

**MINUTES
ORO VALLEY TOWN COUNCIL
REGULAR SESSION
NOVEMBER 15, 2023
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE**

REGULAR SESSION AT OR AFTER 5:30 PM

CALL TO ORDER

Mayor Winfield called the meeting to order at 5:30 p.m.

ROLL CALL

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

Absent: Harry Greene, Councilmember
Josh Nicolson, Councilmember

EXECUTIVE SESSION

1. Pursuant to A.R.S. 38-431.03 (A)(4) litigation regarding Clifton v. Town of Oro Valley Board Of Adjustment

Motion by Mayor Joseph C. Winfield, **seconded by** Councilmember Steve Solomon to go into Executive Session at 5:31 p.m., pursuant to A.R.S. 38-431.03 (A)(4) litigation regarding Clifton v. Town of Oro Valley Board Of Adjustment

Vote: 5 - 0 Carried

Mayor Winfield announced that the following staff would be joining Council in Executive Session: Town Manager Jeff Wilkins, Deputy Town Manager Chris Cornelison, Town Attorney Nathan Rothschild, Legal Services Director Tobin Sidles, and Town Clerk Mike Standish.

Councilmember Greene joined the meeting.

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
Steve Solomon, Councilmember

Absent: Josh Nicolson, 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 and the Oro Valley Path Forward Community Events.

MAYOR AND COUNCIL REPORTS ON CURRENT EVENTS

Councilmember Jones-Ivey recognized Dylan Pan, a fourth grader at Basis Oro Valley Primary School, for his academic excellence and community involvement.

Councilmember Jones-Ivey encouraged citizens to volunteer for Project Graduation and attend or participate in their workdays and fundraisers.

Councilmember Jones-Ivey also encouraged citizens to attend the upcoming Shred Event to be held on November 18, 2023.

Councilmember Bohen reported that he had visited the newly re-opened Dog Park at Naranja Park. He commended the staff on the facility's updates and encouraged them to respond to the remaining citizen concerns.

TOWN MANAGER'S REPORT ON CURRENT EVENTS

Town Manager Jeff Wilkins reported the following information:

- Welcomed new Oro Valley staff
- The Oro Valley Community and Recreation Center had a record-breaking membership of 3200 registered members.
- The Oro Valley Festival of the Arts & Holiday Tree Lighting event will be held on December 2 and 3, 2023.

ORDER OF BUSINESS

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

INFORMATIONAL ITEMS

There were no informational items.

CALL TO AUDIENCE

Oro Valley resident Tim Tarris spoke regarding Thanksgiving.

PRESENTATIONS

1. Presentation and possible discussion of the Town's FY 23/24 Quarterly Financial Update through September 2023

Deputy Finance Director Wendy Gomez presented the Town's FY 23/24 Quarterly Financial Update through September 2023 and included the following:

- Highlights
- General Fund
- General Fund Revenues - Year to Date
- General Fund Uses - Year to Date
- Highway Fund
- Highway Fund Sources - Year to Date
- Highway Fund Expenditures - Year to Date
- Community Center Fund
- Community Center Fund Revenues - Year to Date
- Community Center Fund Uses - Year to Date

Discussion ensued amongst the Council and staff regarding Presentation item #1.

CONSENT AGENDA

- A. Minutes - November 1, 2023
- B. Resolution No. (R)23-45, approving the Agenda Committee assignment for the period of December 1, 2023, to February 29, 2024

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

Vote: 6 - 0 Carried

REGULAR AGENDA

1. PUBLIC HEARING: DISCUSSION AND POSSIBLE ACTION ON TWO ITEMS REGARDING A PROPOSED 59-LOT DETACHED SINGLE-FAMILY SUBDIVISION SOUTH OF MOORE LOOP IN-BETWEEN RANCHO VISTOSO BLVD AND EAST KALALAU DRIVE. THE ITEMS INCLUDE:

ITEM A: RESOLUTION NO. (R)23-46: TYPE 2 GENERAL PLAN AMENDMENT AMENDING THE LAND USE MAP DESIGNATION FROM SCHOOL TO MEDIUM DENSITY RESIDENTIAL AND OPEN SPACE (2300042)

ITEM B: ORDINANCE NO. (O)23-06: RANCHO VISTOSO PLANNED AREA DEVELOPMENT (PAD) AMENDMENT FROM CULTURAL INSTITUTION TO MEDIUM DENSITY RESIDENTIAL AND OPEN SPACE (2300043)

Senior Planner Kyle Packer presented item #1 and included the following:

- Purpose
- Subject Property Map
- Applicant's Proposal
- Parcel History
- Item A: General Plan Amendment
- Item A: General Plan Amendment Criteria and Analysis
- Item B: Rancho Vistoso PAD Amendment
- Item B: General Plan Conformance Analysis
- Public Participation
- Planning and Zoning Commission
- Soil Conditions and Conditions of Approval
- Summary and Recommendation

Councilmember Nicolson joined the meeting via phone at 6:47 p.m.

Paul Oland of Paradigm Land Design LLC continued the presentation and included the following:

- Rancho Vistoso - A Master Planned Community - Parcel 5-R
- Rancho Vistoso Par. 5-R Exhibit III-A-1 - Map
- Rancho Vistoso Parcel 5-R PAD Amendment Site Analysis Maps
- 10' Bufferyard "A" Along Northern Property Boundary
- General Plan Policy Conformance
- Economy Focus
- Complete Community Focus
- Town Services, Building and Facilities Focus
- Sonoran Desert Resources Focus
- Cultural Resources Focus
- Clean Environment Focus
- Land Use and Design Focus
- Development, Growth Areas and Special Planning Areas Focus
- Infrastructure Focus
- Applicable General Plan Policy Conformance

Mayor Winfield opened the public hearing.

The following individuals spoke regarding item #1.

Oro Valley resident Joe Dailey
Oro Valley resident Tom White

Mayor Winfield closed the public hearing.

Motion by Councilmember Joyce Jones-Ivey, **seconded by** Councilmember Harry Greene to continue item #1A, until there was further soil testing.

Discussion ensued amongst the Council, staff and Mr. Oland regarding item #1A.

Vice Mayor Barrettt requested to amend the main motion to include as follows: that when the item comes back, no homes, roads, or buildings shall be built on the layer of soil that is known to be prone to subsidence with moisture exposure. The applicant shall work with the Town Engineer and the Planning and Zoning Administrator to ensure that proper testing is done on all soils to ensure that this is the case, and that the Council would like additional information regarding the source of the existing subsidence of the soils in the area. Councilmember Jones-Ivey agreed to the amendment, seconded by Councilmember Greene.

Discussion continued amongst the Council, staff and Mr. Oland, regarding item #1A.

Motion by Councilmember Tim Bohen, to Call the Question.

Vote: 1 - 5 Failed

OPPOSED: Mayor Joseph C. Winfield
Vice-Mayor Melanie Barrett
Councilmember Harry Greene
Councilmember Joyce Jones-Ivey
Councilmember Steve Solomon

Councilmember Nicolson did not vote regarding the Called Question, due to phone issues.

Discussion continued amongst Council, staff, and Mr. Oland, regarding item #1A.

Councilmember Nicolson joined the meeting in person at 7:40 p.m.

Motion by Councilmember Joyce Jones-Ivey, **seconded by** Councilmember Harry Greene **FINAL MOTION AS AMENDED**, to continue Item #1A until there is further soil testing, and to include that when the item comes back, no homes, roads, or buildings shall be built on the layer of soil that is known to be prone to subsidence with moisture exposure. The applicant shall work with the Town Engineer and the Planning and Zoning Administrator to ensure that proper testing is done on all soils to ensure that this is the case, and that the Council would like additional information regarding the source of the existing subsidence of the soils in the area.

Vote: 7 - 0 Carried

No action was taken on item #1B, due to the continuation of item #1A.

Mayor Winfield recessed the meeting at 7:46 p.m.

Mayor Winfield reconvened the meeting at 8:02 p.m.

2. PUBLIC HEARING: RESOLUTION NO. (R)23-44, REQUEST FOR THE VACATION OF EXISTING UNUSED TANGERINE ROAD TOWN RIGHT-OF-WAY, EAST AND WEST OF WATER HARVEST WAY, SPECIFICALLY WEST OF PARCEL 223-02-0450 AND EAST OF PARCEL 223-02-0460

Public Works Director and Town Engineer Paul Keelser presented item #2 and included the following:

- Overview of Request
- Naranja Park Expansion Update

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

Mayor Winfield opened the public hearing.

No comments were received.

Mayor Winfield closed the public hearing.

Motion by Mayor Joseph C. Winfield, **seconded by** Councilmember Harry Greene to approve Resolution No. (R)23-44, request for the vacation of existing unused tangerine road town right-of-way, east and west of Water Harvest Way, specifically west of parcel 223-02-0450 and east of parcel 223-02-0460.

Discussion ensued amongst the Council, staff, Ms. Sylvan and Mr. Longaker regarding item #2.

Vice Mayor Barrett requested an amendment to the main motion to include an easement for the public trail, seconded by Councilmember Josh Nicolson. After further discussion, Vice Mayor Barrett withdrew the amendment to the main motion.

Vice Mayor Barrett requested an amendment to the main motion to include the following: if there needs to be an easement at the referenced area, the right-of-way would be subject to that easement. Mayor Winfield accepted the amendment, seconded by Councilmember Greene.

Discussion continued amongst the Council, staff, Ms. Silvyn, and Mr. Longaker regarding item #2.

Motion by Mayor Joseph C. Winfield, **seconded by** Councilmember Harry Greene **FINAL MOTION AS AMENDED**, to approve Resolution No. (R)23-44, request for the vacation of existing unused tangerine road town right-of-way, east and west of Water Harvest Way, specifically west of parcel 223-02-0450 and east of parcel 223-02-0460 and to provide an easement if needed, for the referenced area and the right-of-way would be subject to that easement.

Vote: 7 - 0 Carried

3. PUBLIC HEARING: DISCUSSION AND POSSIBLE ACTION REGARDING TWO ITEMS RELATED TO PROPOSED REVISIONS IN THE ORO VALLEY MARKETPLACE LOCATED AT THE SOUTHWEST CORNER OF TANGERINE AND ORACLE ROAD. THE TWO ITEMS INCLUDE:

ITEM A: ORDINANCE NO. (O)23-05 ADOPTING THE PLANNED AREA DEVELOPMENT (PAD) AMENDMENT

ITEM B: REVISED MASTER DEVELOPMENT PLAN/CONCEPTUAL SITE PLAN

Principal Planner Michael Spaeth presented item #3 and included the following:

- Purpose
- Background
- Background - Approved Ent. District
- Proposed Phasing
- Proposed Recreation Amenities
- Proposed Recreation Amenities cont.
- Existing approved Entertainment District
- Proposed Phase 3 Entertainment District
- Summary and Recommendation

Ms. Keri Silvyn of Lazarus & Silvyn, representing the applicant, continued the presentation and included the following:

- Oro Valley Village Center
- Oro Valley Village Center: Central Open Space Constraints
- Oro Valley Village Center Conceptual Open Space & Recreation Plan
- New Courtyard Plan
- Conclusion/Questions

Mayor Winfield opened the public hearing.

The following individuals spoke in support of item #3.

Oro Valley resident Rob Wanczyk
Oro Valley resident Devon Sloan
Oro Valley resident Caroline Currin

Mayor Winfield closed the public hearing.

Motion by Councilmember Steve Solomon, **seconded by** Councilmember Harry Greene to approve Ordinance No. (O)23-05, adopting the revised Planned Area Development (PAD) amendment as presented on November 15, 2023, and based on finding the request is in general conformance with the overall design of the previously approved Entertainment District.

Discussion ensued amongst the Council and staff regarding item #3.

Councilmember Solomon made an amendment to the main motion to include the moving of the courtyard and the play area to the north, and to move the multi-use path entrance to align with the light and the intersection by Olive Garden Restaurant, seconded by Councilmember Greene.

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

Councilmember Solomon made an amendment to the main motion to include the moving of the courtyard and the play area to the north, and to move the multi-use path entrance to align with the light and the intersection by Olive Garden Restaurant, and to include that the Mayor will work with staff and the applicant. Seconded by Councilmember Greene

Further clarification was requested from Councilmember Bohen and Vice Mayor Barrett regarding the final motion as amended.

Motion by Councilmember Steve Solomon, **seconded by** Councilmember Harry Greene **FINAL MOTION AS AMENDED**. to approve Ordinance No. (O)23-05, adopting the revised Planned Area Development (PAD) amendment as presented on November 15, 2023, by the applicant, which would include the changes of: Relocation of the multi-use-path to the lighted intersection by Olive Garden Restaurant, and in lieu of the courtyard, incorporating the passive play area who's final details will be agreed upon between the applicant, staff, with final approval by the Mayor, and based on finding the request is in general conformance with the overall design of the previously approved Entertainment District.

Vote: 7 - 0 Carried

Motion by Councilmember Steve Solomon, **seconded by** Councilmember Harry Greene to approve the revised Master Development Plan/Conceptual Site Plan, as presented on November 15, 2023, and including the changes made in the previous motion, based on a finding the request is in general conformance with the overall design of the previously approved Entertainment District.

Vote: 7 - 0 Carried

FUTURE AGENDA ITEMS

No future agenda items were requested.

ADJOURNMENT

Motion by Mayor Joseph C. Winfield, **seconded by** Councilmember Steve Solomon to adjourn the meeting at 9:18 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 15th day of November 2023. I further certify that the meeting was duly called and held and that a quorum was present.

Michael Standish, CMC
Town Clerk