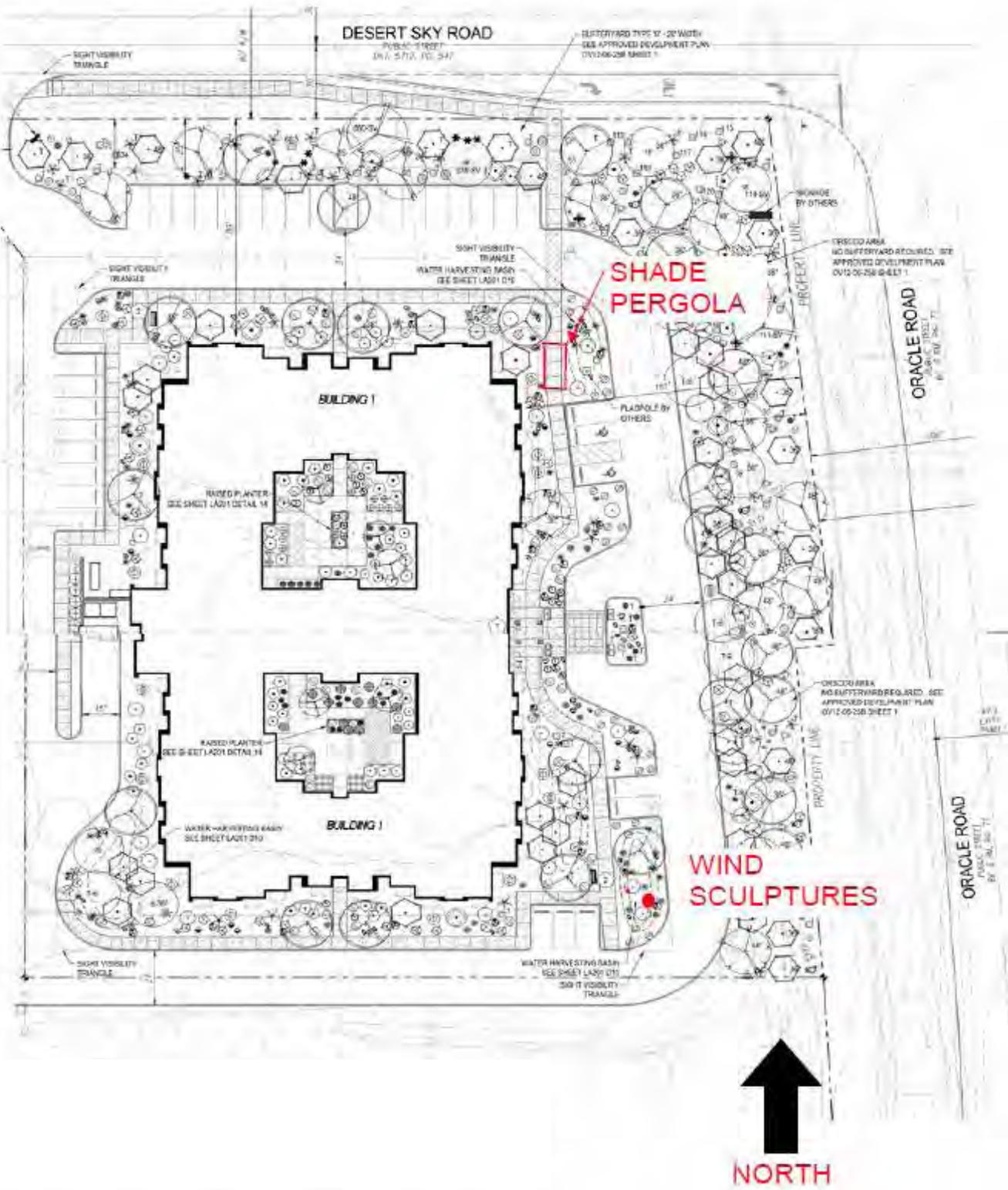
OR

I move to recommend denial of the Conceptual Public Art for the Catalina Springs Memory Care Facility, as it does not meet the findings that _____.

ATTACHMENTS:

1. Site Plan
2. Application

Chad Daines, AICP Principal Planner



SITE PLAN

Catalina Spring Memory Care (OV1213-01)

**MINUTES
ORO VALLEY CONCEPTUAL DESIGN REVIEW BOARD
REGULAR SESSION
DECEMBER 10, 2013
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE**

CALL TO ORDER AT OR AFTER 6:00 PM

ROLL CALL

PRESENT: David Atler, Vice-Chairman
Harold Linton, Member
Kit Donley, Member
Nathan Basken, Member
Richard Eggerding, Member
Bruce Wyckoff, Member

ABSENT: None.

PLEDGE OF ALLEGIANCE

Vice Chairman David Atler led in the Pledge of Allegiance.

CALL TO AUDIENCE

***1. ELECTION OF CHAIRMAN**

2. REVIEW AND/OR APPROVAL OF THE NOVEMBER 12, 2013 REGULAR SESSION MEETING MINUTES

MOTION: A motion was made by Kit Donley, Member and seconded by Richard Eggerding, Member to Approve.

MOTION carried, 6-0.

3. REQUEST FOR APPROVAL OF CONCEPTUAL PUBLIC ART FOR THE CATALINA SPRINGS MEMORY CARE FACILITY, LOCATED ON THE SOUTHWEST CORNER OF DESERT SKY ROAD AND ORACLE ROAD, OV1213-01.

Rosevelt Arellano, Planner, presented a staff report which detailed the following information:

- Oro Valley Town Map

- Site Map
- Approvals to Date
- Images of Proposed Kinetic Sculptures
- Proposed Shaded Pergola
- Art Location
- Zoning Code Design Principles
- Recommendation

Gail Boger, LRS Architects, applicant, was available to answer questions about the selection process for the artwork as well as the maintenance requirements of the artwork.

The Board discussed the safety of the proposed location and the proposed finish on the Kinetic sculptures.

MOTION: A motion was made by Richard Eggerding, Member and seconded by Nathan Basken, Member to Approve

MOTION carried, 6-0.

4. PRESENTATION AND DISCUSSION: YOUR VOICE, OUR FUTURE PROJECT UPDATE AND REVIEW OF PHONE SURVEY RESULTS.

Bayer Vella, Conservation and Sustainability Administrator, presented an overview of the project as well as the Town of Oro Valley Your Voice, Our Future Project Phone Survey results and information.

PLANNING UPDATE (INFORMATIONAL ONLY)

Chad Daines, Principal Planner, provided the following Planning Division Updates:

- Welcome to Michael Spaeth who is joining the Town of Oro Valley's Planning Division
- The Major General Plan Amendment process concludes with three Amendments being presented to Town Council December 11, 2013.
- Model Home Architecture, which was approved by the CDRB November 12, 2013 for DR Horton, was approved by Town Council December 4, 2013.
- Staff is currently working on an amendment to the Public Art code by adding some improvements to the process in terms of our Call for Artists process as well as some other enhancements to improve the quality of Art, which was approved by the Planning and Zoning Commission December 3, 2013 and will be considered by Town Council January 15, 2014.

- December 18, 2013 there will be a neighborhood meeting for Koi Sales and Landscape Nursery. The meeting will be held at the Quality Inn Suites at 6 P.M.

- Future agenda items for the January 14, 2014 meeting: The Coxco Retail Building Site Plan and Architecture, replacing the gas station on the northwest corner of Ina and Oracle. The Board will also hear the Sun City PAD Sign Exemption case.

- David Atler's last meeting is this evening. We wish Mr. Atler well, and thank him for his service on this as well as his previous service on the DRB for the Town of Oro Valley.

ADJOURNMENT

MOTION: A motion was made by Kit Donley, Member and seconded by Bruce Wyckoff, Member to Adjourn was made at 6:57 P.M.

MOTION carried, 6-0.



Town Council Regular Session

Item # **1.**

Meeting Date: 03/05/2014
Requested by: David Williams
Submitted By: Michael Spaeth, Development Infrastructure Services
Department: Development Infrastructure Services

Information

SUBJECT:

COURTESY REVIEW OF CONCEPTUAL ARCHITECTURE FOR BASIS PRIMARY SCHOOL LOCATED AT STEAM PUMP VILLAGE, NORTHWEST OF STEAM PUMP WAY AND ORACLE ROAD

RECOMMENDATION:

The Conceptual Design Review Board (CDRB) has reviewed the project and recommends approval.

EXECUTIVE SUMMARY:

The applicant has agreed to a courtesy review of Conceptual Architecture for BASIS Primary School in the Steam Pump Village, adjacent to the existing Basis School building. Town Council typically reviews Conceptual Architectures to confirm a project's adherence to the adopted Design Principles, with the goal of improving community fit. In this case, the review is an opportunity for the Council and the public to learn about the project and have questions answered, as public and charter school projects are exempt from the Town's design review process. The project is, however, required to meet building safety and engineering standards.

On February 11, 2014, the CDRB reviewed the project and recommended approval of the Conceptual Architecture (Attachment 1). The staff report to the CDRB is included as Attachment 2 and the draft CDRB minutes are included as Attachment 3.

BACKGROUND OR DETAILED INFORMATION:

BASIS Schools, Inc is a charter school, and as such, is not subject to the standard Town of Oro Valley development review process based on a State law exemption from zoning for public and charter schools. However, the applicant has agreed to submit the Conceptual Architecture for a "courtesy" review by the Conceptual Design Review Board and Town Council.

Conceptual Architecture

The proposed project is for a 48,600 sq. ft., two-story primary school. The property is currently vacant and is located within Phase 3 of Steam Pump Village. The school will be operated in conjunction with the existing BASIS Charter School, immediately north of the proposed project location. Detailed analysis regarding conformance with the Steam Pump Village Design Guidelines and Town of Oro Valley Design Principles is provided in the CDRB staff report (Attachment 2).

Site Conditions

- The Steam Pump Village PAD was adopted in 1988
- Proposed site is vacant (3.2 acres) within Steam Pump Village, Phase 3

- Zoning is Planned Area Development: C-1
- The proposed improvement is for a 48,600 sq. ft., two-story primary school

Conceptual Design Review Board (CDRB) Review

The Conceptual Architecture was considered by the CDRB at their February 11th meeting. The CDRB found the Conceptual Architecture to be in conformance with the applicable Steam Pump Village Design Guidelines and Town of Oro Valley Design Principles, and has recommended approval.

Public Comment

Notice was provided to the following:

- All registered HOAs
- Posting at Town Hall
- No comments have been received

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

No action is necessary on this agenda item.

Attachments

Attachment 1 - Conceptual Architecture

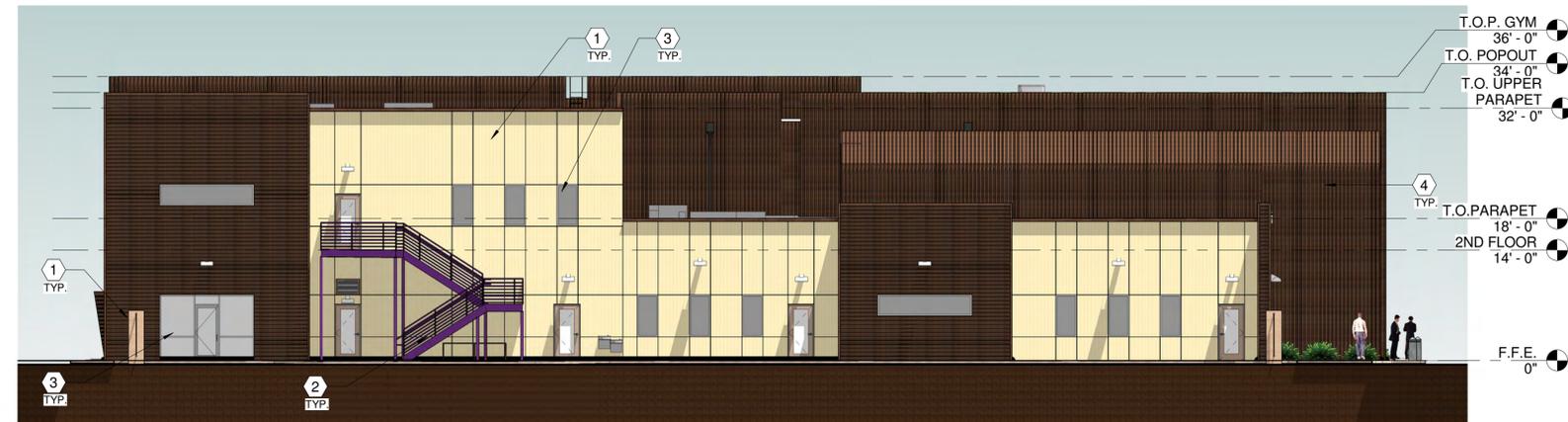
Attachment 2 - CDRB Staff Report

Attachment 3 - CDRB Draft Minutes 2 11 2014



4 DRB WEST ELEVATION

DRB-1 3/32" = 1'-0"



3 DRB SOUTH ELEVATION

DRB-1 3/32" = 1'-0"



2 DRB NORTH ELEVATION

DRB-1 3/32" = 1'-0"

COLOR AND MATERIALS

1	FIELD COLOR #1	DRYVIT EFIS SYSTEM	383 "HONEY TWIST"
2	ACCENT COLOR	DUNN EDWARDS	DE5972 - ROYAL ROBE
3	ALUMINUM STOREFRONT	SOUTHWEST ALUMINUM	CLEAR ANODIZED
4	METAL PANEL WALL/ROOF	BUNDER STEEL INC.	BUNGER RUST (FAUX RUST)
5	8"x4"x16" CMU BLOCK	YOUNG BLOCK	INTEGRAL COLOR - "BONE"



1 1DRB WEST ELEVATION

DRB-1 3/32" = 1'-0"

PRELIMINARY
NOT FOR
CONSTRUCTION



carhuff+cueva
architects, llc
3149 e prince rd #151
tucson, arizona 85716
phone 520.577.4560
www.cca-az.com

NEW SCHOOL CAMPUS FOR:

BASIS SCHOOLS

11121 N. ORACLE RD.
ORO VALLEY, ARIZONA 85737

CONSTRUCTION DOCUMENTS

REVISION	DATE	DESCRIPTION	BY

PROJECT NO. OV14-0100

DATE JANUARY 31, 2014

SCALE 3/32" = 1'-0" DRAWN BY MKC

DRAWING TITLE ELEVATIONS

DRAWING NUMBER DRB-1



Conceptual Design Review Board Staff Report Conceptual Architecture

CASE NUMBER: OV1214-04 Basis Primary School Architecture
MEETING DATE: February 11, 2014
AGENDA ITEM: 5
STAFF CONTACT: Michael Spaeth, Senior Planner
mspaeth@orovalleyaz.gov (520) 229-4812

Applicant: Phil Carhuff, carhuff+cueva Architects, LLC
Request: **Conceptual Architecture for Basis Primary School**
Location: Steam Pump Village Phase 3 Lot 8, Oracle Road
Recommendation: Approve requested Conceptual Architecture

SUMMARY:

BASIS is proposing to develop a new 48,600 sf two-story Primary School building on a 4.6 acre property within Steam Pump Village. The Primary School will be built adjacent to the existing BASIS School located at 11155 North Oracle Road. The existing school currently provides education for grades 6-12 and the new building will provide elementary education for grades K-6. The Conceptual Design Review Board (CDRB) makes recommendations to the Town Council regarding conceptual architecture submittals for all commercial developments.

The Primary School will be built on the vacant property immediately south of the existing Basis Charter School. The design is modern in style and incorporates varied roof planes, and a combination of building offsets and recesses (see Attachment 1). The proposed design for the Primary School utilizes a similar variety of textures and materials as the existing school, including earth tone hues and metal paneling. The applicant's narrative further describing the building is provided as Attachment 2.

BASIS Schools, Inc is a charter school, and as such, is not subject to the standard Town of Oro Valley development review process based on a State Law exemption from zoning for public and charter schools. However, the applicant has agreed to submit the Conceptual Architecture for a "courtesy" review by the Conceptual Design Review Board and Town Council.

This report contains staff analysis and suggested motions for the Conceptual Architecture. The Steam Pump Village Design Guidelines are utilized as primary guidance for Town

evaluation of the application. The Conceptual Design Review Principles are used as secondary guidance, as appropriate.

BACKGROUND:

The proposed project is for a new 48,600 sf two-story primary school with a maximum height of thirty-six (36) feet. The property is currently vacant and is located within Phase 3 of the Steam Pump Village. The school will be operated in conjunction with the existing BASIS Charter School located on Lot 7, immediately north of the proposed project location.

Approvals-To-Date

- Steam Pump Village Planned Area Development adopted by ordinance in 1988

Proposed Conceptual Architecture

The following is a summary of the proposed architecture:

- 48,600 square feet
- Two (2) -story Building Height: 36'
- Modern, contemporary design
- Varied materials including stucco, brick, and metal
- Earth tone color palette with bright color accents on painted metal entryway and stairwells

DISCUSSION / ANALYSIS:

Following are key Design Principles (*in italics*), followed by staff evaluation of the design.

Steam Pump Village Design Standards

Variations in roof lines shall be used to add interest and to reduce the scale of larger buildings.

Staff Commentary: The project incorporates a variety of roof lines and heights to create additional visual interest and reduce the scale of the overall design.

The mass of large buildings shall be broken up by dividing into basic geometric components, with intersecting wall planes. Facades greater than 100' in length shall be broken by recesses or offsets.

Staff Commentary: The overall theme of the project incorporates a flat roof design with a variety of building shapes and sizes, utilizing both roof and wall planes. As a project with facades in excess of one hundred (100) feet, the project incorporates building recesses and offsets throughout the design to minimize building mass and create additional visual interest.

A site cross-section illustrating the relationship between the proposed building and Oracle Road is included in Attachment 3.

In general, subdued earth tone colors are recommended; however, the use of strong accent colors of materials and graphics are encouraged to create tasteful variety and interest.

Staff Commentary: The project utilizes a variety of earth tone materials and textures for the majority of the design, and has incorporated a strong accent color (Dunn Edwards – Royal Robe) for the entryway and staircases (see Attachment 4).

Conceptual Architecture Principles, Section 22.9.D.5

Design: Building architectural design shall be appropriate for the climate and characteristics of the Sonoran Desert, including indigenous and traditional textures, colors, and shapes found in and around Oro Valley. All development shall maintain and strengthen the high quality of design exemplified in Oro Valley through project creativity and design excellence.

Staff Commentary: The building utilizes modern Southwestern elements, shapes, and textures. The design incorporates flat roof planes, architecturally appropriate windows, and painted steel accents. The project incorporates many design cues from the existing school, including earth tones, metal, glass, window fenestration, and architectural detailing (see attachment 5).

Facade Articulation: All building facades shall be fully articulated, including variation in building massing, roof planes, wall planes, and surface articulation. Architectural elements including, but not limited to, overhangs, trellises, projections, awnings, insets, material, and texture shall be used to create visual interest that contributes to a building's character.

Staff Commentary: All sides of the building are fully articulated and create visual interest through the use of varying roof planes, wall planes and overhangs. The project incorporates a variety of textures and materials creating additional visual interest.

Screening: building design and screening strategies shall be implemented to conceal the view of loading areas, refuse enclosures, mechanical equipment, appurtenances, and utilities from adjacent public streets and neighborhoods.

Staff Commentary: Rooftop mechanical equipment will be concealed behind a parapet on the roof and will not be visible from ground level and adjacent public streets.

RECOMMENDATION:

Based on a finding that the Conceptual Architecture is in conformance with the Oro Valley Design Principles and applicable Design Standards, it is recommended that the Conceptual Design Review Board take the following action:

Recommend approval to the Town Council of the requested Conceptual Architecture under case OV1214-04.

SUGGESTED MOTIONS:

I move to recommend approval of the Conceptual Architecture for the Basis Primary School finding that the proposed Conceptual Architecture is in conformance with the Steam Pump Village Design Guidelines and Oro Valley Design Principles.

OR

I move to recommend denial of the Conceptual Architecture for the Basis Primary School finding that it is not in conformance with the Steam Pump Village Design Guidelines and Oro Valley Design Principles, specifically

ATTACHMENTS:

1. Proposed Conceptual Architecture
2. Applicant's Design Narrative
3. Site cross-section
4. Color and Materials Palette
5. Existing School Elevation

Chad Daines, AICP Principal Planner

**DRAFT MINUTES
ORO VALLEY CONCEPTUAL DESIGN REVIEW BOARD
REGULAR SESSION
**AMENDED AGENDA
FEBRUARY 11, 2014
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE**

CALL TO ORDER AT OR AFTER 6:00 PM

ROLL CALL

PRESENT: Richard Eggerding,
Chairman
Bruce Wyckoff, Member
Harold Linton, Member
Kit Donley, Member

ABSENT: Nathan Baskin, Member

ALSO PRESENT:

Lou Waters, Town Council Liaison
Joe Hornat, Town Council Representative
Joe Andrews, Chief Civil Deputy Town Attorney

PLEDGE OF ALLEGIANCE

Chair Eggerding led the Board and Audience in the Pledge of Allegiance.

CALL TO AUDIENCE - at this time, any member of the public is allowed to address the Board on any issue not listed on today's agenda. Pursuant to the Arizona Open Meeting law, individuals Board 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 Conceptual Design Review Board 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.

**5. REQUEST FOR APPROVAL OF CONCEPTUAL ARCHITECTURE BASIS
PRIMARY SCHOOL, LOCATED WEST OF NORTH ORACLE ROAD IN PHASE
3 OF STEAM PUMP VILLAGE, OV1214-04.**

Staff did not present a formal presentation for Basis Primary School Architecture. Phil Carhuff of Carhuff+Cueva Architects presented the proposition to the Board, Staff and Audience as a courtesy.

MOTION: A motion was made by Bruce Wyckoff, Member and seconded by Harold Linton, Member to approve OV1214-04.

MOTION carried, 4-0.

ADJOURNMENT

MOTION: A motion was made by Kit Donley, Member and seconded by Harold Linton, Member to adjourn.

MOTION carried, 4-0.



Town Council Regular Session

Item # **2.**

Meeting Date: 03/05/2014
Requested by: David Williams
Submitted By: Matt Michels, Development Infrastructure Services
Department: Development Infrastructure Services

Information

SUBJECT:

CONCEPTUAL ARCHITECTURE FOR COXCO PROPERTY RETAIL BUILDING LOCATED ON THE NORTHWEST CORNER OF ORACLE ROAD AND INA ROAD

RECOMMENDATION:

The Conceptual Design Review Board (CDRB) has recommended approval of the Conceptual Architecture.

EXECUTIVE SUMMARY:

This project includes the redevelopment of a 0.45 acre property from a fuel station to a 3,600 square foot retail building on the northwest corner of Oracle Road and Ina Road (Attachment 1). The property is zoned C-2 (Community Commercial), which permits retail sales. On February 11, 2014, the CDRB reviewed the revised architecture and recommended approval as submitted (Attachments 2 and 3), finding that the revised architecture addressed the applicable Design Principles and Standards. The staff reports to the CDRB are included as Attachments 4 and 5. The draft CDRB minutes from both CDRB meetings are included as Attachment 6.

The associated conceptual site plan and public art for this project have been approved by the Town Council and are not available for reconsideration as a part of this agenda item. Any discussion of the conceptual site plan and/or art should be limited to how those elements affect the present item for consideration - architecture.

BACKGROUND OR DETAILED INFORMATION:

The Conceptual Architecture was reviewed by the CDRB on January 14, 2014, and was continued to allow the applicant to address a number of design concerns and issues in order to be consistent with Oro Valley Design Principles and Standards. On February 11, 2014, the CDRB found that the Conceptual Architecture is in substantial conformance with the Design Principles and applicable Design Standards, and has recommended approval with no additional conditions.

Current Site Conditions

- Site is 0.45 acres
- Former fuel station and convenience market

Proposed Conceptual Architecture

The following is a summary of the proposed architecture:

- One (1) story building with a height of approximately 25'

- Design incorporates traditional Southwestern elements
- Varied materials including stucco, burnt orange brick and painted metal
- Earth tone color palette with primary color accents on painted metal copings and window shades

This building is located in an area with a distinctive architectural style, including Casas Adobes Plaza. The architectural context of this area contains strong elements such as arches, colonnades, campaniles, and architectural detailing such as brick, decorative light fixtures and wrought iron accents on buildings.

The proposed architecture (Attachment 3) incorporates elements which are predominant in the area and is in conformance with the Design Principles and Standards. A detailed discussion of conformance is contained in the February 11 CDRB report (Attachment 5).

Approvals-to-Date

- Fuel station approved by Pima County in 1965
- Property annexed into Oro Valley and zoning translated to Oro Valley C-2 in 2013
- Conceptual Site Plan and Public Art approved by Town Council on February 19th, 2014

Public Notification and Comment

Notice was provided to the following:

- All registered HOAs
- Posting at Town Hall

One resident spoke at the January 14th and February 11th CDRB meetings regarding the Conceptual Architecture. The speaker had a comment regarding the site plan but did not comment on the architecture.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to approve the Conceptual Architecture for the Coxco Property retail building, finding that the proposed design meets applicable Design Principles and Standards.

OR

I MOVE to deny the Conceptual Site Plan for the Coxco Property retail building, finding that the Conceptual Architecture does not meet applicable Design Principles and Standards, specifically

_____.

Attachments

Attachment 1 - Conceptual Site Plan

Attachment 2 - Applicant's Design Narrative

Attachment 3 - Conceptual Architecture

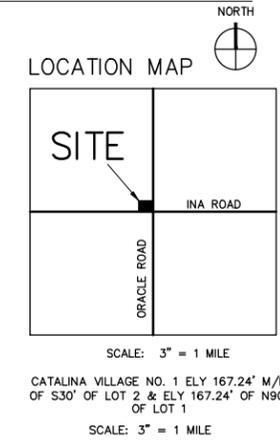
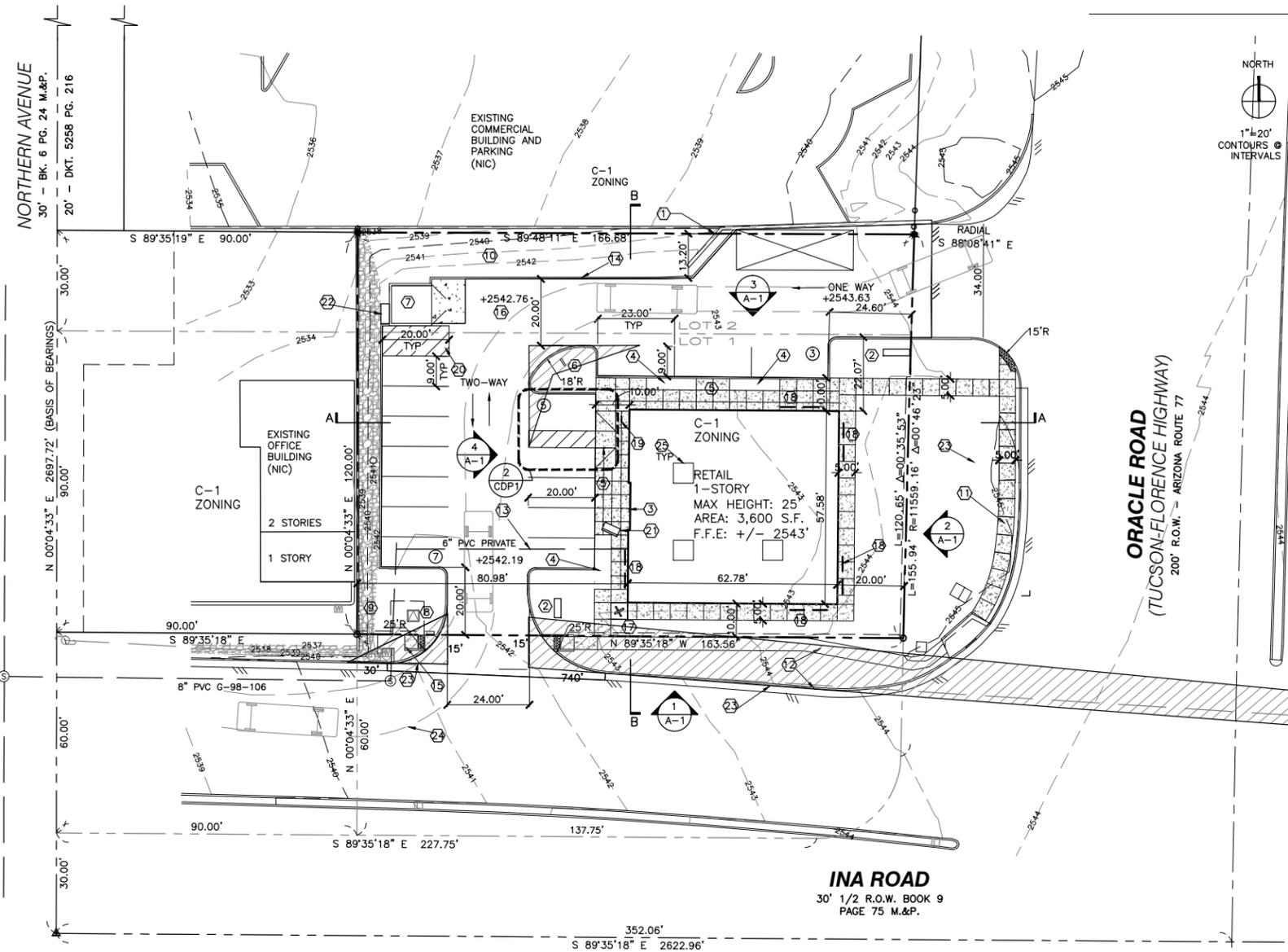
Attachment 4 - 1/14/14 CDRB Report

Attachment 5 - 2/11/14 CDRB Report

Attachment 6 - Draft CDRB Minutes

GENERAL NOTES

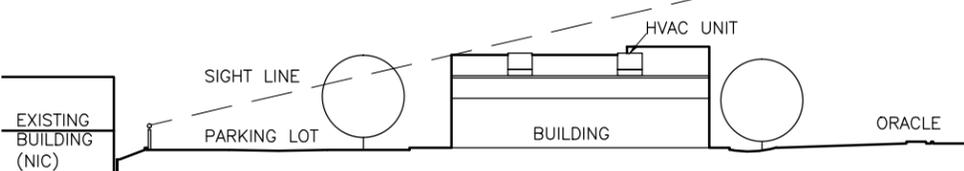
1. THE GROSS AREA OF THE DEVELOPMENT SITE IS .45 ACRE.
2. THE GROSS FLOOR AREA FOR COMMERCIAL IS 3,600 SF.
3. THE MAXIMUM FLOOR AREA RATIO (FAR) IS .30. THE FAR PROVIDED IS 0.18.
4. THE GROSS AREA OF ALL IMPERVIOUS SURFACES IS 11,789 SF.
5. TOTAL MILES OF NEW PUBLIC STREETS IS 0 MILES.
6. TOTAL MILES OF NEW PRIVATE STREETS IS 0 MILES.
7. NO ZONING VARIANCES OR MODIFICATIONS ARE APPLICABLE TO THIS PROJECT.
8. ASSURANCES FOR SITE IMPROVEMENTS, LANDSCAPING AND RE-VEGETATION BONDS MUST BE POSTED PRIOR TO ISSUANCE OF GRADING PERMITS.
9. THE MAXIMUM ALLOWABLE BUILDING HEIGHT IS 25', 2 STORIES. A 25' BUILDING HEIGHT, 1 STORY BUILDING IS PROPOSED.
10. TOTAL AREA OF OPEN SPACE REQUIRED = 20%. TOTAL AREA OF OPEN SPACE PROVIDED = 40%.
11. LANDSCAPED BUFFER-YARDS REQUIRED:
NORTH = 0'
EAST = B 30' (20' REQUESTED FOR THIS PROJECT)
SOUTH = B 30' (20' REQUESTED FOR THIS PROJECT)
WEST = 0'
12. REQUIRED BUILDING SETBACKS:
NORTH - 0 FEET REQUIRED, 52' FEET PROVIDED
EAST - 20 FEET REQUIRED, 20 FEET PROVIDED
SOUTH - 0 FEET REQUIRED, 10 FEET PROVIDED
WEST - 0 FEET REQUIRED, 81 FEET PROVIDED
13. EXISTING ZONING IS C-1 (COMMERCIAL DISTRICT).
14. ALL PUBLIC ART REQUIREMENTS MUST BE MET PRIOR TO FINAL CERTIFICATE OF OCCUPANCY ISSUANCE PER ORO VALLEY ZONING CODE REVISED SECTION 27.3.
15. ALL SIGNAGE AND LIGHTING TO BE ADDRESSED AS PART OF A SEPARATE REVIEW AND APPROVAL PROCESS.
16. THE DESIGN VEHICLE IS SU-30.
17. ALL NEW PUBLIC ROADS, IF ANY, WITHIN AND ADJACENT TO THIS PROJECT, WILL BE CONSTRUCTED IN ACCORDANCE WITH APPROVED PLANS. SEPARATE PUBLIC IMPROVEMENT AND CONSTRUCTION PLANS WILL BE SUBMITTED TO THE TOWN ENGINEER'S OFFICE FOR REVIEW AND APPROVAL.
18. ANY RELOCATION OR MODIFICATION OF EXISTING UTILITIES AND/OR PUBLIC IMPROVEMENTS NECESSITATED BY THE PROPOSED DEVELOPMENT WILL BE AT NO EXPENSE TO THE PUBLIC.
19. THIS DEVELOPMENT MUST COMPLY WITH THE ORO VALLEY WATER UTILITY SPECIFICATIONS MANUAL DURING ALL PHASES OF CONSTRUCTION.
20. THIS PROJECT WILL BE SERVED BY ORO VALLEY WATER UTILITY WHICH HAS BEEN DESIGNATED AS HAVING AN ASSURED 100 YEAR WATER SUPPLY BY THE DIRECTOR OF WATER RESOURCES. ANY AND ALL WELLS MUST BE ABANDONED PER ADWR REGULATIONS.
21. A LINE EXTENSION AGREEMENT MUST BE IN PLACE PRIOR TO ANY WORK ON THE WATER INFRASTRUCTURE BEFORE THIS PROJECT BEGINS.
22. ALL METERS SHALL HAVE A BACKFLOW PROTECTION DEVICE INSTALLED ON THE CUSTOMER SIDE OF THE METER.
23. ALL FIRE SERVICES SHALL HAVE A BACKFLOW PROTECTION DEVICE INSTALLED ON THEM.
24. SHOULD AN EASEMENT BE IN CONFLICT WITH ANY PROPOSED BUILDING LOCATION, VACATION OF THE EASEMENT IS TO OCCUR PRIOR TO ISSUANCE OF BUILDING PERMITS.
25. FIRE HYDRANTS CONNECTED TO AN APPROVED WATER SUPPLY OF 1500 GPM FOR FIRE PROTECTION MUST BE INSTALLED AND IN SERVICE PRIOR TO COMBUSTIBLE MATERIAL DELIVERY TO THE SITE. TEMPORARY CONSTRUCTION OFFICE TRAILERS ARE CONSIDERED COMBUSTIBLE MATERIAL.
26. APPROVED FIRE APPARATUS ACCESS ROADS MUST BE INSTALLED AND IN SERVICE PRIOR TO COMBUSTIBLE MATERIAL DELIVERY TO THE SITE.
27. APPROVED AUTOMATIC SPRINKLER SYSTEMS IN NEW BUILDINGS AND STRUCTURES SHALL BE PROVIDED THROUGHOUT EACH BUILDING.
28. TEMPORARY STREET SIGNS MUST BE INSTALLED AT EACH STREET INTERSECTION WHEN CONSTRUCTION OF NEW ROADWAYS ALLOWS PASSAGE OF VEHICLES. ALL STRUCTURES UNDER CONSTRUCTION MUST BE CLEARLY IDENTIFIED WITH AN APPROVED ADDRESS.
29. THE INSTALLATION OF TRAFFIC CONTROL SIGNALING DEVICES AND/OR ELECTRICALLY OPERATED GATES ON FIRE APPARATUS ACCESS ROADS SHALL INCLUDE PREEMPTIVE CONTROL EQUIPMENT COMPATIBLE WITH THE FIRE DEPARTMENT'S EXISTING SYSTEM.
30. THE FOLLOWING CODES AND STANDARDS SHALL BE APPLICABLE TO THIS DEVELOPMENT:
A. 2006 INTERNATIONAL CODES WITH LOCAL AMMENDMENTS.
B. 2005 NATIONAL ELECTRICAL CODE.
C. 2010 AMERICAN DISABILITIES ACT ACCESSIBILITY GUIDELINES.
D. 2006 GOLDER RANCH FIRE DISTRICT STANDARDS AND FORMS.
E. 2008 TOWN OF ORO VALLEY POOL CODE.
F. 2003 PC/COT STANDARD SPECIFICATIONS & DETAILS FOR PUBLIC IMPROVEMENTS.
G. 2010 TOWN OF ORO VALLEY DRAINAGE CRITERIA MANUAL.
H. 2004 TOWN OF ORO VALLEY SUBDIVISION STREET STANDARDS AND POLICIES MANUAL.
I. TOWN OF ORO VALLEY ZONING CODE, CURRENT REVISED.
J. ORO VALLEY TOWN CODE, CURRENT REVISED.
K. 2010 ADA STANDARDS FOR ACCESIBLE DESIGN.



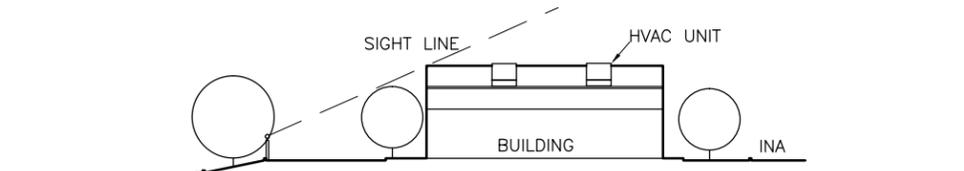
- KEYNOTES**
- 1 EXISTING MAS WALL TO REMAIN
 - 2 NEW MONUMENT SIGN
 - 3 ENTRANCE
 - 4 PLANTER
 - 5 COURTYARD/MALL
 - 6 ONE WAY/DO NOT ENTER SIGN
 - 7 TRASH ENCLOSURE
 - 8 EXISTING TRANSFORMER
 - 9 EXISTING RIP RAP SLOPE
 - 10 EXISTING LANDSCAPED SLOPE
 - 11 NEW SIDEWALK
 - 12 EXISTING CURB AND SIDEWALK
 - 13 CONNECT TO EXISTING HCS
 - 14 REALIGN CURB
 - 15 EXISTING BUS STOP
 - 16 NEW ASPHALT PAVING
 - 17 SCULPTURE
 - 18 WALL-MTD SIGN
 - 19 CLASS II BICYCLE PARKING (2)
 - 20 STRIPED VEHICLE TURNAROUND
 - 21 BENCH
 - 22 CLASS I BICYCLE LOCKER (1 SPACE)
 - 23 SITE VISIBILITY TRIANGLE
 - 24 S30 TRUCK MANEUVERING
 - 25 MECHANICAL UNIT

- LEGEND**
- EXISTING GRADE
 - EXISTING PAVEMENT
 - NEW SIDEWALK
 - EXISTING SIDEWALK
 - NEW BUILDING
 - BUILDING ELEVATION
 - LOADING ZONE (12'X35')
 - WALL MTD. SIGN

1 CONCEPTUAL SITE PLAN
1"=20'



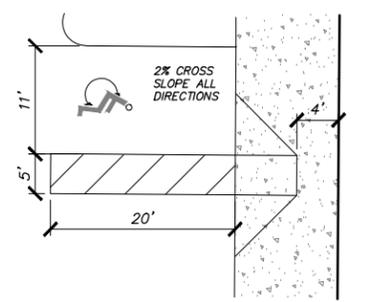
3 SITE SECTION A-A



4 SITE SECTION B-B

CALCULATIONS/NOTES

SITE AREA: 19,852.45 S.F. (.45 ACRE)
 BUILDING AREA: 3,600 S.F.
 ZONING: C-1
 FAR: .18 (MAX .30 ALLOWED)
 OPEN SPACE: 33% (20% REQUIRED)
 PARKING REQUIRED (4:1000): 14
 PARKING PROVIDED: 15
 MALL AREA REQUIRED: 397 S.F.
 MALL AREA PROVIDED: ±1,258 S.F.



2 ACCESSIBLE PARKING NTS

CONCEPTUAL SITE PLAN

DEVELOPER:
 VINTAGE PARTNERS
 2400 E. AZ Biltmore Circle, #1170
 Phoenix, AZ 85016

CONTACT: CASEY TREADWELL 602-626-8992

RETAIL BUILDING DEVELOPMENT
 7201 N. ORACLE ROAD,
 ORO VALLEY, ARIZONA

Project Description
 CATALINA VILLAGE NO. 1 ELY 167.24' M/L
 OF S30' OF LOT 2 & ELY 167.24' OF N90'
 OF LOT 1, T12S, R13E, S36, G&SRM, TOWN OF
 ORO VALLEY, PIMA COUNTY, ARIZONA

SBBL Architecture + Planning
 1001 North Alameda Way #105, Tucson, Arizona 85711
 t: 520.630.0255 f: 520.630.0535
 TSAYLERBROWN@SBBL.BZ

Scale: 1" = 20'
 Contour Interval: 1 FOOT
 Date: 10-11-13
 Revised: 11-20-13
 Proj. #: 13029
 Sheet 1 of 1
 CDP-1



SBBL Architecture + Planning
1001 North Alvernon Way #105, Tucson, Arizona 85711-1019
t: 520.620.0255 f: 520.620.0535 e: sbbl@sbbl.biz

January 29, 2014

Architectural Design Narrative OV1213-30

The northwest corner of Oracle and Ina Roads is highly visible from all directions. This site is currently home to a gas station, a good use for a high traffic area but unattractive and not necessarily the highest use for the land. The site is small, less than 1/2 acre, and significantly higher in elevation than the properties to the north and west, so development is restricted. Redevelopment of the site considered factors such as access, parking (something that was less important for a gas station), visibility and context.

To the north is a two story stucco office building with ribbon windows. To the west is a mostly unadorned two-story brick office building with a scroll-like precast flat-arched entrance feature facing Ina. South of Ina Road is a new Whole Foods grocery store with strong geometries, brick and stucco walls, arched openings and a simple, somewhat traditional overall design that complements the Casas Adobes shopping center architecture. East of Oracle is a stucco bank building, a brick restaurant and a Brakemasters. All of the existing buildings are separated from the streets by parking lots. The architecture at this intersection can best be described as eclectic.

Conceptual Building Design: As requested by the Town, we offer a contextual nod to the brick buildings in the area including a brick wainscot and brick feature wall at the southeast elevations. The brick will match as closely as possible the color brick used in the office building next door. A painted panelized or scored EIFS inset wall area on the south will provide interest and additional texture. Visual and contrasting color interest is provided on the façade with painted metal fascias and sun control. The north wall is provided a painted shallow metal eyebrow to assure that all sides of the building are treated similarly. A painted metal trellis is provided on the west façade as requested by the Town. Arched features acknowledge Casas Adobes Shopping Center to the south, and wide arches above the storefronts acknowledge the flat arch of the office building to the west. The building height of 22'-6" meets the needs for a typical retail user for a building of this size. The raised southeast corner of the building, our "campanile", provides interest and variation in massing. A floor plan for the potential tenant has not been provided as of this date. This design is a concept that will be tweaked as more information is provided about interior needs. Paint accent colors used have been toned down to meet Oro Valley's light reflectivity standards (<LRV 40). We will work with the Town on the final design to make sure our final selections still meet the standards. Colors selected are as follows:

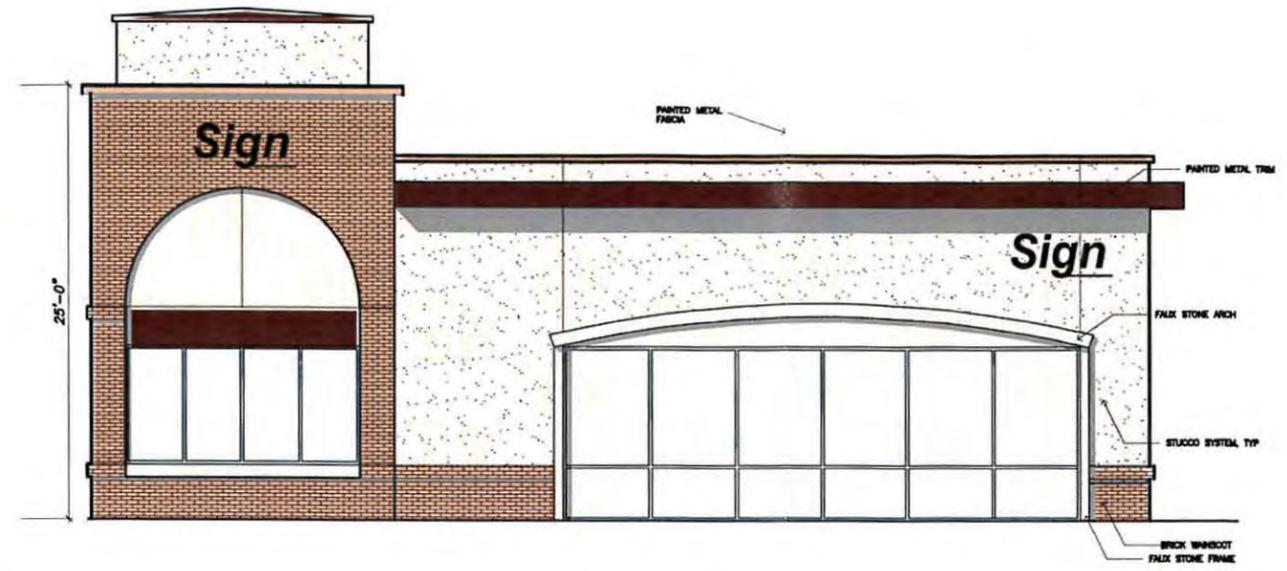
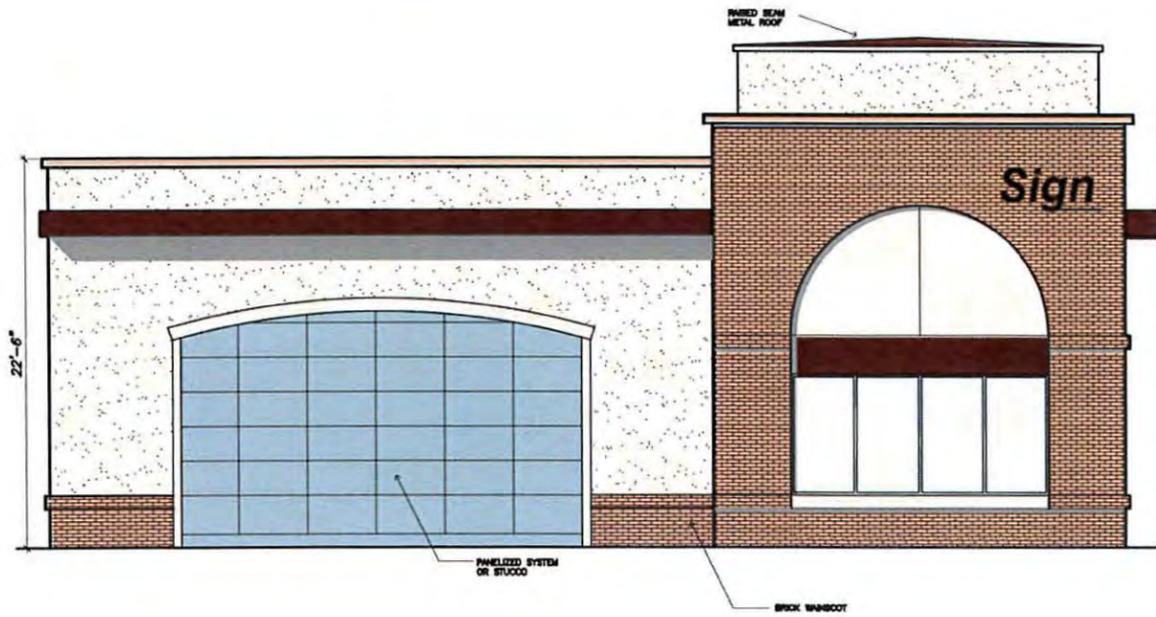
Stucco: Dunn Edwards, DE6206, Desert Suede
Faux Arches: Dunn Edwards, DE6225, Fossil
Metal Copings/Awning: Dunn Edwards, DEC705, Burnt Crimson, LRV10
Panelized/Stucco Wall: Dunn Edwards, DEC796, Irogon Blue, LRV 37

Signs: Signs will represent the tenant's corporate logo in color and design and will be located on appropriate wall locations as shown on the building elevations.

Sincerely,

SBBL Architecture + Planning, LLC

Thomas Sayler-Brown, AIA



Developer: VINTAGE PARTNERS 2400 E. AZ Billmore Circle, #1170 Phoenix, AZ 85016 CONTACT: CASEY TREADWELL 602.626.8992	Project Description: TAX ID NUMBER/ 225-51-2230 TOWNSHIP 12S RANGE 13E SECTION 36	CONCEPTUAL BUILDING DESIGN RETAIL BUILDING 7201 N. ORACLE ROAD ORO VALLEY, ARIZONA
 SBBL Architecture + Planning 1001 North Avenon Way # 105, Tucson, Arizona 85711 T 520.620.0255 F 520.620.3535	 25700 THOMAS SAWYER ARCHITECT ARIZONA U.S.A. EXPIRES 3/31/16 Reference Number: OV113-022	
Date: 1-21-14 Proj. #: 13029 Scale: 1/8" = 1'-0" Sheet: 1 of 1		

ATTACHMENT 3



Conceptual Design Review Board Staff Report Conceptual Architecture

CASE NUMBER: OV1213-30 Coxco Property Retail Building

MEETING DATE: January 14, 2014

AGENDA ITEM: 4B

STAFF CONTACT: Matt Michels, Senior Planner
mmichels@orovalleyaz.gov (520) 229-4822

Applicant: Thomas Sayler-Brown, SBBL Architects

Request: **Conceptual Architecture for 3,600 SF Retail Building**

Location: Northwest corner of Oracle Road and Ina Road

Recommendation: Approve requested Conceptual Architecture subject to conditions of Attachment 4

SUMMARY:

This project includes the development of a one story, 3,600 square foot retail building on a .45 acre property on the northwest corner of Oracle Road and Ina Road (see Attachment 1). The Conceptual Design Review Board (CDRB) makes recommendations to the Town Council regarding conceptual architecture submittals for all commercial developments.

The proposed building is modern in style and incorporates brick wainscot and stone feature wall at the main street intersection. The applicant's narrative further describing the building is provided as Attachment 2. Specific features of the building include varied roof planes, stucco, brick and stone veneer finishes (see Attachment 3). The recommendation includes conditions of approval which are designed to align the proposed architecture with the architectural context of the area, which includes Casas Adobes Plaza to the south (Attachment 4).

This report contains staff analysis, proposed conditions of approval and suggested motions for the Conceptual Architecture. The Conceptual Design Principles are utilized as primary guidance for Staff and CDRB evaluation of the application. The Addendum "A" Design Standards are used as secondary guidance, as appropriate.

BACKGROUND:

This project includes the development of a 3,600 square foot commercial building. The property is currently developed as a fuel station which will be removed. The property is zoned Commercial (C-2). General retail is a permitted use in the C-2 zoning district.

Please refer to the Conceptual Site Plan report for detailed background information on the overall project.

Approvals-To-Date

- Coxco fuel station approved in Pima County in 1965
- Property annexed into Oro Valley and zoning translated to Oro Valley C-2 Zoning in 2013

Proposed Conceptual Architecture

The following is a summary of the proposed architecture:

- One (1) story-Building Height: 22'-6"
- Modern, contemporary design
- Varied materials including stucco, brick, cultured stone, and metal
- Earth tone color palette with bright color accents on painted metal copings and window shades

DISCUSSION / ANALYSIS:

Conceptual Architecture Principles, Section 22.9.D.5

This property is located in an area with a distinctive architectural style, including the Casas Adobes Plaza. As such, the architectural context of this area contains strong elements such as Spanish Colonial arches, colonnades, campaniles, and architectural detailing such as brick, decorative light fixtures and wrought iron accents on buildings. The architecture proposed by the applicant fails to incorporate the architectural elements which are predominate in the area and, therefore, the architecture as proposed is not in conformance with the Design Principles and Design Standards. A number of conditions have been recommended to better align the proposed architecture with the architectural context of the area and establish conformance with the adopted Design Standards.

Following are key Design Principles (*in italics*), followed by staff evaluation of the design.

Design: Building architectural design shall be appropriate for the climate and characteristics of the Sonoran Desert, including indigenous and traditional textures, colors, and shapes found in and around Oro Valley. All development shall maintain and strengthen the high quality of design exemplified in Oro Valley through project creativity and design excellence. (Section 22.9.D.5.b.)

Staff Commentary: The building incorporates contemporary Southwestern elements, shapes, and textures, flat roof planes, architecturally appropriate windows with painted steel

coping above the windows. While the architectural design incorporates traditional textures, colors and shapes, it lacks traditional Southwestern shapes found in the immediate vicinity, including arched features found in Casas Adobes Plaza to the south and the law offices to the west. A condition of approval has been included requiring arched features similar to those found at nearby developments to reinforce the traditional southwestern Spanish Colonial or Territorial design that defines the Oracle and Ina area and establish conformance with this Design Principle.

Scale, Height and Mass: Building scale, height and mass shall be consistent with the Town-approved intensity of the site, designated scenic corridors, and valued mountain views. Buildings shall be designed to respect the scale of adjoining areas and should mitigate the negative and functional impacts that arise from scale, bulk and mass.

Staff Commentary: The property is essentially flat with a slight slope from the southeast to the northwest. There is a retaining wall on the northern boundary of the property. Site cross sections depicting the relationship between the proposed building and Oracle and Ina Roads are included on Sheet 1 of the Conceptual Site Plan.

The building is one story and 22'-6" in height, which is consistent with the scale of other buildings in the immediate vicinity. In addition, the building has a relatively small footprint (3,600 sf) compared to other buildings in the area and has a relatively small mass overall. Although the property is not within the Oracle Road Scenic Corridor Overlay District (ORSCOD), the building will not adversely impact mountain views from Oracle Road.

Facade Articulation: All building facades shall be fully articulated, including variation in building massing, roof planes, wall planes, and surface articulation. Architectural elements including, but not limited to, overhangs, trellises, projections, awnings, insets, material, and texture shall be used to create visual interest that contributes to a building's character.

Staff Commentary: All sides of the building are articulated through the use of coping above the windows, at the top of the parapet, and through the use of sunshades and metal fascia that project from the building façade. As discussed, a condition is recommended requiring arched elements which will further articulate the façade.

The southern portion of the west elevation would benefit from the addition of a trellis or other architecturally appropriate design element to articulate the blank wall plane. A condition has been added reflecting this recommended requirement.

Screening: building design and screening strategies shall be implemented to conceal the view of loading areas, refuse enclosures, mechanical equipment, appurtenances, and utilities from adjacent public streets and neighborhoods.

Staff Commentary: The trash enclosure located on the northwest corner of the property will be screened with a masonry wall and decorative gate that will be compatible with the building architecture. Rooftop mechanical equipment will be concealed behind a parapet on the roof and will not be visible from ground level.

Design Standards Analysis

Building design shall reflect consideration of superior and desirable design elements of adjacent development when applicable and appropriate (Section 2.2.A.1.a.2)

Staff Commentary: The proposed architectural design does not meet this Design Standard. As discussed, the law office building to the west and Casas Adobes Plaza to the south are unique and establish a defined architectural theme for this area. Further, the proposed building will be placed quite close to the corner of Oracle and Ina and, therefore, will be a highly visible building at a highly visible intersection. These factors support the need to be consistent with the level of design detail and architectural style to complement and reinforce the established architectural style and theme in this area.

Staff recommends conditions of approval to require design elements that reflect the design elements of adjacent buildings. These include arched features, providing a campanile, tower element, or other vertical design feature, and the use of brick rather than stone on the southeast corner of the building.

Design shall consider the context and architectural vernacular of the region. The architectural vocabulary shall contain forms or include appropriate elements which draw influences from traditional Southwestern styles such as, but not limited to: Southwest Traditional, Territorial, Pueblo, Spanish Colonial or Tuscan (Section 2.2.C.1)

Staff Commentary: The proposed building utilizes contemporary, modern forms and lacks the definable Southwestern style established in this area. As discussed above, several conditions have been recommended requiring the building to incorporate design influences more consistent with other buildings in the immediate vicinity.

Provide consistent architectural treatments, articulation, and fenestration to present a coherent design theme for all sides of a building (Section 2.2.A.3.b.1)

Staff Commentary: The overall design of the building presents a coherent theme on all four sides of the building and generally conforms to this Design Standard. A condition is recommended to require a trellis or other equivalent design solution to articulate the blank wall on the southern side of the west façade.

The colors and materials of the proposed architecture shall reflect consideration of the natural environment and built character of the nearby development when applicable and appropriate. Colors and materials should be influenced by and demonstrate consideration of superior and desirable design elements including adjacent development when applicable and appropriate (Section 2.2.E.1)

Staff Commentary: The building incorporates a brick wainscot along all facades of the building to match the context of nearby buildings and add visual interest at the pedestrian level. In addition, the southeast corner of the building utilizes stone veneer across the entire

façade, which accentuates the corner at the Oracle and Ina intersection. In recognition of the building's context, a condition is recommended to utilize brick rather than stone on the southeast corner.

Primary colors should be used judiciously and typically as accents only (Section 2.2.E.3)

Staff Commentary: The primary building colors and materials of the building are appropriate and compatible with the surrounding desert and neighboring properties. The accent colors used on the metal coping and fascia add visual interest to the simple geometries of the building. However, the color proposed for the sunshades (Dunn Edwards Radiant Sunrise (DE5397; Light Reflectivity Value (LRV) 68%) is overly vibrant. A condition of approval requiring use of a more muted color is proposed.

PUBLIC PARTICIPATION:

Summary of Public Notice

Notice to the public was provided consistent with Town-adopted noticing procedures, which includes the following:

- Notification of property owners within 600 feet
- Posting at Town Hall
- All registered HOAs

RECOMMENDATION:

Based on a finding that the Conceptual Architecture is, with the Conditions in Attachment 4, in conformance with the Oro Valley Design Principles and applicable Design Standards, it is recommended that the Conceptual Design Review Board take the following action:

Recommend approval to the Town Council of the requested Conceptual Architecture under case OV1213-30, subject to the conditions on Attachment 4.

SUGGESTED MOTIONS:

I move to recommend approval of the Conceptual Architecture subject to the conditions in Attachment 4, finding that the proposed Conceptual Architecture for the Coxco Property Retail Building is in conformance with the Oro Valley Design Principles and applicable Design Standards.

OR

I move to recommend denial of the Conceptual Architecture for the Coxco Property Retail Building finding that it is not in conformance with the Oro Valley Design Principles and applicable Design Standards, specifically

ATTACHMENTS:

1. Location Map
2. Applicant's Design Narrative
3. Proposed Conceptual Architecture
4. Conditions of Approval



Conceptual Design Review Board Staff Report Conceptual Architecture

CASE NUMBER: OV1213-30 Coxco Property Retail Building
MEETING DATE: February 11, 2014
AGENDA ITEM: 3
STAFF CONTACT: Matt Michels, Senior Planner
mmichels@orovalleyaz.gov (520) 229-4822

Applicant: Thomas Sayler-Brown, SBBL Architects
Request: **Conceptual Architecture for 3,600 SF Retail Building**
Location: Northwest corner of Oracle Road and Ina Road
Recommendation: Approve requested Conceptual Architecture as submitted

SUMMARY:

The Conceptual Architecture for the proposed 3,600 s.f. retail building was reviewed by the Conceptual Design Review Board (CDRB) on 1/14/14 and continued to allow the applicant to address a number of design concerns and issues to be consistent with Oro Valley Design Principles and Standards, including:

- Adding arched features to match the level of architectural detail found at Casas Adobes Plaza and the building adjacent to the west.
- Providing a campanile or other vertical element consistent with buildings in the vicinity, including the new Whole Foods to the south.
- Providing burnt orange brick on the southeast corner in place of stone as an accent material.
- Providing a painted trellis on the west façade to articulate the blank wall segment.
- Using a less vibrant shade of yellow on the color sunshades.

Since the CDRB meeting, staff has worked with the applicant to address these design issues and the revised Conceptual Architecture design narrative and elevations (Attachments 2 and 3) incorporates all of these elements. The current design is significantly improved and more closely aligns with the architectural context of the area.

This report contains staff analysis and suggested motions for the revised Conceptual Architecture. The Conceptual Design Principles are utilized as primary guidance for Staff and CDRB evaluation of the application. The Addendum "A" Design Standards are used as secondary guidance, as appropriate. A discussion of the previous design is contained in the

1/14 CDRB report (Attachment 4). The draft minutes from the 1/14 CDRB meeting are also attached for your reference (Attachment 5).

DISCUSSION / ANALYSIS:

Conceptual Architecture Principles, Section 22.9.D.5

This property is located in an area with a distinctive architectural style, including the Casas Adobes Plaza. The architecture proposed by the applicant incorporates elements which are predominate in the area and, therefore, is in conformance with the Design Principles and Standards.

Following are key Design Principles (*in italics*), followed by staff evaluation of the design.

Design: Building architectural design shall be appropriate for the climate and characteristics of the Sonoran Desert, including indigenous and traditional textures, colors, and shapes found in and around Oro Valley. All development shall maintain and strengthen the high quality of design exemplified in Oro Valley through project creativity and design excellence. (Section 22.9.D.5.b.)

Staff Commentary: The building incorporates traditional and contemporary Southwestern elements, shapes, and textures, flat roof planes, architecturally appropriate windows with flat arches above the windows and side frames on the sides. The revised architecture incorporates traditional Southwestern shapes found in the immediate vicinity, including arched features found in Casas Adobes Plaza to the south and the law offices to the west.

Facade Articulation: All building facades shall be fully articulated, including variation in building massing, roof planes, wall planes, and surface articulation. Architectural elements including, but not limited to, overhangs, trellises, projections, awnings, insets, material, and texture shall be used to create visual interest that contributes to a building's character.

Staff Commentary: All sides of the building are articulated through the use of arches or coping above the windows, coping at the top of the parapet, and through the use of sunshades and metal fascia that project from the building façade. The proposed architecture meets this Design Principle.

Design Standards Analysis

Building design shall reflect consideration of superior and desirable design elements of adjacent development when applicable and appropriate (Section 2.2.A.1.a.2)

Staff Commentary: The current design meets this Design Standard. As discussed, the law office building to the west and Casas Adobes Plaza to the south are unique and establish a defined architectural theme for this area. The building architecture now includes arched features, a campanile on the southeast corner, and utilizes burnt orange brick rather than stone on the southeast corner of the building.

Design shall consider the context and architectural vernacular of the region. The architectural vocabulary shall contain forms or include appropriate elements which draw influences from traditional Southwestern styles such as, but not limited to: Southwest Traditional, Territorial, Pueblo, Spanish Colonial or Tuscan (Section 2.2.C.1)

Staff Commentary: The current design includes several Southwestern design elements and materials, including burnt orange brick, a small campanile, and arched elements, consistent with the architectural vernacular established in this area.

Provide consistent architectural treatments, articulation, and fenestration to present a coherent design theme for all sides of a building (Section 2.2.A.3.b.1)

Staff Commentary: The overall design of the building presents a coherent theme on all four sides of the building and conforms to this Design Standard. A painted metal trellis has been added to the south side of the west elevation to articulate the previously blank wall plane.

The colors and materials of the proposed architecture shall reflect consideration of the natural environment and built character of the nearby development when applicable and appropriate. Colors and materials should be influenced by and demonstrate consideration of superior and desirable design elements including adjacent development when applicable and appropriate (Section 2.2.E.1)

Staff Commentary: The building incorporates a burnt orange brick wainscot along all facades of the building to match the context of nearby buildings and add visual interest at the pedestrian level. In addition, the southeast corner of the building utilizes burnt orange brick across the entire façade, which accentuates the corner at the Oracle and Ina intersection.

Primary colors should be used judiciously and typically as accents only (Section 2.2.E.3)

Staff Commentary: The proposed primary and accent colors are appropriate and compatible with the surrounding desert and neighboring properties. The previously-proposed yellow sunshades have been eliminated and a much darker shade of red is proposed for the painted metal sunshades and coping.

PUBLIC PARTICIPATION:

Summary of Public Notice

Notice to the public was provided consistent with Town-adopted noticing procedures, which includes the following:

- Posting at Town Hall
- All registered HOAs

RECOMMENDATION:

Based on a finding that the revised design more closely conforms with the Oro Valley Design Principles and applicable Design Standards, it is recommended that the Conceptual Design Review Board take the following action:

Recommend approval to the Town Council of the requested Conceptual Architecture under case OV1213-30.

SUGGESTED MOTIONS:

I move to recommend approval of the Conceptual Architecture, finding that the proposed Conceptual Architecture for the Coxco Property Retail Building is generally consistent with the existing architectural context and the Oro Valley Design Principles and applicable Design Standards.

OR

I move to recommend denial of the Conceptual Architecture for the Coxco Property Retail Building finding that it is not in conformance with the Oro Valley Design Principles and applicable Design Standards, specifically

ATTACHMENTS:

1. Location Map
2. Applicant's Design Narrative
3. Revised Conceptual Architecture
4. 1/14/14 CDRB Report
5. 1/14/14 CDRB Draft Minutes

**DRAFT MINUTES
ORO VALLEY CONCEPTUAL DESIGN REVIEW BOARD
REGULAR SESSION
JANUARY 14, 2014
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE**

PRESENT: Richard Eggerding, Member
Harold Linton, Member
Bruce Wyckoff, Member
Kit Donley, Member
Nathan Basken, Member

ALSO PRESENT: Lou Waters, Town Council Liaison
Joe Andrews, Chief Civil Deputy Town Attorney

ABSENT: None

4. REQUEST FOR APPROVAL OF A 3,600 SQUARE FOOT RETAIL STORE ON A .45 ACRE PROPERTY, LOCATED ON THE NORTHWEST CORNER OF ORACLE ROAD AND INA ROAD, OV1213-30.

Matt Michels, Senior Planner, presented his staff report which included the following:

B. Conceptual Architecture

- View from Oracle and Ina Intersection
- Existing Context - Casas Adobes Plaza
- Existing Context - shopping center across the road
- Existing Content - the new Whole Foods
- Existing Context - west building including Chiropractor and other offices
- View from Southwest
- East Elevation
- South Elevation
- West Elevation
- North Elevation
- Proposed Conditions of Approval - Arched elements
- Proposed Conditions of Approval - Tower element
- Proposed Conditions of Approval - Painted metal sunshades and articulation of wall
- Proposed Conditions of Approval - Red Brick on SE corner of the building
- Recommendation

Applicant Thomas Brown, Architect Representative, reiterated that they are still in the conceptual design phase of the building. Mr. Brown stated the applicant is willing to work with staff on all recommendations.

Bill, Cheryl and Devon Cox are the owners of the Coxco property. Mr. and Mrs. Cox expressed concern delaying the project beyond 30 days. Mr. and Mrs. Cox are eager to proceed with the project.

MOTION: A motion was made by Harold Linton, Member and seconded by Nathan Basken, Member to Table item OV1213-30 Part C: The Conceptual Architecture.

MOTION carried, 4-1 with Kit Donley, Member opposed.

DRAFT

**DRAFT MINUTES
ORO VALLEY CONCEPTUAL DESIGN REVIEW BOARD
REGULAR SESSION
**AMENDED AGENDA
FEBRUARY 11, 2014
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE**

CALL TO ORDER AT OR AFTER 6:00 PM

ROLL CALL

PRESENT: Richard Eggerding, Chairman
Bruce Wyckoff, Member
Harold Linton, Member
Kit Donley, Member

ABSENT: Nathan Baskin, Member

ALSO PRESENT: Lou Waters, Town Council Liaison
Joe Hornat, Town Council Representative
Joe Andrews, Chief Civil Deputy Town Attorney

3. REQUEST FOR APPROVAL OF CONCEPTUAL ARCHITECTURE FOR A 3,600 SQUARE FOOT RETAIL STORE, LOCATED ON THE NORTHWEST CORNER OF ORACLE ROAD AND INA ROAD, OV1313-30 (THIS ITEM WAS CONTINUED FROM THE JANUARY 14, 2014 MEETING).

Matt Michels, Senior Planner, presented his staff report which included the following:

- Site Location
- Location
- Conceptual Site Plan
- Existing Context
- Exiting Context
- Previous CDRB Action
- East Elevation Revised Design
- West Elevation Revised Design
- Recommendation

A letter from the Oro Valley Chamber of Commerce expressing support for the proposed project was presented to the Board and Audience at the conclusion of Matt Michels presentation.

Bill Adler, Oro Valley Resident, suggested the building be constructed on a smaller scale to avoid a reduction in landscaping and setbacks.

MOTION: A motion was made by Kit Donley, Member and seconded by Harold Linton, Member to approve OV1313-30.

MOTION carried, 4-0.

DRAFT



Town Council Regular Session

Item # 3.

Meeting Date: 03/05/2014

Requested by: Stacey Lemos

Submitted By: Stacey Lemos, Finance

Department: Finance

Information

SUBJECT:

RESOLUTION NO. (R)14-13, REPEALING RESOLUTION NO. (R)04-14, AUTHORIZING AND APPROVING THE DISTRIBUTION OF THE TWO (2) PERCENT INCREASE IN THE LOCAL TAX ON CONSTRUCTION CONTRACTING ACTIVITIES

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

On February 4, 2004, the Town Council approved Ordinance No. (O)04-06, increasing the local tax rate on construction contracting activities from two (2%) percent to four (4%) percent. Subsequently, on March 3, 2004, the Town Council approved Resolution No. (R) 04-14 (see attached) recommending that the 2% increase in the local tax rate on construction contracting activities be used as follows:

- a) 75% of the 2% increase for local streets and roads maintenance (in the Highway Fund);
- b) the remaining 25% of the 2% increase for general municipal purposes.

The original 2% local tax on construction contracting activities was, and still remains, used for general municipal purposes in the General Fund. When these percentages are applied to the total amount of the 4% construction tax collected, it results in a split of 62.5% of total construction taxes allocated to the General Fund and 37.5% allocated to the Highway Fund.

Over the years, this funding allocation requirement has caused the Highway Fund to accumulate a contingency reserve balance of approximately \$4 million. The current adopted budget in the Highway Fund is \$3.7 million, resulting in a reserve balance that is 108% of the adopted expenditures in this fund. Staff feels it is not necessary to maintain such a high contingency reserve balance in this fund due to the fact that the expenditures are fairly predictable in this fund. Meanwhile, the Town faces significant one-time capital project needs town-wide that would benefit from having increased flexibility with how these construction tax dollars are allocated.

BACKGROUND OR DETAILED INFORMATION:

As the Town looks to provide increased funding to its one-time capital project needs without issuing additional debt, staff feels it is necessary to revisit this Council-designated allocation of local construction tax revenue. In an effort to further align the Town's one-time revenues to one-time expenditures, the construction tax is a revenue source generated from growth that could be used to fund one-time capital projects town-wide. By repealing this 2004 Resolution and lifting the restrictions placed upon the use of these revenues, the 75% of the 2% increase in the construction tax amount would become unrestricted and available for funding the Town's capital needs in its 15-year Capital Improvement Plan.

It is important to note that the pavement preservation program in the Highway Fund will continue to be funded in future years at approximately the \$1 million level as it has been in the past. The Town is committed to maintaining its roads and streets at the highest levels possible. Next fiscal year, however, staff will recommend that this program be funded out of the Highway Fund contingency reserves as a planned drawdown on these funds. In the future, the General Fund can budget transfers to the Highway Fund for continued funding of this program in the necessary amount.

FISCAL IMPACT:

If Resolution No. (R) 04-14 is repealed by the Town Council, the amount generated from the 75% of the 2% increase in the construction tax, previously allocated to the Highway Fund, would become available to allocate toward town-wide capital needs listed in the 15-year Capital Improvement Plan, including the pavement preservation program. For next fiscal year 2014/15, this amount is estimated to be \$1.4 million and is forecasted over the next five fiscal years to total \$1.0 - \$1.2 million per year. This FY 2013/14, the 75% of the 2% increase in the construction tax portion is estimated to total \$1.2 million,

Funding for the FY 2014/15 pavement preservation program in the Highway Fund would be recommended to come from the Highway Fund contingency reserves. In order to ensure sufficient resources are available in the Highway Fund to maintain the pavement preservation program, future budget transfers from the General Fund to the Highway Fund would be recommended.

SUGGESTED MOTION:

I MOVE to approve Resolution No. (R)14-13.

or

I MOVE...

Attachments

(R)14-13 Construction Tax Repeal

Res. 04-14 Const Tax Alloc

RESOLUTION NO. (R)14-13

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA REPEALING RESOLUTION NO. (R)04-14 AUTHORIZING AND APPROVING THE DISTRIBUTION OF THE TWO (2%) PERCENT INCREASE IN THE LOCAL TAX ON CONSTRUCTION CONTRACTING ACTIVITIES

WHEREAS, on February 4, 2004, the Town Council approved Ordinance No. (O) 04-06 increasing the local tax rate on construction contracting activities from two (2%) percent to four (4%) percent; and

WHEREAS, On March 3, 2004, the Town Council approved Resolution No. (R) 04-14 (attached hereto as Exhibit "A") recommending that the Town dedicate seventy-five percent (75%) of the two percent (2%) increase in the local tax rate on construction contracting activities for streets and road maintenance; and

WHEREAS, On March 3, 2004, the Town Council approved Resolution No. (R) 04-14 recommending that the Town dedicate the remaining twenty-five percent (25%) of the two percent (2%) increase in the local tax rate on construction contracting activities for general municipal purposes.

WHEREAS, over the years that Highway Fund has accumulated a contingency reserve balance of approximately \$4 million due to the allocation of funding to the Highway Fund which is 108% percent of the adopted expenditures in this fund; and

WHEREAS, the Town recommends that the allocation of the two (2%) percent increase in local tax on construction contracting activities to the Highway Fund be repealed to allow construction tax revenues to be accounted for in the General Fund and allocated toward the Town's capital needs in the 15-year Capital Improvement Plan.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Oro Valley, Arizona, that the allocation of the two (2%) percent increase in the local tax rate on construction contracting to the Highway Fund approved through (R) 04-14 be repealed to allow construction tax revenues to be accounted for in the General Fund and allocated toward the Town's capital needs in the 15-year Capital Improvement Plan.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona, this 5th day of March, 2014.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

Julie K. Bower, Town Clerk

Date: _____

APPROVED AS TO FORM:

Tobin Sidles, Legal Services Director

Date: _____

RESOLUTION NO. (R) 04- 14

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA AUTHORIZING AND APPROVING THE DISTRIBUTION OF THE TWO (2%) PERCENT INCREASE IN THE LOCAL TAX ON CONSTRUCTION CONTRACTING ACTIVITIES

WHEREAS, the Town of Oro Valley is a political subdivision of the State of Arizona, and pursuant to Article 13, Section 7 of the Arizona Constitution, is vested with all rights, privileges, 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 February 4, 2004, the Town Council approved Ordinance No. (O) 04-06 (amended on February 18, 2004 by Ordinance No. (O) 04-08) increasing the local tax rate on construction contracting activities from two (2%) percent to four (4%) percent; and

WHEREAS, the Town's Budget and Bond Committee has recommended that the Town dedicate seventy-five percent (75%) of the two percent (2%) increase in the local tax rate on construction contracting activities for streets and road maintenance; and

WHEREAS, the Town's Budget and Bond Committee has recommended that the Town dedicate the remaining twenty-five percent (25%) of the two percent (2%) increase in the local tax rate on construction contracting activities for general municipal purposes.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Oro Valley, Arizona, that the two (2%) percent increase in the local tax rate on construction contracting activities to be used as follows: a) 75% of the 2% increase for local streets and roads maintenance; and b) the remaining 25% of the 2% increase for general municipal purposes, is hereby approved.

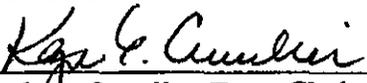
BE IT FURTHER RESOLVED that the Mayor and any other administrative officials of the Town of Oro Valley are hereby authorized to take such steps as are necessary to execute and implement the distribution of the 2% increase in local tax on construction contracting activities set forth herein.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona this 3 day of March, 2004.

TOWN OF ORO VALLEY

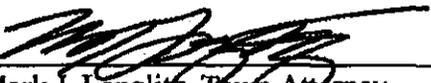

Paul H. Loomis, Mayor

ATTEST:



Kathryn Cuvelier, Town Clerk

APPROVED AS TO FORM:



Mark J. Langlitz, Town Attorney



Town Council Regular Session

Item # 4.

Meeting Date: 03/05/2014
Requested by: David Williams
Submitted By: Rosevelt Arellano
Development Infrastructure Services
Department: Development Infrastructure Services

Information

SUBJECT:

DISCUSSION AND POSSIBLE DIRECTION TO INITIATE A ZONING CODE AMENDMENT RELATED TO GUEST HOUSES IN SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS

RECOMMENDATION:

N/A

EXECUTIVE SUMMARY:

Councilmember Garner and Councilmember Burns requested that this item be placed on the agenda for discussion and possible direction to staff.

BACKGROUND OR DETAILED INFORMATION:

The Town's residential zoning districts and Planned Area Developments (PAD) typically permit guest houses or quarters as an accessory use with limitations. The focus of this zoning code amendment, if initiated, would be to revise the standards regulating guest houses. The exact scope of the amendment or objective is expected to be discussed by the Council.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to initiate a Zoning Code Amendment related to the standards for guest houses in single-family residential zoning districts and _____.



Town Council Regular Session

Item # **5.**

Meeting Date: 03/05/2014

Requested by: Ron Corbin **Submitted By:** Ron Corbin, Human Resources

Department: Human Resources

Information

SUBJECT:

ORDINANCE NO. (O)14-03, AMENDING THE ORO VALLEY TOWN CODE CHAPTER 4, PUBLIC SAFETY, ARTICLE 4-1, POLICE DEPARTMENT, SECTION 4-1-8, PUBLIC SAFETY EMPLOYEE RELATIONS AND PROCESSES

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

Article 4-1-8 Public Safety Employees Relations and Processes of the Town Code outlines which employees are represented by the Public Safety Employee Group during negotiations with the Town of Oro Valley Management Team.

This change would remove all non-sworn Police Department staff from the negotiating process, creating a Public Safety Employee Group that is comprised of only police officers. The Police Department civilian staff would then experience all of the same the rights and benefits of every other Town employee.

This change is supported by the Public Safety Negotiation Committee and the Management Negotiation Committee.

BACKGROUND OR DETAILED INFORMATION:

During the negotiations between the Management Negotiation Committee (MNC) and the Public Safety Negotiation Committee (PSNC) for the 2014-2016 Memorandum of Understanding, the MNC recommended changes to Town Code so that the Town's Public Safety Employee Group consisted of only sworn officers. The PSNC discussed the issue with its members and then agreed to the change.

The agreement included a few reassurances from Town management. The first issue that needed to be addressed was that the Police Department civilian staff must be afforded the same rights, privileges, and benefits as all other Town employees. Town management agreed and provided this year's merit increase as an example of fair and equal treatment. All non-sworn employees were eligible for a merit increase of 4.0 - 4.5%, even though the current MOU called for a smaller increase for the Police Department's civilian staff. In addition, Town management has already made a commitment to recommend full implementation of the market study for all staff in addition to a merit increase in the next fiscal year.

Another concern had to do with dispatchers receiving shift differential pay which is called for in the current MOU. The MNC agreed to propose a personnel rule change to ensure that they continue to receive that benefit. The personnel rule change is being presented to Council for approval.

The last issue had to do with having their future concerns and issues addressed in a timely and fair manner. The MNC assured the PSNC that the employees could take their issues through their chain of command or directly to Human Resources or the Town Manager, which is currently the process for any employee.

Both sides of the negotiating table believe that this change is in the best interest of the employees and will make future negotiations more straight forward.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to (approve or deny) Ordinance No. (O)14-03, amending the Oro Valley Town Code Chapter 4, Public Safety, Article 4-1, Police Department, Section 4-1-8, Public Safety Employee Relations and Processes.

Attachments

(O)14-03 Amending 4-1-8

ORDINANCE NO. (O)14-03

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING ORO VALLEY TOWN CODE, CHAPTER 4, PUBLIC SAFETY, ARTICLE 4-1, POLICE DEPARTMENT, SECTION 4-1-8, PUBLIC SAFETY EMPLOYEE RELATIONS AND PROCESSES; 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, on September 27, 1989, the Mayor and Council adopted Ordinance No. (O) 89-21, adopting that certain document entitled “Oro Valley Town Code, Chapter 2, Mayor and Council”; and

WHEREAS, On April 21, 1999, the Town Council adopted Ordinance No. (O) 99-34 adopting Section 4-1-8 of the Public Safety Chapter of the Oro Valley Town Code; and

WHEREAS, the Town desires to remove mention of non-sworn police positions from language in Section 4-1-8; and

WHEREAS, the Mayor and Council have determined that amending Chapter 4, Public Safety, Article 4-1, Police Department, Section 4-1-8, Public Employee Relations and Processes, is just and appropriate, and is found to be in the best interest of the Town.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the Council of the Town of Oro Valley, Arizona, that the certain document known as the “Oro Valley Town Code”, Chapter 4, Public Safety, Article 4-1, Police Department, Section 4-1-8, Public Employee Relations and Processes, is amended as follows:

SECTION 1. Oro Valley Town Code, Chapter 4, Article 4-1-8, Public Employee Relations and Processes, is hereby amended as follows with additions in ALL CAPS and deletions in ~~strikethrough text~~.

Chapter 2 Mayor and Council

Article 4-1 Police Department

...

Section 4-1-8 Public Employee Relations and Processes

...

C. Public Safety Employee Group

The employees eligible to participate in determining annual representation, in accordance with Part D below, include: Police Officers with the rank of Sergeant and below who are not in the academy, in field training or on reserve status, and/or the bailiff, as of August 1st of each year.; ~~and non-exempt civilian employees assigned to, supervised by or otherwise under the control of the Police Department.~~

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

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

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona, this 5th day of March, 2014.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

APPROVED AS TO FORM:

Tobin Sidles, Legal Services Director

ATTEST:

Julie K. Bower, Town Clerk

Date: _____

Date: _____



Town Council Regular Session

Item # **6.**

Meeting Date: 03/05/2014

Requested by: Ron Corbin **Submitted By:** Ron Corbin, Human Resources

Department: Human Resources

Information

SUBJECT:

RESOLUTION NO. (R)14-14, APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN PUBLIC SAFETY EMPLOYEES AND THE TOWN OF ORO VALLEY PURSUANT TO CHAPTER 4, SECTION 4-1-8 OF THE TOWN CODE, PUBLIC SAFETY EMPLOYEE RELATIONS AND PROCESSES

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

Presented herein is the Memorandum of Understanding (MOU) between the Town and the Town's Public Safety Employee Group that has been mutually agreed upon and signed by members of both negotiating groups. Upon approval, this MOU will be effective for the following two fiscal years, July 1, 2014, through June 30, 2016. This is the second time that the Town and the Public Safety Employee Group have mutually agreed to a multi-year MOU.

The MOU and related attachments were developed by the Public Safety Negotiation Committee (PSNC) and the Management Negotiation Committee (MNC) after a series of meetings over the past few months. Both parties are in agreement as to the terms and conditions that are contained herein.

BACKGROUND OR DETAILED INFORMATION:

In 2004, the Town Council adopted Ordinance No. (O)04-28 which established a "Meet and Confer" process for public safety employees. This ordinance was modified in November 2005 by Ordinance No. (O)05-44 which refined and clarified some of the language in the original ordinance. In separate Council action tonight, staff is recommending that the ordinance be modified to remove Police Department non-exempt civilian employees from the list of covered employees.

The PSNC's representation is determined by eligible employees within the Police Department and includes police officers with a rank of sergeant and below, as well as bailiffs. The following members of the Police Department negotiated the MOU on behalf of the Public Safety Employee Group:

- Marshall Morris, Lead Patrol Officer
- Kevin Mattocks, School Resource Officer
- Zack Young, Detective
- Daniel Hoyos, Lead Patrol Officer

The MNC membership was assigned by the Town Manager and includes the following employees:

- Ron Corbin, Human Resources Director
- Jason Larter, Police Commander
- Brian Garrity, Procurement Administrator

- Julie K. Bower, Town Clerk

The MNC negotiated with concurrence and guidance from the Town Manager, Finance Director, Police Chief, and Town Attorney.

The significant area of change resulting from the meet and confer process this year is the recommended approval of a 2-year MOU providing for full implementation of the Town's market study with step ownership on July 1, 2014, and step increases in both FY 2014/2015 and FY 2015/2016. Step increases will occur on the employee's anniversary date.

FISCAL IMPACT:

The only new costs associated with this MOU are the proposed changes to the Police Pay Structure which were recommended by the Waters Consulting Group after they conducted the market study. The one-time cost of implementing the structure is approximately \$500,000 and will be a part of the recommended 2014-2015 budget.

SUGGESTED MOTION:

I MOVE to (approve or deny) Resolution No. (R)14-14, approving a Memorandum of Understanding between public safety employees and the Town of Oro Valley pursuant to Chapter 4, Section 4-1-8 of the Town Code, Public Safety Employee Relations and Processes.

Attachments

(R)14-14 MOU 2014-16

2014-2016 MOU Final

RESOLUTION NO. (R)14-14

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN PUBLIC SAFETY EMPLOYEES AND THE TOWN OF ORO VALLEY PURSUANT TO CHAPTER 4, SECTION 4-1-8 OF THE TOWN CODE, PUBLIC SAFETY EMPLOYEE RELATIONS AND PROCESSES

WHEREAS, the Town of Oro Valley is committed to the development and continuation of harmonious and cooperative relationships with all of its employees; and

WHEREAS, the Town recognizes the right of public safety employees to join employee associations which comply with the laws of Arizona and to present proposals and testimony to the Town Council, and not to be discharged, disciplined or discriminated against because of the exercise of those rights; and

WHEREAS, the continued smooth operation of the Police Department is of great benefit to the residents of Oro Valley and the general public; and

WHEREAS, in 2004 the Town Council adopted Ordinance No. (O) 04-28 which enacted Town Code Chapter 4, Section 4-1-8, Public Safety Employee Relations and Processes, establishing a meet and confer process for public safety employees and the Town, and on March 3, 2014, the Town Council approved the removal of civilian positions from Town Code Chapter 4, Section 4-1-8 through Ordinance No. (O) 14-03; and

WHEREAS, the Memorandum of Understanding, attached hereto as Exhibit "A" and incorporated herein by this reference, was negotiated between the Public Safety Negotiation Committee and the Town's Management Negotiation Committee in accordance with Chapter 4, Section 4-1-8, Public Safety Employee Relations and Processes.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Oro Valley, Arizona, that the Memorandum of Understanding, attached hereto as Exhibit "A", between the Town of Oro Valley and Public Safety Employees is hereby approved.

BE IT FURTHER RESOLVED that the Agreement, attached as Exhibit "A", shall be effective for the period of July 1, 2014 through June 30, 2016.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona, this 5th day of March, 2014.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie K. Bower, Town Clerk

Tobin Sidles, Legal Services Director

Date: _____

Date: _____

EXHIBIT “A”

**MEMORANDUM OF UNDERSTANDING
BETWEEN
PUBLIC SAFETY EMPLOYEES
AND THE
TOWN OF ORO VALLEY
FOR THE PERIOD JULY 1, 2014 TO JUNE 30, 2016**

This Memorandum of Understanding exists between the Town of Oro Valley and the Public Safety Employee Group as provided for in Town of Oro Valley Ordinance (O) 05-44. We recognize the primary interest of all parties is to provide excellent service through partnerships that build trust, prevent crime and promote a safe environment to enhance the quality of life within our community. This Memorandum addresses the fact that the Town strives to provide for working conditions, wages and benefits in a consistent manner, as outlined in the Town of Oro Valley Personnel Policies and Procedures, while recognizing that there are additional considerations related to specific job positions. This Memorandum of Understanding will address those considerations and/or clarifications as they pertain to job positions of the Public Safety Employee Group.

Compensation

Police officers and police officers assigned as lead officers, detectives, bailiffs, and sergeants are compensated pursuant to a Step Pay Plan (Attachment A) as approved by the Town Council for each fiscal year. These members, whose annual performance appraisals are approved by the Chief of Police, and whose performance appraisals indicate acceptable performance by at least meeting requirements/expectations in accordance with the current appraisal system ratings in effect at the time will be compensated at the next higher step plan rate for the position if approved by the Town Council each fiscal year.

Members assigned as motor officers, school resource officers and canine handlers will be compensated with an additional \$40 per week (\$80 per bi-weekly pay period) "special assignment" pay. Members assigned as Field Training Officers will be compensated with an additional \$40 per week (\$80 per bi-weekly pay period) "special assignment" pay during the period they were actively involved in the field training phases of officer(s) in field training. Additional assignments may be included for assignment pay at the direction of the Chief of Police.

Detectives will receive annual performance reviews and compensation step increase consideration based on the anniversary date of their assignment as sworn police officers.

Members will receive additional on-call pay at a rate of \$1.00 per hour in accordance with Town of Oro Valley Personnel Policies and Procedures, Policy 28-On-Call and emergency Call-Out Pay.

Members will receive shift differential pay at a rate of \$1.00 per hour for regular scheduled hours worked between the hours of 1800 and 0600 hours. Members

assigned to the midnight shift will receive the differential pay until 0630 hours. It is the *member's responsibility* to indicate hours subject to shift differential on payroll time sheets when the time sheets are submitted.

Members will be compensated with overtime pay at a rate 1.5 times their regular hourly rate or accrue compensatory time pursuant to Town of Oro Valley Personnel Policies and Procedures, Policy 14-overtime. Paid leave time may be considered part of a member's normal work period for the calculation of overtime compensation as long as the paid leave time is not the same shift day as that for which overtime compensation is requested. However, if the member was called out during hours other than the member's regular hours of work on a day where paid leave time was used for normal work hours they may receive overtime compensation for the time worked related to the call out.

Members who are called into work during hours other than the member's regular hours and/or days of work shall be compensated by two hours of overtime or the actual time spent working whichever is greater. If the member is called into work within 60 minutes of the completion of the member's normal work period, the member shall be compensated for overtime from the end of his or her normal work period until the member completes the assignment, is no longer required, or goes off-duty. If a member's normal work period begins within the two hour period of being called into duty, the overtime shall be compensated from the call in time to the beginning of the normal work period.

Members who are required to attend any pretrial hearing, Motor Vehicle Division hearing, civil or criminal trial to carry out the member's departmental duty during hours other than the member's regular hours and/or days of work shall be compensated by three hours of overtime or the actual time spent in attendance, whichever is greater. If the attendance is required within 60 minutes of the member's normal work period, the member shall be compensated for overtime from the end of his or her normal work period to the end of the required appearance. If a member's normal work period begins within the three hour period of a required appearance, the overtime shall be compensated from the appearance time to the beginning of the normal work period. Members who are required to attend additional hearings or trials in one day shall not receive a second minimum 3-hour period of overtime compensation unless the additional appearance is required more than 60 minutes from the end of the three hour period or release from previous required appearance, whichever is later.

Members in certified peace officer positions will be compensated for a 30 minute meal period as part of their regular work period as long as these members remain available to immediately respond to provide service when necessary during the meal period.

For the Fiscal Year 2014/2015 officers will be moved into the new step plan (Attachment A) with step ownership on July 1, 2014. Officers currently in step 8 will be moved to the new master step 1. Officers who receive a "Successful" or "Outstanding" on their 2014/2015 employee performance evaluation will receive one step increase on their anniversary date.

For the Fiscal Year 2015/2016 officers who receive a "Successful" or "Outstanding" on their 2015/2016 employee performance evaluation will receive one step increase on their anniversary date.

Work schedules

Members' work week will remain flexible and assigned by Department management to best meet the needs of the Town.

Work schedules for uniformed patrol assignments will be four consecutive days of ten hours with a regularly scheduled minimum of eight hours rest period between shifts. Adjustments to the regular work schedule may be made by supervisors to address court appearances, training requirements, deployment shortages, regular shift change conflicts, and other special needs of the member or department. The basic four consecutive days of ten hours scheduling for uniformed patrol assignments will only be changed through direction of the Chief of Police based on critical need to provide service.

Retirement Benefits

Members eligible for the Public Safety Personnel Retirement system (P.S.P.R.S. 20 year retirement plan for certified peace officers) or the Arizona State Retirement System shall contribute a percentage of their salary and the Town shall contribute an additional percentage of the member's salary as outlined in the Arizona Revised Statutes. Percentages may fluctuate annually depending on actions of the State of Arizona.

Members who elect to "drop" in the Public Safety Personnel Retirement system receive an additional percentage contribution of the member's salary from the Town commensurate with the current rate of employer contribution for Arizona State Retirement System members (which percentages may fluctuate annually depending on actions of the State of Arizona) into a "457" deferred compensation plan for the member.

Additional Retirement Benefit/Duty Weapon Purchase Request

A member who retires from a certified Peace Officer position with 10 or more years of service with the Oro Valley Police Department with the P.S.P.R.S. or equivalent secondary retirement benefits, is eligible to make a request by memorandum to the Chief of Police for purchase of a specific issued duty weapon for \$1.00 as authorized under Arizona Revised Statute 38-845.F. If such request is approved by the Chief of Police, the member shall present the memorandum endorsed by the Chief to property section personnel, along with the \$1.00 payment receipt, to obtain the weapon. Property section personnel will complete a property sheet and obtain the signature of the retiring officer receiving the weapon.

Uniforms and Equipment

Members in certified peace officer positions will receive \$1,200 annually in quarterly payments of \$300 after the first year of service. New officers receive a \$1,200 lump sum payment upon hire to purchase and maintain uniforms, clothing and equipment sufficient to comply with OVPD Rules Chapter 12.

Members in certified peace officer positions will receive a stipend toward the purchase of a ballistic vest of their choice every five years. The vest must meet or exceed National Institute of Justice Standards 0101.03 and 0101.04, "Ballistic Resistance of Personal Body Armor".

Members in certified peace officer positions will be issued a duty weapon, duty belt, chemical defense agent, baton, pocket recorder and duty belt accessories to carry equipment normally carried on the duty belt. Other specialty equipment may be issued to members as approved by the Chief of Police.

If a newly hired certified peace officer terminates employment with the Town of Oro Valley for any reason within the first 12 months after their date of hire, a pro-rated portion (calculated as a percentage of days employed out of a total 365 calendar year days) of the original \$1,200 uniform allowance advance will be owed to the Town and shall be deducted from the employee's final paycheck.

A member who receives uniform allowance and must spend over the \$1,200 uniform allowance, in any year of service to maintain compliance with OVPD Rules & Procedures, for the repair or replacement of uniforms, clothing, and equipment items damaged, lost or stolen in the performance of assigned duty without fault or negligence of the member shall be reimbursed by the Town for those costs over \$1,200 when documentation of the loss and additional costs are provided and the Chief of Police approves the reimbursement.

Notice of Proposed Additions or Changes to Personnel Policies and Procedures

It is understood that policy and procedures are operational matters reserved to management discretion. At any time the Town may propose to the Town Council changes or additions to the Town of Oro Valley Personnel Policies and Procedures that could potentially affect wages, benefits, hours, safety regulations and/or other working conditions of the public safety employee group, which have not been issues subject to the meet and confer process related to the current Memorandum of Understanding. Should the Town propose such additions or changes the Town will notify the most recent members of the Public Safety Negotiation Committee (PSNC) of any proposed additions or changes to these policies and procedures to allow the opportunity for the PSNC to provide input to management or the Council on the proposed changes or additions. Notification to the PSNC will be no later than the date listed for "council Packets Distributed by the Clerk's Office" (generally approximately 7 days prior to the Council meeting).

Members designated by the Public Safety Negotiations Committee will be added to the email distribution list that transmits the Town Council Agenda Management Report from the Town Clerk's Department.

Off Duty Employment Coordination and Indemnification

The Town agrees to coordinate all off duty employment opportunities for members, and further agrees to completely indemnify members who are engaged in such off duty employment. The off duty employers shall provide proof of liability insurance as required by the Chief of Police to the Town.

The Town shall post all off duty opportunities within the Police Department, and/or notify all members of such off duty employment opportunities via text or email.

Sick Leave Payout for Spouses and Dependents of Officers Who Die While Performing Police Duties

The Town agrees to pay 50% of the officer's sick leave hours that have accrued above 480 hours to the surviving spouse and all dependents of an officer who dies as a direct result of performing police duties. This sick leave payout is independent of any other life insurance payouts or other benefits paid out to the officer's beneficiaries by the Town.

Oro Valley Police Department Member Benefits

In addition to the Member benefits described herein, there is a current list of Member benefits and/or working conditions provided through the Town of Oro Valley (Attachment B).

Mid-contract Negotiations

Either Party can initialize negotiations by notifying the other Party in writing.

Signed and dated:

Public Safety Negotiation Committee:



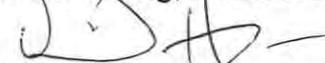
Marshall Morris, Lead Patrol Officer



Kevin Mattocks, School Resource Officer



Zach Young, Detective

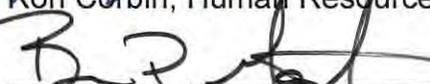


Daniel Hoyos, Lead Patrol Officer

Management Negotiation Committee:



Ron Corbin, Human Resources Director



Brian Garrity, Procurement Administrator



Jason Larter, Commander



Julie K. Bower, Town Clerk

Attachment B

List of Public Safety Employee group member benefits and/or working conditions in addition to those described in the proposed Memorandum of Understanding which will be effective July 1, 2014 through June 30, 2016.

1. Compressed and/or flexible work week, where practical, for many assignments.
2. Assigned take home vehicles at the discretion of the Police Chief.
3. Paid Holidays [currently 13 (thirteen) per year – 12 (twelve) @ double time if worked/ 1 (one) birthday off], and any additional holidays that may be approved by the Town Council.
4. Leave benefits as outlined in Town policy.
5. One hundred percent of the members' medical insurance premium paid by the Town based on wellness program participation. A \$10 per pay period premium would be charged to any employee who did not participate in the Town's biometric program, once the program is initiated.
6. No less than eighty percent (80%) of the additional monthly premium cost for members' dependent medical insurance premium paid by Town.
7. One hundred percent of the members' dental insurance premium paid by the Town.
8. No less than eighty percent (80%) of the additional monthly premium cost for members' dependent dental insurance premium paid by the Town.
9. Retired members have the option of continuing medical insurance coverage at a rate made available to them through participation of the Town in rate negotiations. This includes members retired due to early, regular or disability who are not eligible for Medicare.
10. One hundred percent of Life Insurance premium paid by the Town for a policy that pays out one year of the member' salary.
11. Supplemental Life Insurance available for member where member may purchase additional Life Insurance up to five times the member's annual salary at a rate made available to them through participation of the Town in rate negotiations.
12. Supplemental Life Insurance available for spouse and children at a rate made available to them through participation of the Town in rate negotiations.
13. One hundred percent of the member's long-term disability insurance premium is paid by Town for non-A.S.R.S. participant members.
14. One hundred percent of the members' mid-term (bridge) disability insurance premium paid by the Town.
15. One hundred percent of the members' workers compensation insurance premium is paid by the Town.
16. Extensive employee assistance program (EAP) is paid by the Town.
17. Tuition Reimbursement for members at a rate of 100% reimbursement from the Town for tuition for job-related college credit courses, up to a maximum of \$2,000 per member per fiscal year.
18. Town sponsored "section 125 plan" (Pre-Tax contributions for medical/dental/supplemental life insurance premiums).

19. Town sponsored "Section 125 Plan" (Pre-Tax contribution for Dependent Care Reimbursement Accounts up to five thousand dollars per year).
20. Town sponsored 457 Deferred Compensation Plans (Pre-Tax contributions).
21. Town sponsored supplemental insurance products.
22. Supplemental Vision Care Benefits.
23. Supplemental Commuter insurance paid by Town through AMRRP.
24. Town administered payroll deduction for OVPOA/FOP/100 Club.

Additional detailed information related to the above-mentioned benefits is available from the Town of Oro Valley Human Resources Department.



Town Council Regular Session

Item # 7.

Meeting Date: 03/05/2014

Requested by: Ron Corbin **Submitted By:** Ron Corbin, Human Resources

Department: Human Resources

Information

SUBJECT:

RESOLUTION NO. (R)14-15, REPEALING AND REPLACING PERSONNEL POLICY NUMBER 28, ON-CALL AND EMERGENCY CALL-OUT PAY, OF THE TOWN OF ORO VALLEY PERSONNEL POLICIES AND PROCEDURES MANUAL

RECOMMENDATION:

Staff recommends repeal and replacement of Town of Oro Valley Personnel Policy 28, On-Call and Emergency Call-Out Pay. The request to repeal and replace the current policies is due to the addition of shift differential to the policy.

EXECUTIVE SUMMARY:

Shift differential pay is not currently included in Town personnel policy, but is included in the current Memorandum of Understanding with the Public Safety Employee Group. This agreement affords a shift differential to any covered member whose regular shift is between 6 p.m. and 6 a.m. and works those hours.

The addition of this policy to the Town's Personnel Policy and Procedure manual will ensure that employees who were eligible for shift differential under the MOU will continue to be eligible once the non-sworn Police Department employees are no longer covered by the MOU.

BACKGROUND OR DETAILED INFORMATION:

The Memorandum of Understanding between the Public Safety Employee Group and the Town of Oro Valley for the years 2014-2016 no longer applies to civilian staff who work in the Police Department. A significant benefit currently provided in the MOU is a shift differential pay of \$1.00 per hour worked between 6 p.m. and 6 a.m. Both sworn employees, such as patrol officers, and non-sworn employees, such as dispatchers, are eligible for this shift differential.

Given that non-sworn Police Department employees will no longer be covered by this agreement, the policy needs to be added to the Town's Personnel Policy and Procedure manual so that they can continue to receive this benefit.

This is not a new benefit, but a continuation of a long standing practice as outlined in the MOU.

FISCAL IMPACT:

There may be a minimal fiscal impact to certain departments as this policy is applied Town-wide. There will be no new fiscal impact to the Police Department as this is a continuing benefit.

SUGGESTED MOTION:

I MOVE to (adopt or deny) Resolution No. (R)14-15, repealing and replacing Personnel Policy 28, On-Call and Emergency Call-Out Pay.

Attachments

(R)14-15 Policy 28 Updates

Policy Changes

RESOLUTION NO. (R)14-15

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, ADOPTING CHANGES TO THE TOWN OF ORO VALLEY PERSONNEL POLICIES AND PROCEDURES MANUAL

WHEREAS, pursuant to Section 3-3-1 of the Oro Valley Town Code, the Town Council is empowered to create a personnel system which applies to all Town employees except elected officials; and

WHEREAS, Section 3-3-2 of the Oro Valley Town Code provides that the Town Council may adopt, by resolution, rules and regulations pertaining to employment with the Town; and

WHEREAS, on May 16, 2007, the Town Council adopted Resolution (R) 07-60, "The Town of Oro Valley Personnel Policies and Procedures Manual"; and

WHEREAS, it has become necessary to update the following policy: Policy 28 "On-Call and Emergency Call-Out Pay" (attached as Exhibit A).

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Oro Valley, Arizona, to adopt the changes to the Town of Oro Valley Personnel Policies and Procedures Manual attached hereto as Exhibit "A" with additions in ALL CAPS and deletions in ~~strikethrough text~~.

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

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona, this 5th day of March, 2014.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie K. Bower, Town Clerk

Tobin Sidles, Legal Services Director

Date: _____

Date: _____

Exhibit A



PERSONNEL POLICY 28
SPECIFIC NON-EXEMPT
PAY RATE ADJUSTMENTS

Page 1 of 1

Effective Date: May 5, 2014

SECTION 1. Policy: It is the Town's policy to reward employees with competitive salaries and benefits. In order to ensure that we are competitive with compensation awarded to employees who as a condition of their employment routinely deal with various emergency situations, the following will apply:

SECTION 2. On-Call Pay:

An "on-call" employee shall be defined as a non-exempt employee who is required to be prepared to return to work during non-regular hours. "On-call status" is synonymous with "standby status" and requires that an established on-call practice be developed by the Department head and approved by the Town Manager prior to an employee receiving compensation pursuant to this policy. Generally, only employees who are included on approved on-call lists maintained by the Department Head as authorized by the Town Manager will be eligible to receive on-call compensation during a pay period.

Employees assigned to on-call duty are paid an amount established by administrative policy as approved annually in the Town budget. Time spent on on-call status does not count as hours worked for overtime purposes; however, the pay for on-call duty is counted as wages for the purpose of computing an employee's regular rate of pay for overtime purposes.

In return for the receipt of on-call pay, employees serving in on-call status agree to be ready to return to work as needed. The location and activities of the employee remain at their own discretion during their on-call status. They must, however, ensure that immediate contact with them is possible at all times, and they must be able to arrive at the work site within a reasonable period of time (i.e., in most cases, within a period of 45 minutes, or less). The employee also agrees to remain fit for work while on-call. "Fitness for work" requires that "on-call" employees not be impaired by drugs or alcohol, as defined under the terms of policy 23 – Drug Free Workplace.

SECTION 3. Emergency Call-Back pay:

Only non-exempt employees are eligible to receive emergency call-back pay. An eligible employee who is called back to work after their scheduled hours of work have ended and who returns to work before their next regularly scheduled work shift, shall receive a minimum of two hours of pay. This applies to emergency situations only, and the necessity for the call-back must be approved by the Department Head or their designee only.

The call-back period shall commence when the employee is notified to return to work, including telephone contact. The call-back period ends when the employee completes the job assignment or at the beginning of the employee's next regularly scheduled work shift, whichever occurs first. The employee must be able to return to work within a reasonable time period following the time that they are contacted.

SECTION 4. **SHIFT DIFFERENTIAL PAY:**

NON-EXEMPT EMPLOYEES WILL RECEIVE SHIFT DIFFERENTIAL PAY AT A RATE ESTABLISHED BY ADMINISTRATIVE POLICY AS APPROVED ANNUALLY IN THE TOWN BUDGET FOR REGULARLY SCHEDULED HOURS WORKED BETWEEN THE HOURS OF 1800 AND 0600 HOURS. NON-EXEMPT EMPLOYEES ASSIGNED TO THE MIDNIGHT SHIFT WILL RECEIVE THE DIFFERENTIAL PAY UNTIL 0630 HOURS. IT IS THE EMPLOYEE'S RESPONSIBILITY TO INDICATE HOURS SUBJECT TO SHIFT DIFFERENTIAL ON PAY ROLL TIME SHEETS WHEN THE TIME SHEETS ARE SUBMITTED.



**ON-CALL AND EMERGENCY
CALL-OUT PAY**

Effective Date: May 3, 2012

SECTION 1. Policy: It is the Town's policy to reward employees with competitive salaries and benefits. In order to ensure that we are competitive with compensation awarded to employees who as a condition of their employment routinely deal with various emergency situations, the following will apply:

SECTION 2. On-Call Pay:

An "on-call" employee shall be defined as a non-exempt employee who is required to be prepared to return to work during non-regular hours. "On-call status" is synonymous with "standby status" and requires that an established on-call practice be developed by the Department head and approved by the Town Manager prior to an employee receiving compensation pursuant to this policy. Generally, only employees who are included on approved on-call lists maintained by the Department Head as authorized by the Town Manager will be eligible to receive on-call compensation during a pay period.

Employees assigned to on-call duty are paid an amount established by administrative policy as approved annually in the Town budget. Time spent on on-call status does not count as hours worked for overtime purposes; however, the pay for on-call duty is counted as wages for the purpose of computing an employee's regular rate of pay for overtime purposes.

In return for the receipt of on-call pay, employees serving in on-call status agree to be ready to return to work as needed. The location and activities of the employee remain at their own discretion during their on-call status. They must, however, ensure that immediate contact with them is possible at all times, and they must be able to arrive at the work site within a reasonable period of time (i.e., in most cases, within a period of 45 minutes, or less). The employee also agrees to remain fit for work while on-call. "Fitness for work" requires that "on-call" employees not be impaired by drugs or alcohol, as defined under the terms of policy 23 – Drug Free Workplace.

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The call-back period shall commence when the employee is notified to return to work, including telephone contact. The call-back period ends when the employee completes the job assignment or at the beginning of the employee's next regularly scheduled work shift, whichever occurs first. The employee must be able to return to work within a reasonable time period following the time that they are contacted.



PERSONNEL POLICY 28

Page 1 of 1

ON-CALL AND EMERGENCY CALL-OUT PAY SPECIFIC NON- EXEMPT PAY RATE ADJUSTMENTS

Effective Date: March 5, 2014

SECTION 1. Policy: It is the Town's policy to ~~reward~~ **OFFER** employees ~~with~~ competitive salaries and benefits. In order to ensure that ~~we~~ **THE TOWN OFFERS** ~~are~~ competitive ~~with~~ compensation ~~awarded to~~ employees ~~who as a condition of their employment routinely deal with various emergency situations,~~ the following will apply:

SECTION 2. On-Call Pay:

An "on-call" employee shall be defined as a non-exempt employee who is required to be prepared to return to work during non-regular hours. "On-call status" is synonymous with "standby status" and requires that an established on-call practice be developed by the Department head **DIRECTOR** and approved by the Town Manager prior to an employee receiving compensation pursuant to this policy. Generally, only employees who are included on approved on-call lists maintained by the Department Head **DIRECTOR** as authorized by the Town Manager will be eligible to receive on-call compensation during a pay period.

Employees assigned to on-call duty are paid an amount established by administrative policy as approved annually in the Town budget. Time spent on on-call status does not count as hours worked for overtime purposes; however, the pay for on-call duty is counted as wages for the purpose of computing an employee's regular rate of pay for overtime purposes.

In return for the receipt of on-call pay, employees serving in on-call status agree to be ready to return to work as needed. The location and activities of the employee remain at their own discretion during their on-call status. They must, however, ensure that immediate contact with them is possible at all times, and they must be able to arrive at the work site within a reasonable period of time (i.e., in most cases, within a period of 45 minutes, or less). The employee also agrees to remain fit for work while on-call. "Fitness for work" requires that "on-call" employees not be impaired by drugs or alcohol, as defined under the terms of policy 23 – Drug Free Workplace.

SECTION 3. Emergency Call-Back pay:

Only non-exempt employees are eligible to receive emergency call-back pay. An eligible employee who is called back to work after their scheduled hours of work have ended and who returns to work before their next regularly scheduled work shift, shall receive a minimum of two hours of pay. This applies to emergency situations only, and the necessity for the call-back must be approved by the Department Head **DIRECTOR** or their designee only.

The call-back period shall commence when the employee is notified to return to work, including telephone contact. The call-back period ends when the employee completes the job assignment or at the beginning of the employee's next regularly scheduled work shift, whichever occurs first. The employee must be able to return to work within a reasonable time period following the time that they are contacted.

SECTION 4. SHIFT DIFFERENTIAL PAY:

NON-EXEMPT EMPLOYEES WILL RECEIVE SHIFT DIFFERENTIAL PAY AT A RATE ESTABLISHED BY ADMINISTRATIVE POLICY AS APPROVED ANNUALLY IN THE TOWN BUDGET FOR REGULARLY SCHEDULED HOURS WORKED BETWEEN THE HOURS OF 1800 AND 0600 HOURS. NON-EXEMPT EMPLOYEES ASSIGNED TO THE MIDNIGHT SHIFT WILL RECEIVE THE DIFFERENTIAL PAY UNTIL 0630 HOURS. IT IS THE EMPLOYEE'S RESPONSIBILITY TO INDICATE HOURS SUBJECT TO SHIFT DIFFERENTIAL ON PAYROLL TIME SHEETS WHEN THE TIME SHEETS ARE SUBMITTED.



PERSONNEL POLICY 28

Page 1 of 1

SPECIFIC NON-EXEMPT PAY RATE ADJUSTMENTS

Effective Date: March 5, 2014

SECTION 1. Policy: It is the Town's policy to offer employees competitive salaries and benefits. In order to ensure that the Town offers competitive compensation:

SECTION 2. On-Call Pay:

An "on-call" employee shall be defined as a non-exempt employee who is required to be prepared to return to work during non-regular hours. "On-call status" is synonymous with "standby status" and requires that an established on-call practice be developed by the Department Director and approved by the Town Manager prior to an employee receiving compensation pursuant to this policy. Generally, only employees who are included on approved on-call lists maintained by the Department Director as authorized by the Town Manager will be eligible to receive on-call compensation during a pay period.

Employees assigned to on-call duty are paid an amount established by administrative policy as approved annually in the Town budget. Time spent on on-call status does not count as hours worked for overtime purposes; however, the pay for on-call duty is counted as wages for the purpose of computing an employee's regular rate of pay for overtime purposes.

In return for the receipt of on-call pay, employees serving in on-call status agree to be ready to return to work as needed. The location and activities of the employee remain at their own discretion during their on-call status. They must, however, ensure that immediate contact with them is possible at all times, and they must be able to arrive at the work site within a reasonable period of time (i.e., in most cases, within a period of 45 minutes, or less). The employee also agrees to remain fit for work while on-call. "Fitness for work" requires that "on-call" employees not be impaired by drugs or alcohol, as defined under the terms of policy 23 – Drug Free Workplace.

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The call-back period shall commence when the employee is notified to return to work, including telephone contact. The call-back period ends when the employee completes the job assignment or at the beginning of the employee's next regularly scheduled work shift, whichever occurs first. The employee must be able to return to work within a reasonable time period following the time that they are contacted.

SECTION 4. Shift Differential Pay:

Non-exempt employees will receive shift differential pay at a rate established by administrative policy as approved annually in the Town budget for regularly scheduled hours worked between the hours of 1800 and 0600 hours. Non-exempt employees assigned to the midnight shift will receive the differential pay until 0630 hours. It is the employee's responsibility to indicate hours subject to shift differential on payroll time sheets when the time sheets are submitted.

Page 3 - recommended



Town Council Regular Session

Item # 8.

Meeting Date: 03/05/2014

Requested by: Stacey Lemos

Submitted By: Stacey Lemos, Finance

Department: Finance

Information

SUBJECT:

REQUEST FOR COUNCIL APPROVAL OF \$60,000 IN ADDITIONAL FUNDS TO FULLY IMPLEMENT THE TOWN-WIDE UPGRADE OF MICROSOFT (MS) OFFICE SUITE PROJECT

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

The FY 2013/14 adopted budget includes funding to upgrade the MS Office Suite to a consistent version on all computers town-wide. With some exceptions, the Town currently runs MS Office Pro 2003 and Microsoft Windows XP on most of its 350 workstations. Currently, the budget includes \$45,000 for the initial year of a three-year subscription service, or lease option, otherwise known as Office 365, resulting in a three-year cost of \$135,000 to implement the latest version of MS Office Pro 2013. Staff has further researched the advantages and disadvantages of this lease option and instead recommends the outright purchase of the MS Office 2013 licenses, rather than operating on the subscription plan.

The estimated one-time cost for the purchasing option is \$105,000 and would include perpetual license (ownership) of the latest version of MS Office 2013 Standard.

Staff is requesting additional one-time funding of \$60,000 to augment the existing budget amount of \$45,000 to fund the license purchase totaling \$105,000. Staff requests authorization to use the following funds to make up the \$60,000:

- \$30,000 budgeted in the General Administration budget for a community survey that will not be spent this fiscal year
- \$30,000 from General Fund contingency reserves

Once approved, staff will purchase these licenses, coordinate training with staff and implement this project before the fiscal year-end.

BACKGROUND OR DETAILED INFORMATION:

After evaluating the advantages and disadvantages of the MS Office license lease option compared with purchasing the licenses, staff determined that it was more advantageous to purchase the licenses outright. At the end of the three-year subscription under the lease option, the Town would not own the license to the product and would then be required to renew the license for subsequent years at a minimum of \$40,000 - \$45,000 per year. If we chose not to renew the subscription at the end of the term, we would need to revert back to the original versions of MS Office that we are currently utilizing.

With the license purchase option, the Town would own the product after a one-time expenditure of \$105,000, eliminating the ongoing \$45,000 (or greater) annual expenditure for product use, and reducing

the staff time and effort required to relearn the programming changes in the newer versions of MS Office every few years required under the lease option. Even with the increased up front purchase price, the Town would save money using this product after the third year. Since the Town has effectively utilized its current MS Office 2003 product for approximately ten (10) years, it is reasonable to expect that the Town would operate on MS Office 2013 for longer than three years.

FISCAL IMPACT:

Staff is requesting additional funding of \$60,000 to come from two sources. First, the Town budgeted \$30,000 in the General Administration budget in the General Fund for a community survey. Since there is a considerable effort underway with surveying the community through the General Plan update process, *Your Voice, Our Future*, it is not necessary to spend these funds on another community survey. Staff requests that the remainder of the funds come from General Fund contingency reserves in the amount of \$30,000. Use of these funds from the contingency reserves will have a negligible impact on the projected ending balance of these reserves, currently estimated at \$10.1 million at year-end.

SUGGESTED MOTION:

I MOVE to approve the use of the \$30,000 originally budgeted for a community survey and the use of \$30,000 in General Fund contingency reserves to fully fund the implementation of the Microsoft Office Suite upgrade project in FY 2013/14.

or

I MOVE to...



Town Council Regular Session

Item # 9.

Meeting Date: 03/05/2014
Requested by: Councilmember Garner & Councilmember Zinkin
Submitted By: Julie Bower, Town Clerk's Office
Department: Town Clerk's Office

Information

SUBJECT:

DISCUSSION AND POSSIBLE DIRECTION REGARDING PRACTICES THAT PERTAIN TO ADOPTING AND/OR AMENDING THE TOWN BUDGET

RECOMMENDATION:

N/A

EXECUTIVE SUMMARY:

Councilmember Garner and Councilmember Zinkin have requested that this item be placed on the agenda.

BACKGROUND OR DETAILED INFORMATION:

FISCAL IMPACT:

SUGGESTED MOTION:

I MOVE to ____.
