

**MINUTES
ORO VALLEY TOWN COUNCIL
REGULAR SESSION
November 18, 2015
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CANADA 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 (Attended via telephone)
Joe Hornat, Councilmember
Mary Snider, Councilmember

ABSENT:

Mike Zinkin, Councilmember

EXECUTIVE SESSION - Pursuant to ARS 38-431.03 (A) (1) for discussion and consideration of a possible personnel action against Councilmember Zinkin and 38-431.03 (A) (3) for legal advice regarding same

MOTION: A motion was made by Councilmember Hornat and seconded by Councilmember Snider to go into Executive Session at 5:01 p.m. pursuant to ARS 38-431.03(A)(1) for discussion and consideration of a possible personnel action against Councilmember Zinkin and 38-431.03(A)(3) for legal advice regarding same.

MOTION carried, 6-0 with Councilmember Zinkin absent

Mayor Hiremath said the following staff members would join Council in Executive Session: Town Manager Greg Caton, Town Clerk Julie Bower, Legal Services Director Tobin Sidles, Town Attorney Bill Sullivan and Human Resources Director Gary Bridget.

REGULAR SESSION AT OR AFTER 6:00 PM

CALL TO ORDER

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

ROLL CALL

PRESENT: Satish Hiremath, Mayor
Lou Waters, Vice Mayor
Brendan Burns, Councilmember
Bill Garner, Councilmember (Attended via telephone)
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 and Spotlight on Youth

Councilmember Snider said the Spotlight on Youth item would be postponed to the December 2 Council meeting.

Councilmember Zinkin reported on the National League of Cities conference that he attended in Nashville Tennessee from November 3-8, 2015.

DEPARTMENT REPORTS

Economic Development Manager Amanda Jacobs reported that the free Community Center concert series would be held tomorrow, November 19, from 6:30 to 8:00 p.m. and would feature the Old School House band.

Ms. Jacobs announced that Angel Netal, Director of Sports Development for Visit Tucson, attended the United States Aquatics Sports Convention and placed several bids to attract events to the Town's aquatics center and yesterday, the Town was informed that they were awarded a bid for the United States 2017 National Synchro Championship.

ORDER OF BUSINESS

Mayor Hiremath removed Consent Agenda item (G) from the agenda. Mayor Hiremath moved the item regarding discussion and possible action regarding personnel action against Councilmember Zinkin to Regular Agenda item #1 and said the remainder of the Regular Agenda items would be heard in the same order after new Regular Agenda item #1.

CALL TO AUDIENCE

Oro Valley resident Bill Adler spoke about the importance of communication between staff and residents in order to build trust and increase community engagement.

CONSENT AGENDA

Councilmember Zinkin requested to remove items (B) and (D) from the Consent Agenda for discussion.

- A. Minutes - October 28 and November 4, 2015
- C. Greater Oro Valley Chamber of Commerce Quarterly Report: July 1, 2015 - September 30, 2015
- E. Approval of conceptual public art for the Stone Canyon Golf Clubhouse, located near the northern terminus of Hohokam Village Place in Rancho Vistoso
- F. Resolution No. (R)15-67, authorizing and approving Amendment 3 to Addendum 1 of the Intergovernmental Agreement between the Town of Oro Valley and the City of Tucson relating to effluent and reclaimed water
- G. ~~Consent for the Town Manager, Human Resources Director and Town Attorney to take action as was discussed in Executive Session~~
(Removed from the agenda by Mayor Hiremath)
- H. Resolution No. (R)15-69 declaring and adopting the results of the Oro Valley Recall Election held on November 3, 2015 (**Item updated on 11/12/15 at 4:00 p.m.)

MOTION: A motion was made by Councilmember Snider and seconded by Vice Mayor Waters to approve Consent Agenda items (A), (C), (E)-(F) and (H).

MOTION carried, 7-0.

B. Visit Tucson Quarterly Report: July 1, 2015 - September 30, 2015

Councilmember Zinkin asked if the Town funding levels to Visit Tucson per the Financial Participation Agreement (FPA) were negotiable.

Town Manager Greg Caton said the Financial Participation Agreement between the Town of Oro Valley and Visit Tucson was previously authorized by the Town Council.

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

MOTION carried, 7-0.

D. Fiscal Year 2015/16 Financial Update through August 2015

Councilmember Zinkin was concerned with the Town's growth projections as it related to the golf courses and the effect it could have on the budget if the actuals came in lower than projections.

Mr. Caton explained that the golf course revenues had a seasonal nature to them and that looking at month over month numbers was not reflective of the full picture since the peak golf season started in November and expenses were generally lower in the winter months.

Discussion ensued amongst Councilmember Zinkin and staff regarding the Fiscal Year 2015/16 Financial Update.

MOTION: A motion was made by Councilmember Zinkin and seconded by Councilmember Burns to accept item (D).

MOTION carried, 7-0.

REGULAR AGENDA

***1. OPEN SESSION - DISCUSSION AND POSSIBLE ACTION REGARDING PERSONNEL ACTION AGAINST COUNCILMEMBER ZINKIN**

Mr. Caton presented item #1.

Human Resources Director Gary Bridget gave an overview of item #1.

Legal Services Director Tobin Sidles spoke on the purpose of the item.

Councilmember Zinkin responded to the complaints filed against him.

Councilmember Zinkin recused himself from item #1 and left the meeting.

Discussion ensued amongst Council and staff regarding a possible personnel action against Councilmember Zinkin.

MOTION: A motion was made by Councilmember Snider and seconded by Vice Mayor Waters that Councilmember Zinkin apologize to the employees that were offended by his remarks; that an honor system be instituted to limit Councilmember Zinkin's access in Town buildings to the public areas only; and that Council Policy No. 2 be enforced. Councilmember Zinkin was allowed to access all entrances of the administration building but was limited to the public areas of the building.

Mayor Hiremath recessed the meeting at 7:03 p.m.

Mayor Hiremath reconvened the meeting at 7:12 p.m.

Council asked for clarification regarding whether or not Councilmember Zinkin could interact socially with employees off the premises – the answer was yes.

Council asked for clarification regarding whether or not Councilmember Zinkin could have incidental social contact with employees on Town premises that didn't involve work related matters, such as discussing sporting events, would that be okay – the answer was yes.

Finally, it was pointed out that Councilmember Zinkin may need to use Town amenities such as the restrooms, kitchen area, etc. – was that permissible in the administration building – the answer was yes, that was permissible in the administration building.

MOTION carried, 5-1 with Councilmember Burns opposed and Councilmember Zinkin absent.

Councilmember Zinkin returned to the meeting.

- 2. AMENDING VARIOUS SECTIONS OF THE ORO VALLEY ZONING CODE REVISED (OVZCR) (27.7.E.6.B; 23.8B; 25.1.E; 27.7D; 27.7.G.4.e; ADDING 25.1X; 27.10.D.3; 2.1.P.1) RELATED TO SENIOR CARE USES INCLUDING AMENDMENTS TO DEFINITIONS, ALLOWABLE ZONING DISTRICTS AND DEVELOPMENT STANDARDS**
 - A. RESOLUTION NO. (R)15-68, DECLARING THE PROPOSED AMENDMENTS TO VARIOUS SECTIONS OF THE ORO VALLEY ZONING CODE REVISED (OVZCR) (27.7.E.6.B; 23.8B; 25.1.E; 27.7D; 27.7.G.4.e; ADDING 25.1X; 27.10.D.3; 2.1.P.1) RELATING TO SENIOR CARE FACILITIES, PROVIDED AS EXHIBIT "A" WITHIN THE ATTACHED RESOLUTION AND FILED WITH THE TOWN CLERK, A PUBLIC RECORD**

MOTION: A motion was made by Councilmember Hornat and seconded by Vice Mayor Waters to approve Resolution No. (R)15-68, declaring the proposed amendments to various sections of the Oro Valley Zoning Code Revised relating to Senior Care facilities, provided as Exhibit "A" within the attached resolution and filed with the Town Clerk, a public record.

MOTION carried, 7-0.

- B. PUBLIC HEARING: ORDINANCE NO. (O)15-16, AMENDING VARIOUS SECTIONS OF THE ORO VALLEY ZONING CODE REVISED (OVZCR) (27.7.E.6.B; 23.8B; 25.1.E; 27.7D; 27.7.G.4.e; ADDING 25.1X; 27.10.D.3; 2.1.P.1) RELATED TO SENIOR CARE USES INCLUDING AMENDMENTS TO DEFINITIONS, ALLOWABLE ZONING DISTRICTS AND DEVELOPMENT**

STANDARDS

Principal Planner Chad Daines presented item #2B and outlined the following:

- Purpose
- Town Council Tour Take Aways
- New Development Standards
 - Open Space
 - Resident Access Plan
 - Covered Parking and Drop Off Area
- Stakeholder Review
- Recommendation

Discussion ensued amongst Council and staff regarding the proposed amendments related to Senior Care.

Mayor Hiremath opened the public hearing.

The following individual spoke on item #2B:

Oro Valley resident Bill Adler

Mayor Hiremath closed the public hearing.

Discussion continued amongst Council and staff regarding the proposed amendments related to Senior Care.

MOTION: A motion was made by Vice Mayor Waters and seconded by Councilmember Snider to approve Ordinance No. (O)15-16, providing for amendments to the Zoning Code to modernize definitions, modify zoning districts and improve development standards.

MOTION carried, 6-1 with Councilmember Garner opposed.

3. **MOTION FOR RECONSIDERATION OF THE NOVEMBER 4, 2015 APPROVAL OF ORDINANCE NO. (O)15-14, PROVIDING FOR AMENDMENTS TO THE NAKOMA SKY PLANNED AREA DEVELOPMENT (PAD), THE PROPOSED AMENDMENTS INCLUDE ADOPTION OF A REVISED TENTATIVE DEVELOPMENT PLAN AND CHANGES TO THE ARCHITECTURAL CONCEPT FOR THE PLANNED SENIOR CARE FACILITY ON 77 ACRES LOCATED AT THE SOUTHEAST CORNER OF 1ST AVENUE AND NARANJA DRIVE**

Councilmember Zinkin presented item #3.

Discussion ensued amongst Council regarding the request for reconsideration.

MOTION: A motion was made by Mayor Hiremath and seconded by Vice Mayor Waters to deny the request for reconsideration.

MOTION carried, 4-2 with Councilmember Garner and Councilmember Zinkin opposed and Councilmember Burns abstained

4. **MOTION FOR RECONSIDERATION OF THE NOVEMBER 4, 2015 APPROVAL OF THE CONSENT FOR THE TOWN MANAGER TO TAKE THE NECESSARY ACTIONS TO COMPLETE THE ACQUISITION OF REAL PROPERTY NEAR THE AREA OF MAGEE AND ORACLE ROADS**
 - a. **IF MOTION FOR RECONSIDERATION IS APPROVED: RECONSIDERATION OF THE NOVEMBER 4, 2015 APPROVAL OF THE CONSENT FOR THE TOWN MANAGER TO TAKE THE NECESSARY ACTIONS TO COMPLETE THE ACQUISITION OF REAL PROPERTY NEAR THE AREA OF MAGEE AND ORACLE ROADS**

Councilmember Zinkin presented item #4.

Discussion ensued amongst Council regarding the request for reconsideration.

MOTION: A motion was made by Mayor Hiremath and seconded by Vice Mayor Waters to deny the request for reconsideration.

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

No action was taken on item #4a. since the reconsideration failed.

FUTURE AGENDA ITEMS

Mayor Hiremath requested a future agenda item to discuss the possibility of the Town of Oro Valley bonding for funds to be used for improvements to Innovation Park, seconded by Councilmember Zinkin.

CALL TO AUDIENCE

No comments were received.

ADJOURNMENT

MOTION: A motion was made by Vice Mayor Waters and seconded by Councilmember Snider to adjourn the meeting at 8:57 p.m.

MOTION carried, 7-0.

Prepared by:

Michael Standish, CMC
Deputy Town Clerk

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular session of the Town of Oro Valley Council of Oro Valley, Arizona held on the 18th day of November, 2015. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____, 2015.

Julie K. Bower, MMC
Town Clerk

DRAFT