

**MINUTES
ORO VALLEY TOWN COUNCIL
REGULAR SESSION
JANUARY 10, 2024
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 Bohlen, Councilmember
Harry Greene, Councilmember
Josh Nicolson, Councilmember
Steve Solomon, Councilmember

Absent: Joyce Jones-Ivey, Councilmember

EXECUTIVE SESSION

1. Pursuant to A.R.S. §38-431.03 (A)(2) and (A)(3) - for discussion and consideration of records exempt from public inspection, the records to be discussed are the minutes from the following executive session: October 4, 2023 to determine if any executive session information has been disclosed and for legal advice related to any disclosure thereof

Motion by Mayor Joseph C. Winfield, **seconded by** Councilmember Harry Greene to go into Executive Session at 5:31 p.m., pursuant to A.R.S. §38-431.03 (A)(2) and (A)(3) - for discussion and consideration of records exempt from public inspection, the records to be discussed are the minutes from the following executive session: October 4, 2023 to determine if any executive session information has been disclosed and for legal advice related to any disclosure thereof

Vote: 6 - 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 Jones-Ivey joined the meeting via Zoom.

RESUME REGULAR SESSION AT OR AFTER 6:00 PM

CALL TO ORDER

Mayor Winfield resumed the Regular Session at 6:14 p.m.

ROLL CALL

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

7. DIRECTION TO TOWN ATTORNEY FROM EXECUTIVE SESSION

Motion by Mayor Joseph C. Winfield, **seconded by** Vice-Mayor Melanie Barrett to move as directed in Executive Session.

Vote: 6 - 1 Carried

OPPOSED: Councilmember Tim Bohen

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 Greene reported that he and Mayor Winfield had met with the Oro Valley Boy and Girl Scout troops to help them achieve a merit badge for Town Government.

Councilmember Greene reported that as a result of the renovations done at the Oro Valley Community and Recreation Center, the Senior Olympics would hold some of their events in Oro Valley. Councilmember Greene also reported that work on the elevator at the Community and Recreation Center had begun.

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

TOWN MANAGER'S REPORT ON CURRENT EVENTS

Town Manager Jeff Wilkins reported the following information:

- The Hopi Conference Room will be set up for overflow if needed for tonight's meeting attendees.
- The Town celebrates its 50th Anniversary this year with various interactive events.
- The Community and Recreation Center entrance is anticipated to be completed by October 24, 2024.
- The Public Works Department, in coordination with ADOT, has been working on a multi-use path that will run along the north side of the road. Public engagement for this project will start in February 2024.
- The Move Across 2 Ranges event had sold out.

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 John McAlister spoke regarding his appreciation for Council and Town staff, for their service to the Town.

Oro Valley resident Sue Dugan spoke regarding animal care services in Oro Valley.

Mayor Winfield requested that Town Manager Jeff Wilkins provide a report to Council on the animal care services that have been contracted with Pima County, and how the Town might augment those services.

PRESENTATIONS

1. Presentation and possible discussion of the Town's Annual Comprehensive Financial Report and Single Audit for Fiscal Year ending June 30, 2023

Chief Financial Officer Dave Gephart provided an overview of the Town's Annual Comprehensive Financial Report and Single Audit for Fiscal Year ending June 30, 2023. Mr. Brian Hemmerle and Ms. Noemi Barter from Baker Tilly, continued the presentation and included the following:

- Executive summary
- Our responsibilities
- Required communications
- Nonattest services
- Communications with Town Council and Management

Discussion ensued amongst Council, staff, and Mr. Hemmerle regarding presentation item #1.

2. Presentation and possible discussion of Town golf engagement performed by Baker Tilly

Town Manager Jeff Wilkens provided a brief background of Presentation Item #2 and introduced Mr. Brian Hemmerle from Baker Tilly. Mr. Hemmerle presented item #2 and included the following:

- Executive summary
- Our responsibilities
- Agreed Upon Procedures
- Benford's Law results

Ms. Noemi Barter of Baker Tilly, was available via Zoom to answer Council questions if needed.

Discussion ensued amongst Council, Mr. Hemmerle and staff regarding presentation item #2.

Motion by Mayor Joseph C. Winfield, **seconded by** Councilmember Harry Greene to close the discussion on Presentation item #2.

Vote: 6 - 1 Carried

OPPOSED: Councilmember Tim Bohen

Motion by Vice-Mayor Melanie Barrett, **seconded by** Mayor Joseph C. Winfield to go directly to Regular Agenda item #1.

Vote: 7 - 0 Carried

Mayor Winfield stated that the Consent Agenda would be moved to the last item following the Regular agenda.

REGULAR AGENDA

1. PUBLIC HEARING: DISCUSSION AND POSSIBLE ACTION ON ORDINANCE NO. (O)24-01, REGARDING TWO APPLICATIONS RELATED TO THE PROPOSED DEVELOPMENT OF 88 SINGLE-STORY RENTAL UNITS ON AN APPROXIMATELY 8-ACRE PROPERTY LOCATED NEAR THE NORTHEAST INTERSECTION OF TANGERINE ROAD AND RANCHO VISTOSO BOULEVARD. THE TWO ITEMS INCLUDE:

ITEM A: ORDINANCE NO. (O)24-01 RANCHO VISTOSO PLANNED AREA DEVELOPMENT (PAD) REZONING AMENDMENT FROM C-1 TO HIGH DENSITY RESIDENTIAL (HDR)
ITEM B: ARCHITECTURE

Principal Planner Michael Spaeth presented item #1 and included the following:

- Purpose
- Location Map
- Avilla Rancho Vistoso
- Applicant's Proposal
- Background and Site History
- Item A: Rezoning - Zoning Transitions
- Item A: Rezoning continued - Commercial Viability
- Item A: Rezoning continued - Residential Density and Economic Potential
- Item A: PAD Amendment continued - Traffic and Access
- Item A: Rezoning continued: General Plan & Zoning Conformance
- Item B: Architecture
- Public Participation
- Summary and Recommendation

Mr. Paul Oland with Paradigm Land Design, and representing the property owner and developer, and Mr. Mick Mathieu with Civ Tech Inc., continued the presentation and included the following:

- Concerns We've Heard: Access & Traffic
- Avilla Rancho Vistoso East and West - TIA
- Concerns We've Heard: Property Values, Safety & Crime
- Concerns We've Heard: "Renters"
- Concerns We've Heard: "Community Investment"
- Concerns We've Heard: Noise, Lights & Views
- Avilla Rancho Vistoso
- Concerns We've Heard: Commercial Viability
- Existing C-1 Commercial Zoning
- Concerns We've Heard; "Affordable Housing"
- General Plan Conformance areas
- Applicable General Plan Policy Conformance
- So, Why Should You Approve Avilla?

Mayor Winfield recessed the meeting at 8:19 p.m.

Mayor Winfield reconvened the meeting at 8:34 p.m.

Mayor Winfield opened the public hearing.

The following individuals spoke in support of item #1.

Kristen Sharp, President and CEO of the Oro Valley Chamber of Commerce and Oro Valley resident
Oro Valley resident Susan Swan
Craig Finfrock

The following individuals spoke in opposition of item #1.

Oro Valley resident Bryon Barney
Oro Valley resident Darlene Caproni
Oro Valley resident Rick Bolash
Oro Valley resident Joe Casey
Oro Valley resident Frank Mayfield
Oro Valley resident Shirl Lamonna
Oro Valley resident Vickie Duprey
Oro Valley resident Diane Mercer
Oro Valley resident Kathy Shaheen
Oro Valley resident Sharon Burns
Oro Valley resident Gregg James
Oro Valley resident Rosa Dailey
Oro Valley resident Mark Nelson
Oro Valley resident Patricia Howie
Oro Valley resident Alfredo Benavides
Oro Valley resident Eva Midobuche
Oro Valley resident Billy Honomichl
Oro Valley resident Janet Christopher
Oro Valley resident Wayne Ilger
Oro Valley resident John Swiencicki
Oro Valley resident Henry Blicharz
Oro Valley resident John Hutzler
Oro Valley resident Ranna Patten-Carter
Oro Valley resident Douglas McKinnon

The following individuals spoke regarding item #1.

Oro Valley resident Gayle Lopez

Mayor Winfield closed the public hearing.

Motion by Mayor Joseph C. Winfield, **seconded by** Councilmember Josh Nicolson to deny Ordinance No. (O)24-01: the proposed Planned Area Development Rezoning Amendment, based on a finding that it does not conform with the General Plan or adequately address issues related to vehicular and pedestrian circulation.

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

Motion by Mayor Joseph C. Winfield, **seconded by** Councilmember Josh Nicolson to deny Ordinance No. (O)24-01: the proposed Planned Area Development Rezoning Amendment, based on a finding that it does not conform with the General Plan or adequately address issues related to vehicular and pedestrian circulation.

Vote: 7 - 0 Carried

2. PUBLIC HEARING: DISCUSSION AND POSSIBLE ACTION ON ORDINANCE NO. (O)24-02, REGARDING TWO APPLICATIONS RELATED TO THE PROPOSED DEVELOPMENT OF 119 ATTACHED AND DETACHED SINGLE-STORY RENTAL UNITS ON A 15.6-ACRE PROPERTY LOCATED NEAR THE NORTHWEST INTERSECTION OF TANGERINE ROAD AND RANCHO VISTOSO BOULEVARD. THE TWO APPLICATIONS INCLUDE:

ITEM A: ORDINANCE NO. (O)24-02 RANCHO VISTOSO PLANNED AREA DEVELOPMENT (PAD) AMENDMENT REZONING FROM C-1 TO HIGH DENSITY RESIDENTIAL (HDR)
ITEM B: ARCHITECTURE

Mr. Paul Oland with Paradigm Land Design, and representing the applicant, withdrew the application.

No action was taken on this item.

Mayor Winfield recessed the meeting at 10:25 p.m.

Mayor Winfield reconvened the meeting at 10:32 p.m.

3. PUBLIC HEARING: DISCUSSION AND POSSIBLE ACTION REGARDING AN APPLICATION FOR A SERIES 12 (RESTAURANT) LIQUOR LICENSE FOR GMG CHINESE BISTRO, LOCATED AT 10370 N. LA CANADA DRIVE, STE 190

Town Clerk Mike Standish provided the information for item #3.

Mayor Winfield opened the public hearing.

No comments were received.

Mayor Winfield closed the public hearing.

Motion by Councilmember Harry Greene, **seconded by** Mayor Joseph C. Winfield to recommend approval of the issuance of a Series 12 Liquor License to the Arizona Department of Liquor Licenses and Control for Kong Lin Ni for GMG Chinese Bistro, located at 10370 N. La Canada Drive #190.

Vote: 7 - 0 Carried

4. PUBLIC HEARING: DISCUSSION AND POSSIBLE ACTION REGARDING ORDINANCE NO. (O)24-03, A PROPOSED ZONING CODE AMENDMENT TO ENABLE MOBILE FOOD UNIT COURTS AS A CONDITIONAL USE IN COMMERCIAL DISTRICTS (CN, C-1, AND C-2) AND ESTABLISH ASSOCIATED DEVELOPMENT STANDARDS. AMENDMENTS INVOLVE CHAPTER 23, ZONING DISTRICTS; CHAPTER 25, USE REGULATIONS; CHAPTER 31, DEFINITIONS, AND OTHER RELATED CHAPTERS

Senior Planner Kyle Packer presented item #4 and included the following:

- Purpose
- Mobile Food Units - Background
- Goals of Proposed Code Amendment
- Research
- Feedback and Responses
- Proposed Code
- General Plan Compliance
- Summary and Recommendation

Mayor Winfield opened the public hearing.

No comments were received.

Mayor Winfield closed the public hearing.

Motion by Vice-Mayor Melanie Barrett, **seconded by** Councilmember Harry Greene to approve Ordinance No. (O)24-03, the proposed Zoning Code Amendment to enable Mobile Food Unit Courts as a Conditional Use in commercial districts (CN, C-1, and C-2) and establish associated development standards, including amendments to Chapter 23, Zoning Districts; Chapter 25, Use Regulations; Chapter 31, Definitions, and other related chapters and ask that there be a provision added to ensure that there is adequate electricity at each site, and that in the event of a regional electrical outage, generators could be used in an emergency.

Discussion ensued amongst Council and staff regarding item #4.

Motion by Vice-Mayor Melanie Barrett, **seconded by** Councilmember Harry Greene to approve Ordinance No. (O)24-03, the proposed Zoning Code Amendment to enable Mobile Food Unit Courts as a Conditional Use in commercial districts (CN, C-1, and C-2) and establish associated development standards, including amendments to Chapter 23, Zoning Districts; Chapter 25, Use Regulations; Chapter 31, Definitions, and other related chapters and ask that there be a provision added to ensure that there is adequate electricity at each site, and that in the event of a regional electrical outage, generators could be used in an emergency.

Vote: 6 - 1 Carried

OPPOSED: Councilmember Tim Bohen

5. RESOLUTION NO. (R)24-03, PRESENTATION, DISCUSSION, AND POSSIBLE ACTION REGARDING FUNDING FOR THE 50TH ANNIVERSARY PARADE AND EVENTS

Parks and Recreation Director Rosalyn Epting presented item #5 and included the following:

- Summary of October 4, 2023 Council Study Session
- 50th Anniversary Events & Other Items
- 50th Anniversary Parade Overview
- 50th Anniversary Parade Cost Breakdown
- 50th Anniversary Celebration Event Overview

- 50th Anniversary Celebration Event Cost Breakdown Options
- Planting 50 Trees
- Total Request for Parade, Celebration Event, & Trees
- Action Items

Discussion ensued amongst Council and staff regarding item #5.

Motion by Vice-Mayor Melanie Barrett, **seconded by** Councilmember Joyce Jones-Ivey to approve option A for the event funding in the amount of \$105,100.

Discussion continued amongst Council and staff regarding item #5.

Motion by Vice-Mayor Melanie Barrett, **seconded by** Councilmember Joyce Jones-Ivey to approve option A for the event funding in the amount of \$105,100.

Vote: 6 - 1 Carried

OPPOSED: Councilmember Steve Solomon

Motion by Mayor Joseph C. Winfield, **seconded by** Councilmember Joyce Jones-Ivey to approve option B, to ride in individual golf carts, for the parade participation.

Vote: 7 - 0 Carried

6. DISCUSSION AND POSSIBLE ACTION TO CANCEL OR RESCHEDULE THE JANUARY 24, 2024 TOWN COUNCIL REGULAR MEETING

Town Manager Jeff Wilkens provided background information regarding item #6.

Motion by Councilmember Steve Solomon, **seconded by** Mayor Joseph C. Winfield to cancel the January 24, 2024, Town Council meeting and hold the next Regularly scheduled Council meeting on February 7, 2024.

Discussion ensued amongst Council and staff regarding item #6.

Motion by Councilmember Steve Solomon, **seconded by** Mayor Joseph C. Winfield to cancel the January 24, 2024, Town Council meeting and hold the next Regularly scheduled Council meeting on February 7, 2024.

Vote: 6 - 1 Carried

OPPOSED: Councilmember Tim Bohen

CONSENT AGENDA

Councilmember Bohen requested that Consent items (A), (B) and (D) be removed from the Consent Agenda for discussion.

Vice Mayor Barrett requested that Consent item (C) be removed from the Consent Agenda for discussion.

A. Minutes - December 6, 2023

Councilmember Bohen requested clarification regarding staff attendance requirements at Council meetings.

Town Manager Jeff Wilkens clarified staff attendance requirements at Council meetings.

Motion by Councilmember Tim Bohen, **seconded by** Mayor Joseph C. Winfield to approve Consent Agenda item (A).

Vote: 7 - 0 Carried

- B. Appointments to the Budget and Finance Commission, the Parks and Recreation Advisory Board, and the Planning and Zoning Commission

Councilmember Bohen requested clarification regarding the nomination and interview process of the Planning and Zoning Commission.

Vice Mayor Barrett clarified the nomination and interview process for the Planning and Zoning Commission.

Motion by Vice-Mayor Melanie Barrett, **seconded by** Mayor Joseph C. Winfield to approve Consent Agenda item (B).

Discussion ensued amongst Council and Staff regarding Consent Agenda item (B)

Motion by Vice-Mayor Melanie Barrett, **seconded by** Mayor Joseph C. Winfield to approve Consent Agenda item (B).

Vote: 6 - 1 Carried

OPPOSED: Councilmember Tim Bohen

- C. Resolution No. (R)24-01, authorizing and approving modifications to the communications facilities site lease agreement with Verizon Communications, Inc. for 551 W. Lambert Lane

Vice Mayor Barrett requested clarification regarding the attachments relating to Consent Agenda item (C).

Town Manager Jeff Wilkens clarified the attachments relating to Consent Agenda item (C).

Motion by Vice-Mayor Melanie Barrett, **seconded by** Mayor Joseph C. Winfield to approve Resolution No. (R)24-01, authorizing application for zoning and permitting approvals to modify the communications site at 551 W. Lambert Lane, subject to all documents attached to Consent Agenda item (C).

Vote: 7 - 0 Carried

- D. Resolution No. (R)24-02, approving an Intergovernmental Agreement (IGA) between the Arizona Department of Revenue and the Town of Oro Valley for the unified tax administration, collection, audit, and licensing of privilege and affiliated excise taxes, pursuant to Arizona Revised Statutes §42-6001, *et seq*

Councilmember Bohen requested clarification regarding the Intergovernmental Agreement for Consent Agenda item (D).

Town staff provided clarification regarding the Intergovernmental Agreement for Consent Agenda item (D).

Discussion ensued amongst Council and staff regarding Consent Agenda item (D).

Motion by Councilmember Steve Solomon, **seconded by** Vice-Mayor Melanie Barrett to approve Consent Agenda item (D).

Vote: 6 - 1 Carried

OPPOSED: Councilmember Tim Bohen

FUTURE AGENDA ITEMS

No future agenda items were requested.

ADJOURNMENT

Motion by Mayor Joseph C. Winfield, **seconded by** Vice-Mayor Melanie Barrett to adjourn the meeting at 11:35 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 10th day of January 2024. I further certify that the meeting was duly called and held and that a quorum was present.

Michael Standish, CMC
Town Clerk