

**MINUTES
ORO VALLEY TOWN COUNCIL
REGULAR AND STUDY SESSION
JANUARY 20, 2021
ONLINE ZOOM MEETING**

REGULAR SESSION AT OR AFTER 6:00 PM

CALL TO ORDER

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

ROLL CALL

Present: Joseph C. Winfield, Mayor
Melanie Barrett, Vice-Mayor
Tim Bohen, Councilmember
Harry Greene, Councilmember
Joyce Jones-Ivey, Councilmember
Josh Nicolson, Councilmember
Steve Solomon, Councilmember

PLEDGE OF ALLEGIANCE

Councilmember Bohen led the audience in the Pledge of Allegiance.

UPCOMING MEETING ANNOUNCEMENTS

Town Clerk Mike Standish announced the upcoming Town meetings.

COUNCIL REPORTS

Councilmember Jones-Ivey recognized Melody Davis, a sixth grade student at Painted Sky Elementary School, for her academic excellence and outstanding community service.

Councilmember Jones-Ivey encouraged residents to support Canyon Del Oro High School's Project Graduation event by volunteering or providing financial assistance for the event.

Councilmember Greene reported that the Town's golf memberships had exceeded 275 members. Council set a goal in October 2019 to have 275 golf memberships by April 2021. Currently, the Town had nearly 300 golf memberships.

Councilmember Greene thanked Roxy Johnson, retired chairman of the Oro Valley Historical Society, for her service.

Mayor Winfield provided an update regarding the latest COVID-19 numbers and expressed his

appreciation to residents for their continued diligence following CDC guidelines.

Mayor Winfield reported that many of the Oro Valley businesses he had visited expressed their appreciation for the public safety provided by the Oro Valley Police Department.

Mayor Winfield also recognized four Oro Valley police recruits for their recent graduation from the Oro Valley Police Academy and recognized Officer Brown for receiving the Oro Valley DUI Officer of the Year.

TOWN MANAGER'S REPORT

Town Manager Mary Jacobs reported the following information:

- Oro Valley Magistrate Courts had opened again after a closure due to COVID-19
- Oro Valley Public Safety Officers had received COVID-19 vaccines
- Update on upcoming Oro Valley Pod Cast topics
- Update regarding OVsafesteps
- Status update regarding the Pusch 9 Golf Course discussions
- Status update regarding the former Vistoso Golf Course

ORDER OF BUSINESS

Mayor Winfield reviewed the order of business and stated that the order would stand as posted.

Mayor Winfield provided the guidelines for participation in the Town Council's Regular and Study Session Zoom meeting.

INFORMATIONAL ITEMS

There were no informational items.

CALL TO AUDIENCE

Oro Valley resident Caryn Hill spoke regarding the Vistoso Golf Course.

Oro Valley resident Rosa Dailey spoke regarding the Vistoso Golf Course.

Oro Valley resident Rich Molnar spoke regarding the Vistoso Golf Course.

Oro Valley resident Tom Stegman spoke regarding the Vistoso Golf Course.

Oro Valley resident Teresa Morrow spoke regarding the Vistoso Golf Course.

Oro Valley resident Ed Thomas spoke regarding the Vistoso Golf Course.

Oro Valley resident Marc Enzor spoke regarding the Vistoso Golf Course.

Oro Valley resident Charlene Donovan spoke regarding the Vistoso Golf Course.

PRESENTATIONS

1. Presentation and possible discussion of the Town's FY 20/21 financial update through November 2020

Finance & Budget Administrator Wendy Gomez presented item #1 and included the following:

- General Fund Revenues
- General Fund Expenditures
- General Fund
- Highway Fund
- Community Center Fund
- Questions

Discussion ensued amongst Council and staff regarding the Town's FY 20/21 financial update through November 2020.

CONSENT AGENDA

- A. Minutes - December 30, 2020 and January 6, 2021
- B. Resolution No. (R)21-03, authorizing and approving a subgrantee agreement between the Town of Oro Valley and the Arizona Department of Homeland Security to fund overtime and mileage under the Operation Stonegarden program
- C. Resolution No. (R)21-04, authorizing and approving a subgrantee agreement between the Town of Oro Valley and the Arizona Department of Homeland Security to fund equipment under the Operation Stonegarden program

Motion by Mayor Joseph C. Winfield, **seconded by** Councilmember Harry Greene to approve Consent Agenda items (A) - (C).

Vote: 7 - 0 Carried

REGULAR AGENDA

1. DISCUSSION AND POSSIBLE ACTION REGARDING FUNDING OF THE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM (PSPRS) POLICE PENSION LIABILITY THROUGH BONDS, CONTINGENCY RESERVES, OR OTHER MECHANISMS

Vice Mayor Barrett clarified the reason for requesting Regular agenda item #1.

Town Manager Mary Jacobs and Finance Director David Gephart provided a brief update regarding the Public Safety Personnel Retirement System Police Pension Liability.

Discussion ensued amongst Council and staff regarding item #1.

No action was taken on item #1.

2. *IN ACCORDANCE WITH ORO VALLEY TOWN COUNCIL PARLIAMENTARY RULES AND PROCEDURES NUMBER 11.1 (B) & (C), RECONSIDERATION OF REGULAR SESSION AGENDA ITEM NUMBER 1 FROM THE ORO VALLEY TOWN COUNCIL MEETING DATED JANUARY 6, 2021:

DISCUSSION AND POSSIBLE ACTION REGARDING THE PROPOSED 1ST AVENUE AND TANGERINE ROAD GENERAL PLAN AMENDMENT AND REZONING FOR 13.44-ACRES, LOCATED SOUTH OF TANGERINE ROAD AND APPROXIMATELY 1/4-MILE EAST OF 1ST AVENUE

ITEM A. RESOLUTION NO. (R)21-01, TYPE 1 GENERAL PLAN AMENDMENT TO CHANGE TWO KAI-CAPRI SPECIAL AREA POLICIES TO ALLOW R-6 MULTI-FAMILY RESIDENTIAL DISTRICT ZONING USES ON A VACANT COMMERCIAL PARCEL (2001085)

ITEM B. ORDINANCE NO. (O)21-01, REZONING TO CHANGE THE ZONING DESIGNATION OF A VACANT PARCEL FROM C-1 COMMERCIAL TO R-6 MULTI-FAMILY RESIDENTIAL (2001306)

Town Attorney Gary Cohen provided an overview regarding the motion for reconsideration of Regular Session Agenda item #1 from the Oro Valley Town Council meeting dated January 6, 2021.

Councilmember Greene clarified the reason for requesting agenda item #2.

Motion by Mayor Joseph C. Winfield, **seconded by** Councilmember Harry Greene to approve reconsideration of Regular Session Agenda item Number 1 from the Oro Valley Town Council meeting dated January 6, 2021 and continue this item to the February 3, 2021 Town Council Regular Session.

Discussion ensued amongst Council and staff regarding item #2.

Motion by Mayor Joseph C. Winfield, **seconded by** Councilmember Harry Greene to approve reconsideration of Regular Session Agenda item Number 1 from the Oro Valley Town Council meeting dated January 6, 2021 and continue this item to the February 3, 2021 Town Council Regular Session.

Vote: 4 - 3 Carried

OPPOSED: Vice-Mayor Melanie Barrett
Councilmember Tim Bohen
Councilmember Josh Nicolson

FUTURE AGENDA ITEMS

No future agenda items were requested.

ADJOURNMENT OF THE REGULAR SESSION

Motion by Mayor Joseph C. Winfield, **seconded by** Councilmember Joyce Jones-Ivey to adjourn the Regular Session at 8:05 p.m.

Vote: 7 - 0 Carried

Mayor Winfield recessed the meeting at 8:05 p.m.

Mayor Winfield reconvened the meeting at 8:11 p.m.

STUDY SESSION

Mayor Winfield called the Study Session to order at 8:12 p.m.

STUDY SESSION AGENDA

1. PRESENTATION OF OPEN MEETING LAW TRAINING

Mr. Frank Cassidy, Esquire, presented Study Session item #1 and included the following:

- What is the open meeting law?
- Who must comply?
- Advisory committees and subcommittees are defined as...
- Statutory Requirements
- Enforcement Authority
- What must a Public Body do?
- What is a Meeting?
- What is a Quorum?
- Telephone or "Virtual" Conferencing
- Notice of Meetings A.R.S. § 38-431.02(C)
- Contents of Notice
- Posting the Notice
- Emergency Meeting A.R.S. § 38-431(D) and Agency Handbook section 7.7.9
- Emergency Meeting Requirements
- Social Events & Seminars
- The Agenda A.R.S. § 38-431.02(H)
- Common Agenda Problems
- Current Events A.R.S. § 38-431.02(K)
- Meeting Location Pitfalls
- Public's Rights
- Public has NO right to
- Call to the Public A.R.S § 38-431.01(H)
- Common Pitfalls of Calls to the Public
- Meeting Etiquette
- Executive Sessions
- Executive Session Notice/Agenda
- Who may attend Executive Sessions A.R.S. §38-431(2)?
- Executive Session Pitfalls
- Personnel Matters
- Common Questions
- Confidential Information
- Legal Advice
- Other Possible Reasons for Executive Session
- Minutes A.R.S § 38-431.01(B)
- Content of Public Meeting Minutes A.R.S. § 38-431.01(B)
- Access to Public Meeting Minutes
- Meeting Minutes: cities and towns
- Subcommittees and Advisory Committees
- Executive Session Meeting Minutes
- Access to Executive Session Meeting Minutes
- Non-verbal Serial Communications
- Attorney General Opinion 105-004 Email
- Electronic Communications
- Facts vs. Opinion?
- Staff email
- Prohibited 1-Way Communication

- Proposing an Agenda item?
- Staff & Other Persons
- Communications with the Public
- What to do when you learn that a potential open meeting law violation has occurred
- After the meeting...
- Ratification - A.R.S § 38-431.05
- Penalties - A.R.S. § 38-431-07(A)
- Questions?

Discussion ensued amongst Council, staff and Mr. Cassidy regarding Arizona's Open Meeting Law.

ADJOURNMENT

Mayor Winfield adjourned the meeting at 9:35 p.m.

Michelle Stine, MMC
Deputy Town Clerk

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular and study session of the Town of Oro Valley Council of Oro Valley, Arizona held on the 20th day of January 2021. I further certify that the meeting was duly called and held and that a quorum was present.

Michael Standish, CMC
Town Clerk