

**MINUTES
ORO VALLEY TOWN COUNCIL
REGULAR SESSION
NOVEMBER 2, 2022
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 - Pursuant to A.R.S. §38-431.03 (A)(1) and §38-431.03 (A)(3) regarding the possible appointment of Chris Cornelison as the Interim Town Manager and to consult with the Town Attorney regarding contract legal advice

Motion by Mayor Joseph C. Winfield, **seconded by** Councilmember Joyce Jones-Ivey to go into Executive Session at 5:02 p.m. pursuant to A.R.S. §38-431.03 (A)(1) and §38-431.03 (A)(3) regarding the possible appointment of Chris Cornelison as the Interim Town Manager and to consult with the Town Attorney regarding contract legal advice

Vote: 7 - 0 Carried

Mayor Winfield announced that the following staff would be joining Council in Executive Session: Town Attorney Jonathan Rothschild and Town Clerk Mike Standish.

RESUME REGULAR SESSION AT OR AFTER 6:00 PM

CALL TO ORDER

Mayor Winfield resumed the Regular Session 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

1. POSSIBLE ACTION TO APPOINT AN INTERIM TOWN MANAGER DURING THE TOWN MANAGER SELECTION PROCESS AS DISCUSSED IN EXECUTIVE SESSION AND SETTING A TEMPORARY SALARY TO BE RETROACTIVELY APPLIED STARTING ON SEPTEMBER 24, 2022

Motion by Mayor Joseph C. Winfield, **seconded by** Councilmember Harry Greene to approve the contract for Interim Town Manager per Executive Session discussion.

Vote: 7 - 0 Carried

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.

MAYOR AND COUNCIL REPORTS ON CURRENT EVENTS

Vice Mayor Barrett reported that she had attended the 2022 Arizona Women Leading Government Conference held October 20 and 21, 2022 at the Glendale Civic Center.

Mayor Winfield reported that he had attended the Oro Valley Police Department's National Night Out event held on October 28, 2022. He also reported about other town events that had taken place over the weekend, including the Steam Pump Ranch Friday Night Concert Series and the Oro Valley Parks and Recreation Spooktacular event.

TOWN MANAGER'S REPORT ON CURRENT EVENTS

Interim Town Manager Chris Cornelison reported on the following:

- Parks and Recreation Director Kristy Diaz-Trahan, in partnership with Preserve Vistoso, participated in a PBS Interview which will air on Sunday, November 6, 2022 on the PBS channel.
- The Town will host *A Community Conversation on Mental Health* event on November 10, 2022.
- Oro Valley staff received the 2022 Golden Prospector Award from the Arizona Association for Economic Development, for their work on chooseorovalley.com.

ORDER OF BUSINESS

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

INFORMATIONAL ITEMS

There were no informational items.

CALL TO AUDIENCE

Oro Valley resident Kirsten B. voiced her concerns regarding the proposed Naranja Park expansion.

Mayor Winfield requested that staff follow-up with Kristen B. regarding her concerns with the entrance into Naranja Park, construction vehicle hours and vehicle headlight issues.

Oro Valley resident Matt Wood voiced his concerns regarding the proposed Naranja Park expansion.

Oro Valley resident Nancy Folkerson voiced her concerns regarding the proposed Naranja Park expansion.

Oro Valley resident Tim Goodyear voiced his concerns regarding the proposed Naranja Park expansion.

Mayor Winfield requested that staff follow-up with Mr. Goodyear regarding the status of the berms.

Oro Valley resident Mike Zinkin voiced his concerns regarding the lack of democracy in Oro Valley.

Oro Valley resident Tim Tarris, speaking on behalf of Mr. Andy Thomas, voiced concerns for Mr. Thomas regarding the proposed Oro Valley Church of the Nazarene rezoning request.

Oro Valley resident Bonnie Quinn provided a summary of the Rockin' 4 Heros annual event.

Oro Valley resident Tim Fagen voiced his concerns regarding the proposed Oro Valley Church of the Nazarene rezoning request.

Oro Valley resident David Deivert voiced his concerns regarding the proposed Oro Valley Church of the Nazarene rezoning request.

Oro Valley resident Rosie Broberg voiced her concerns regarding the Naranja Park expansion project.

Oro Valley resident Jeremy Tarbef voiced his concerns regarding the proposed Oro Valley Church of the Nazarene rezoning request.

Oro Valley resident Ralph Kayser voiced his concerns regarding homeless issues and traffic enforcement in Oro Valley.

Oro Valley resident Lisa Hopper spoke regarding the Arizona Heroes Memorial.

Oro Valley resident Anthony Ferrera voiced his concerns regarding the proposed Oro Valley Church of the Nazarene rezoning request.

Oro Valley resident Rick Bolash voiced his concerns regarding the traffic on Rancho Vistoso Boulevard.

PRESENTATIONS

1. Presentation of graduates from the October 2022 Oro Valley Community Academy

Principal Planner Milini Simms presented item #1 and introduced the following 2022 Oro Valley Community Academy Graduates in attendance.

Clarisa. C. Barcelo
Jennifer Carr
Nicole Casaus
Jennel Cooper Carman
Deborah DeLaurentis
Alan Forrest
Steven Fowler
John Fortunato
Jacob Herrington
Bill Holloman
Kathryn Hull Butkus
Denise Kessel
Heather Laird
Auvie Lee
John Madden
Kimberly Outlaw-Ryan
Skeet Posey
Aldee Rose
Elise Souter
Minn Seok Choi
Susan Torga
Yvette Vack

2. Presentation regarding the Central Arizona Project by Mitch Basefsky

Central Arizona Project Stakeholder Outreach Coordinator Mitch Basefsky presented item #2 and included the following:

- Central Arizona Project
- CAP Water Usage: 2022
- How Does the Tucson Region Use CAP Water?
- Colorado River Water Supply Report
- Lake Powell October 2022 24-Month Study
- WY 2023 Lake Powell Operations
- Lake Mead October 2022 24-Month Study
- Lake Mead End-of-Month Elevations
- 2007 Interim Guidelines, Minute 323, Lower basin Drought Contingency Plan and Binational Water Scarcity Contingency Plan
- Lower Basin DCP Contributions to Lake Mead
- What have we done so far?
- What Comes Next? Building a More Resilient River
- Long-Term Solutions
- For more information
- You're invited

Discussion ensued amongst Council and staff regarding Presentation item #2.

CONSENT AGENDA

- A. Minutes - October 19, 2022
- B. Resolution No. (R)22-48, adopting the Pima County Multi-Jurisdictional Hazard Mitigation Plan

Motion by Mayor Joseph C. Winfield, **seconded by** Councilmember Steve Solomon to approve Consent Agenda items (A) and (B).

Vote: 7 - 0 Carried

Mayor Winfield recessed the meeting at 7:55 p.m.

Mayor Winfield reconvened the meeting at 8:07 p.m.

REGULAR AGENDA

2. DISCUSSION AND POSSIBLE ACTION REGARDING PROPOSED TOWN CODE AMENDMENTS TO CHAPTER 8 BUSINESS REGULATIONS REGARDING MASSAGE LICENSING REQUIREMENTS

A. RESOLUTION NO. (R)22-49, DECLARING THE PROPOSED TOWN CODE AMENDMENTS TO CHAPTER 8 REGARDING MASSAGE LICENSING REQUIREMENTS IN ATTACHMENT 1 AND FILED WITH THE TOWN CLERK, A PUBLIC RECORD

B. PUBLIC HEARING: ORDINANCE NO. (O)22-10, AMENDING TOWN CODE CHAPTER 8 BY ADDING MASSAGE LICENSING REQUIREMENTS

Motion by Mayor Joseph C. Winfield, **seconded by** Vice-Mayor Melanie Barrett to approve Resolution No. (R)22-49, declaring the proposed amendments to the Oro Valley Town Code in Attachment 1 as filed with the Town Clerk, a public record.

Vote: 7 - 0 Carried

Oro Valley Police Department Lieutenant John Teachout presented item #2B regarding amending Town Code Chapter 8 by adding massage licensing requirements.

Mayor Winfield opened the public hearing.

No comments were received.

Mayor Winfield closed the public hearing.

Discussion ensued amongst Council and staff regarding item #2B.

Motion by Mayor Joseph C. Winfield, **seconded by** Councilmember Joyce Jones-Ivey to approve Ordinance No. (O)22-10, adopting the proposed code amendments to the Oro Valley Town Code to Chapter 8 by adding Massage Licensing requirements.

Vote: 7 - 0 Carried

3. CONTINUED PUBLIC HEARING: DISCUSSION AND POSSIBLE ACTION ON FOUR SEPARATE ITEMS REGARDING PROPOSED CHANGES TO THE ORO VALLEY MARKETPLACE, LOCATED AT THE SOUTHWEST CORNER OF TANGERINE AND ORACLE ROADS. THE ITEMS INCLUDE:

ITEM A: ORDINANCE NO. (O)22-03: ENVIRONMENTALLY SENSITIVE LANDS (ESL) ZONING MAP AMENDMENT

ITEM B: ORDINANCE NO. (O)22-04: REQUEST USE OF THE ESL MIXED-USE FLEXIBLE DESIGN OPTION

ITEM C: ORDINANCE NO. (O)22-05: PLANNED AREA DEVELOPMENT (PAD) AMENDMENT

ITEM D: REVISED MASTER DEVELOPMENT PLAN/CONCEPTUAL SITE PLAN

Oro Valley Planning Manager Bayer Vella presented the following information regarding item #3:

- Purpose
- Design evolution
- Item A - ESL designation change
- Item B - ESL Flexible Design Option
- Item C - Rancho Vistoso PAD Amendment
- Item C - Rancho Vistoso PAD Amendment - Building Heights
- Item C - Rancho Vistoso PAD Amendment - Recreation
- Item D - Revised Master Development Plan/CSP
- Pedestrian Safety - Water Harvest Way
- Summary and Recommendation

Ms. Keri Silvyn with Lazarus and Silvyn and applicant Mr. Jim Horvath of Town West Realty, continued the presentation and included the following:

- The Team
- February 2022
- Council Direction in February 2022
- May 2022 Study Session
- Project Proposal
- Development Area 1
- Development Area 2
- Development Area 3
- Oasis Park
- Development Area 4
- Economic Impact: Nov. 2022
- Conclusion
- Oro Valley Village Center
- Economic Impact: Feb. 2022 proposal

Discussion ensued amongst Council and staff regarding item #3.

Mayor Winfield opened the Public Hearing.

The following individuals spoke in opposition to item #3.

Oro Valley resident George Patrick Long
Oro Valley resident Frank Engle
Oro Valley resident Lisa Jensen Long

The following individuals spoke in support of item #3.

Oro Valley resident Tim Kisch
Oro Valley resident Devon Sloan

Oro Valley resident Rob Wanczyk
Oro Valley resident Roger Breckenridge
Oro Valley resident Brooke Cromwell

The following individuals spoke on item #3.

Oro Valley resident Richard Furash
Oro Valley resident Aldie Rose
Oro Valley resident Steven Fowler

Discussion ensued amongst Council, staff and Ms. Silvyn, regarding item #3.

Mayor Winfield recessed the meeting at 10:57 p.m.

Mayor Winfield reconvened the meeting at 11:04 p.m.

Motion by Vice-Mayor Melanie Barrett, **seconded by** Councilmember Harry Greene to conditionally approve Ordinance No. (O)22-03, approving an Amendment to the Environmentally Sensitive Lands Zoning Map based on a finding it is in conformance with all applicable General Plan and Zoning Code requirements, subject to the approval of item C.

Vote: 6 - 1 Carried

OPPOSED: Councilmember Tim Bohan

Motion by Vice-Mayor Melanie Barrett, **seconded by** Councilmember Steve Solomon to conditionally approve Ordinance No. (O)22-04, a Request to use the ESL Mixed-use Flexible Design Option to allow apartments in specific locations as represented in the Master Development Plan, subject to the conditions in Attachment 1, Item B, based on a finding it is in conformance with all applicable General Plan and Zoning Code requirements, subject to the approval of item C.

Discussion ensued amongst Council and staff regarding item B.

Motion by Vice-Mayor Melanie Barrett, **seconded by** Councilmember Steve Solomon to conditionally approve Ordinance No. (O)22-04, a Request to use the ESL Mixed-use Flexible Design Option to allow apartments in specific locations as represented in the Master Development Plan, subject to the conditions in Attachment 1, Item B, based on a finding it is in conformance with all applicable General Plan and Zoning Code requirements, subject to the approval of item C.

Vote: 6 - 1 Carried

OPPOSED: Councilmember Tim Bohan

Motion by Vice-Mayor Melanie Barrett, **seconded by** Mayor Joseph C. Winfield to conditionally approve Ordinance No. (O)22-05, approving an Amendment to the Rancho Vistoso Planned Area Development, subject to the conditions in Attachment 1, Item C, except for condition number 8.

The following additional conditions are to be included in Attachment 1, Item C:

1. All structures associated with apartment development in Area 1 are limited to 2-stories and 27' in height plus a 10' allowance for architectural features. Buildings shall not be any closer to Tangerine Road than currently represented. Bldgs 9, 10, and 11 may be 39', 3-stories.
2. All structures within Area 2, other than building 14, are limited to 2-story and 27' in height plus a 10' allowance for architectural features.
3. Regarding the two buildings proposed in the northeast portion of Area 3, the following restrictions apply:

- a. Multi-family residential is not permitted.
 - b. Only mixed use is permitted with first floor commercial (retail and / or restaurant) and hotel on the remaining floors. The 49' plus 10' for architectural features height allowance is permitted for mixed retail and hotel use only.
 - c. The hotel in Area 3 must receive a certificate of occupancy before a certificate of occupancy is issued for apartments in Area 1 and / or 2.
4. The Entertainment District area and amenities must be constructed or Town financial assurances in the form accepted by the Town placed prior to certificate of occupancy for any apartment development to fulfill the recreational requirement regardless of any potential economic development agreement. The District must be completed to Town standards and is subject to final acceptance prior to certificate of occupancy for a second apartment development.
5. In development area 4, the 49' plus 10' for architectural feature height allowances are permitted for hotel use only. The hotel in area 4 must receive a certificate of occupancy prior to the certificate of occupancy being issued for the apartments in area 4.
6. No senior care uses are permitted on the property.
7. Architectural features may comprise no more than 20% of the roofline as viewed from any 1 side, except for parapet walls used only to screen mechanical equipment.
8. Following a Town staff led public participation process, the amenities to be provided in the Entertainment District are subject to further Town Council review and approval.

Mayor Winfield recessed the meeting at 11:12 p.m.

Mayor Winfield reconvened the meeting at 11:27 p.m.

Discussion ensued amongst Council, staff, Ms. Silvyn and Mr. Horvath.

Motion by Mayor Joseph C. Winfield, **seconded by** Councilmember Steve Solomon to continue this item to the November 10th Special Session.

Discussion continued amongst Council and staff.

Motion by Mayor Joseph C. Winfield, **seconded by** Councilmember Steve Solomon to continue this item to the November 10th Special Session.

Vote: 7 - 0 Carried

FUTURE AGENDA ITEMS

Councilmember Nicolson requested an agenda item for discussion and possible action regarding utilizing the 1% New Construction Art Fee for the Arizona Heroes Memorial. Seconded by Councilmember Greene.

ADJOURNMENT

Motion by Mayor Joseph C. Winfield, **seconded by** Councilmember Steve Solomon to adjourn the meeting at 11:58 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 or Oro Valley, Arizona, held on the 2nd day of November 2022. I further certify that the meeting was duly called and held and that a quorum was present.

Michael Standish, CMC
Town Clerk