

**MINUTES
ORO VALLEY TOWN COUNCIL
REGULAR SESSION
SEPTEMBER 8, 2021
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE**

REGULAR SESSION AT OR AFTER 5:00 PM

CALL TO ORDER

Mayor Winfield called the meeting to order at 5:00 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

EXECUTIVE SESSION - Regarding the property commonly known as the former Vistoso Golf Course, pursuant to A.R.S. §38-431.03(A)(3), (4) and/or (7): 1) Discussion or consultation for legal advice with the Town attorney or attorneys, and/or; 2) Discussion or consultation with the Town attorney or attorneys in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation, and/or; 3) Discussions or consultations with designated representatives of the Town in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property

Motion by Mayor Joseph C. Winfield, **seconded by** Councilmember Joyce Jones-Ivey to go into Executive Session at 5:01 p.m. regarding the property commonly known as the former Vistoso Golf Course, pursuant to A.R.S. §38-431.03(A)(3), (4) and/or (7): 1) Discussion or consultation for legal advice with the Town attorney or attorneys, and/or; 2) Discussion or consultation with the Town attorney or attorneys in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation, and/or; 3) Discussions or consultations with designated representatives of the Town in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property

Mayor Winfield announced the following staff members would be joining Council in the Executive Session: Town Manager Mary Jacobs, Assistant Town Manager Chris Cornelison, Town Attorney Jonathan Rothschild and Town Clerk Mike Standish.

Vote: 7 - 0 Carried

RECONVENE REGULAR SESSION AT OR AFTER 6:00 PM

CALL TO ORDER

Mayor Winfield reconvened the Regular Session at 6:07 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

Mayor Winfield 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 reported that she attended the League of Arizona Cities and Towns Annual Conference. Ms. Jones-Ivey also reported that the Canyon Del Oro High School Project Graduation event was in need of volunteers. She requested that interested individuals contact cdoprojectgrad.com for more information.

Councilmember Solomon encouraged citizens to volunteer for Amphi's Project Graduation events.

Mayor Winfield recognized and thanked the staff members that managed the Oro Valley booth at the League of Arizona Cities and Towns Annual Conference.

Councilmember Bohen reported that he had attended several Oro Valley business openings and expressed his excitement for Oro Valley's future.

TOWN MANAGER'S REPORT

Town Manager Mary Jacobs reported the following information:

- Overview of Council Chambers remodel
- Recognized staff members involved with the Council Chambers remodel
- Status update regarding a new mural at James D. Kreigh park

ORDER OF BUSINESS

Mayor Winfield re-organized the agenda as follows: Consent Item (J) would go before the Call to Audience. All other agenda items would remain as posted.

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

- J. Approval of any direction to the Town Attorneys, Town Manager, and/or designated representatives as discussed in Executive Session regarding the property commonly known as the former Vistoso Golf Course

Motion by Mayor Joseph C. Winfield, **seconded by** Councilmember Harry Greene that the Town Council direct staff in accordance with their discussion in Executive Session to proceed with a settlement agreement of all disputes with Romspen that will facilitate the Conservation Fund's purchase of the 202 acres of the former Vistoso golf course; that the Town Council will allow the Town to be a party to the resolution of all claims with Romspen and be party to the negotiations of a conservation easement between the Conservation Fund and Romspen; including any consideration required by the Town; and that staff is directed in furtherance of a settlement agreement to involve a third party regarding the purchase of the 6 acres of the property owned by Romspen, currently zoned multi-family residential.

The following individuals spoke in support of item (J).

Oro Valley resident Teresa Marrow
Oro Valley resident Rosa Daily
Oro Valley resident Tom Stegman

Motion by Mayor Joseph C. Winfield, **seconded by** Councilmember Harry Greene that the Town Council direct staff in accordance with their discussion in Executive Session to proceed with a settlement agreement of all disputes with Romspen that will facilitate the Conservation Fund's purchase of the 202 acres of the former Vistoso golf course; that the Town Council will allow the Town to be a party to the resolution of all claims with Romspen and be party to the negotiations of a conservation easement between the Conservation Fund and Romspen; including any consideration required by the Town; and that staff is directed in furtherance of a settlement agreement to involve a third party regarding the purchase of the 6 acres of the property owned by Romspen, currently zoned multi-family residential.

Vote: 7 - 0 Carried

INFORMATIONAL ITEMS

There were no informational items.

CALL TO AUDIENCE

No comments were received.

PRESENTATIONS

1. Proclamation - National Preparedness Month

Mayor Winfield proclaimed the month of September 2021 as Preparedness Month in Oro Valley.

Innovation and Technology Director Chuck Boyer accepted the proclamation.

CONSENT AGENDA

Councilmember Bohen requested item (H) be removed from the Consent Agenda for discussion

- A. Minutes - July 7 and August 18, 2021
- B. Resolution No. (R)21-38, authorizing the Town Manager to sign, on behalf of the Town, the general consultant contract for Town Attorney services with the law firm of Mesch Clark Rothschild
- C. Resolution No. (R)21-39, authorizing and approving the Town of Oro Valley to enter into the Intergovernmental Agreement (IGA) for participation in the Arizona Child Abduction Response Team (CART)
- D. Resolution No. (R)21-40, authorizing and approving an Intergovernmental Agreement (IGA) between the Town of Oro Valley Police Department and the Arizona Department of Public Safety for participation in the Gang Immigration and Intelligence Team Enforcement Mission (GIITEM)
- E. Resolution No. (R)21-41, authorizing and approving a task force agreement between the Drug Enforcement Administration and the Town of Oro Valley for the participation of one (1) Oro Valley Police Officer in the Tucson High Intensity Drug Trafficking Areas (HIDTA) Task Force
- F. Resolution No. (R)21-42, authorizing and approving a task force agreement between the Drug Enforcement Administration (DEA) and the Town of Oro Valley for the participation of two (2) Oro Valley police officers in the DEA Tucson Task Force
- G. Resolution No. (R)21-43, authorizing and designating the Town Manager to execute an agreement for financial contributions towards Pusch Ridge 9-Hole Golf Course operations with 1) El Conquistador Resort Patio Homes Association; 2) Shadows of the Ridge HOA #1; and 3) Shadows of the Ridge
- I. Resolution No. (R)21-45, designating David Gephart as Chief Fiscal Officer, authorized to submit the Town's Annual Expenditure Limitation Report (AELR) to the State Auditor General for FY21-22

Motion by Mayor Joseph C. Winfield, **seconded by** Councilmember Josh Nicolson to approve Consent items (A) through (G) and (I).

Vote: 7 - 0 Carried

- H. Resolution No. (R)21-44, authorizing and approving renewal of a communications equipment site lease between T-Mobile and the Town of Oro Valley at 10555 N. La Canada Drive

Councilmember Bohen requested clarification regarding item (H).

Town Manager Mary Jacobs clarified item (H).

Motion by Mayor Joseph C. Winfield, **seconded by** Councilmember Harry Greene to approve Consent item (H).

Vote: 7 - 0 Carried

REGULAR AGENDA

1. DISCUSSION AND POSSIBLE ACTION REGARDING PROPOSED AMENDMENTS TO ORO VALLEY TOWN CODE CHAPTER 15, WATER CODE, TO INCORPORATE A POLICY PROHIBITING WATER WASTING, IMPOSE RESTRICTIONS DURING TOWN DECLARED POTABLE WATER SHORTAGES AND IMPOSE PENALTIES FOR FAILURE TO COMPLY WITH WATER CONSERVATION REQUIREMENTS

A. RESOLUTION NO. (R)21-46, DECLARING THE AMENDED ORO VALLEY TOWN CODE CHAPTER 15 WATER CODE, ATTACHED HERETO AS EXHIBIT "A" AND FILED WITH THE TOWN CLERK, A PUBLIC RECORD

B. PUBLIC HEARING: ORDINANCE NO. (O)21-09, APPROVING THE PROPOSED AMENDMENTS TO ORO VALLEY TOWN CODE CHAPTER 15, WATER CODE TO INCORPORATE A POLICY PROHIBITING WATER WASTING, IMPOSE RESTRICTIONS DURING TOWN DECLARED POTABLE WATER SHORTAGES AND IMPOSE PENALTIES FOR FAILURE TO COMPLY WITH WATER CONSERVATION REQUIREMENTS

Motion by Mayor Joseph C. Winfield, **seconded by** Vice-Mayor Melanie Barrett to approve Resolution No. (R)21-46, declaring the proposed code amendment to Oro Valley Town Code Chapter 15, Water Code, attached hereto as exhibit "A" and filed with the Town Clerk, a public record

Vote: 7 - 0 Carried

Water Utility Director Peter Abraham presented item 1B and included the following.

- Genesis of the Water Code amendment
- Proposed changes to the following sections of Chapter 15
- Examples of water wasting

Discussion ensued amongst Council and staff regarding item 1B.

Mayor Winfield opened the public hearing.

No comments were received.

Mayor Winfield closed the public hearing.

Discussion continued amongst Council and staff regarding item 1B.

Motion by Mayor Joseph C. Winfield, **seconded by** Vice-Mayor Melanie Barrett to approve Ordinance No. (O)21-09, amending the Oro Valley Town Code Chapter 15, Water Code.

Vote: 7 - 0 Carried

FUTURE AGENDA ITEMS

Vice-Mayor Barrett requested a future Study Session with representatives from the Central Arizona Project, seconded by Councilmember Jones-Ivey.

ADJOURNMENT

Motion by Mayor Joseph C. Winfield, **seconded by** Councilmember Harry Greene to adjourn the meeting at 7:14 p.m.

Vote: 7 - 0 Carried

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 session of the Town of Oro Valley Council of Oro Valley, Arizona held on the 8th day of September 2021. I further certify that the meeting was duly called and held and that a quorum was present.

Michael Standish, CMC
Town Clerk