

**MINUTES
ORO VALLEY TOWN COUNCIL
REGULAR AND STUDY SESSION
SEPTEMBER 16, 2020
ONLINE ZOOM MEETING**

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
Joyce Jones-Ivey, Councilmember
Bill Rodman, Councilmember
Steve Solomon, Councilmember

Absent: Josh Nicolson, Councilmember
Rhonda Piña, Councilmember

EXECUTIVE SESSION - 1. Pursuant to A.R.S. §38-431.03(A)(1) and (A)(3) Personnel matter -Town Manager's annual performance review 2. Pursuant to A.R.S §38-431.03(A)(3), (A)(4) and (A)(7) regarding potential contract negotiations pertaining to the Oro Valley Marketplace *3. Pursuant to A.R.S. §38-431.03(A)(3), (4) and (7) regarding Town golf operations at the 9 hole El Conquistador Resort Course, including Memorandum of Understanding thereon and lease thereof

Mayor Winfield recommended that Executive Session item #1 be rescheduled to a future Council meeting, date not specified.

Mayor Winfield announced that the following staff members would be joining Council in the Executive Session: Town Attorney Gary Cohen, Legal Services Director Tobin Sidles, Town Manager Mary Jacobs, Assistant Town Manager Chris Cornelison and Town Clerk Mike Standish.

Motion by Mayor Joseph C. Winfield, To go into Executive Session at 5:02 p.m. Pursuant to A.R.S §38-431.03(A)(3), (A)(4) and (A)(7) regarding potential contract negotiations pertaining to the Oro Valley Marketplace and Pursuant to A.R.S. §38-431.03(A)(3), (4) and (7) regarding Town golf operations at the 9 hole El Conquistador Resort Course, including Memorandum of Understanding thereon and lease thereof

Vote: 5 - 0 Carried

Councilmember Nicolson joined the Zoom meeting.

RECONVENE REGULAR SESSION AT OR AFTER 6:00 PM

CALL TO ORDER

Mayor Winfield reconvened the Regular Session at 6:09 p.m.

ROLL CALL

Present: Joseph C. Winfield, Mayor
Melanie Barrett, Vice-Mayor
Joyce Jones-Ivey, Councilmember
Josh Nicolson, Councilmember
Bill Rodman, Councilmember
Steve Solomon, Councilmember

Absent: Rhonda Piña, 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

No Council reports received.

TOWN MANAGER'S REPORT

Town Manager Mary Jacobs reported that the OVsafesteps was fully operational. OVsafesteps was a business assistance program that would financially benefit local businesses that were struggling during the pandemic. Citizens can visit www.ovsafesteps.com for more information.

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

No comments were received.

PRESENTATIONS

1. Proclamation - Diaper Need Awareness Week

Mayor Winfield proclaimed the week of September 21 through September 27, 2020 as Diaper Need Awareness Week.

Mr. Shannon Roberts, CEO of the Diaper Bank of Southern Arizona, accepted the proclamation.

2. Presentation from Tom McKinney, CEO of Interfaith Community Services, regarding their annual food drive

Mr. Tom McKinney, CEO of Interfaith Community Services, provided an overview of their annual food drive and thanked the Town and its staff for their continued assistance.

3. Presentation and possible discussion of the Town's Fiscal Year 2019/20 Financial Update through June 2020 (year-end, unaudited)

Finance and Budget Administrator Wendy Gomez provided an update on the Town's Fiscal Year 2019/20 Financial Update through June 2020 and included the following:

- General Fund Revenues
- General Fund Sales Taxes
- General Fund Expenditures
- General Fund
- Highway Fund
- Community Center Fund

4. Presentation and recognition of the following awards received by the Town of Oro Valley:

- Town of Oro Valley General Plan Amendment Public Outreach 2020 Award by the Arizona Planning Association
- 2020 Project of the Year, in the category of Transportation Projects less than \$5 million, for the Roundabout located at La Canada and Moore Road by the Arizona Public Works Association
- 2020 Youth Enrichment Award for the Art + STEM = STEAM program at Steam Pump Ranch by the Arizona Parks and Recreation Association

Town Manager Mary Jacobs provided a brief overview of each award and recognized key staff for their assistance with each project.

Planning Division Manager Bayer Vella accepted the recognition on behalf of his staff for the 2020 Town of Oro Valley General Plan Amendment Public Outreach by the Arizona Planning Association.

Public Works Director Paul Keesler accepted the recognition on behalf of staff and stakeholders for receiving the Project of the Year Award, in the category of Transportation Projects less than \$5 million, for the Roundabout located at La Canada and Moore Road by the Arizona Public Works Association.

Parks and Recreation Director Kristy Diaz-Trahan accepted the recognition on behalf of staff for the 2020 Youth Enrichment Award for the Art + STEM = STEAM program at Steam Pump Ranch by the Arizona Parks and Recreation Association.

CONSENT AGENDA

- A. Minutes - September 2, 2020
- B. Request for approval of a Final Plat for the Capella Planned Area Development, for 199 acres located west of La Cholla Boulevard between Lambert Lane and Naranja Drive, and 8.2-acres located on the northwest corner of La Cholla Boulevard and Naranja Drive

- C. Request for Final Plat approval of a 48-lot residential subdivision located within the Capella Planned Area Development, approximately 1/4 mile west of La Cholla Boulevard between Lambert Lane and Naranja Drive
- D. Resolution No. (R)20-44, 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 Phoenix HIDTA Task Force
- E. Resolution No. (R)20-45, 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
- F. Approval of any direction to the Town Attorney and necessary staff as discussed in executive session

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

Vote: 6 - 0 Carried

REGULAR AGENDA

- 1. DISCUSSION AND POSSIBLE ACTION REGARDING A PROPOSED ZONING CODE AMENDMENT TO THE ECONOMIC EXPANSION ZONE

A. RESOLUTION NO. (R)20-47, DECLARING THE PROPOSED ZONING CODE AMENDMENTS TO SECTION 22.10, SECTION 24.9, SECTION 27.9 AND OTHER ASSOCIATED SECTIONS OF THE ZONING CODE RELATED TO THE ECONOMIC EXPANSION ZONE IN ATTACHMENT 1 AND FILED WITH THE TOWN CLERK, A PUBLIC RECORD

B. PUBLIC HEARING: ORDINANCE NO. (O)20-05, AMENDMENTS TO SECTION 22.10, SECTION 24.9, SECTION 27.9 AND OTHER ASSOCIATED SECTIONS OF THE ORO VALLEY ZONING CODE

Motion by Mayor Joseph C. Winfield, **seconded by** Councilmember Joyce Jones-Ivey to approve Resolution No. (R)20-47, declaring the proposed code amendments to the Economic Expansion Zone, Section 24.9 and other associated sections of code in Attachment 1 and filed with the Town Clerk, a public record

Vote: 6 - 0 Carried

Town Manager Mary Jacobs provided a brief overview of item #1B.

Mayor Winfield opened the public hearing.

The following individual spoke regarding item #1B.

Oro Valley resident and President and CEO of the Greater Oro Valley Chamber of Commerce Dave Perry

Mayor Winfield closed the public hearing.

Discussion ensued amongst Council and staff regarding item #1B.

Motion by Mayor Joseph C. Winfield, **seconded by** Councilmember Joyce Jones-Ivey to approve Ordinance No. (O)20-05, amending the Zoning Code Section 22.10, Section 24.9, Section 27.9 and other associated sections of the code related to the Economic Expansion Zone (EEZ) subject to the following additional community protections, to ensure use of pre-grading is limited and sites are re-landscaped in a timely manner if necessary:

- Applicants for pre-grading within EEZ must demonstrate the ability to develop the subject area within

five years of permit issuance by documenting how the site meets a specific potential employer need and interest in Southern Arizona.

- All pre-graded sites must be revegetated after five years. A one time administrative extension may be granted upon submittal of a construction contract indicating site development within two years.

Mayor Winfield made a voluntary motion to amend his main motion to remove the word "construction" from the last condition. Seconded by Councilmember Jones-Ivey.

Motion by Mayor Joseph C. Winfield, **seconded by** Councilmember Joyce Jones-Ivey to approve Ordinance No. (O)20-05, amending the Zoning Code Section 22.10, Section 24.9, Section 27.9 and other associated sections of the code related to the Economic Expansion Zone (EEZ) subject to the following additional community protections, to ensure use of pre-grading is limited and sites are re-landscaped in a timely manner if necessary:

- Applicants for pre-grading within EEZ must demonstrate the ability to develop the subject area within five years of permit issuance by documenting how the site meets a specific potential employer need and interest in Southern Arizona.
- All pre-graded sites must be revegetated after five years. A one time administrative extension may be granted upon submittal of a contract indicating site development within two years.

Vote: 6 - 0 Carried

Mayor Winfield recessed the meeting at 7:58 p.m.

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

2. DISCUSSION AND POSSIBLE ACTION REGARDING A PROPOSED CODE AMENDMENT TO THE NOISE ABATEMENT STANDARDS, ONLY FOR NEW AND SPECIFIC LAND USE TYPES, AND SEPARATION REQUIREMENTS FOR CONVENIENCE USES OF THE ZONING CODE

A. RESOLUTION NO. (R)20-46, DECLARING THE PROPOSED CODE AMENDMENTS TO SECTION 25.1, SECTION 31 AND OTHER ASSOCIATED SECTIONS OF THE ZONING CODE IN ATTACHMENT 1 AND FILED WITH THE TOWN CLERK, A PUBLIC RECORD

B. PUBLIC HEARING: ORDINANCE NO. (O)20-07, AMENDMENTS TO THE NOISE ABATEMENT STANDARDS IN SECTION 25.1.A.3 AND SEPARATION REQUIREMENTS FOR CONVENIENCE USES IN SECTION 25.1.B.6 AND OTHER ASSOCIATED SECTIONS OF THE ZONING CODE

Motion by Mayor Joseph C. Winfield, **seconded by** Councilmember Joyce Jones-Ivey to approve Resolution No. (R)20-46, declaring the proposed code amendment a public record.

Vote: 6 - 0 Carried

Planning Principal Planner Michael Spaeth presented item #2B and included the following:

- Purpose
- Part I: Noise abatement - Applicability
- Part I: Noise abatement - Objectives
- Part I: Noise abatement - What is a reasonable standard?
- Part I: Noise abatement - Proposed amendment
- Part II: Convenience use separation - Convenience uses
- Part II: Convenience use separation - Proposal
- Summary and Recommendation
- Town Parks
- Part I: Noise abatement - What is a reasonable standard?
- General Plan
- Part I: Noise Abatement - Proactive vs. Reactive
- Planning and Zoning Commission

- Part I: Noise Abatement - 40 db limit is unusable

Mayor Winfield opened the public hearing.

The following individual spoke regarding item #2B.

Oro Valley resident Timothy Bohen

Mayor Winfield closed the public hearing.

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

Vice Mayor Barrett left the Zoom meeting.

Motion by Councilmember Bill Rodman, **seconded by** Councilmember Joyce Jones-Ivey to approve Ordinance No. (O)20-07, based on a finding it is in conformance with the Goals and Policies of the General Plan

Vote: 4 - 1 Carried

OPPOSED: Councilmember Josh Nicolson

Vice Mayor Barrett rejoined the Zoom meeting.

FUTURE AGENDA ITEMS

No future agenda items were requested.

ADJOURNMENT OF THE REGULAR SESSION

Motion by Mayor Joseph C. Winfield, **seconded by** Councilmember Bill Rodman to adjourn the Regular Session at 9:17 p.m.

Vote: 5 - 0 Carried

Other: Vice-Mayor Melanie Barrett (ABSTAIN)

STUDY SESSION

CALL TO ORDER

Mayor Winfield called the Study Session to order at 9:18 p.m.

STUDY SESSION AGENDA

1. DISCUSSION REGARDING A PROPOSED ZONING CODE TEXT AMENDMENT TO SECTION 22.13 AND ASSOCIATED SECTIONS UPDATING THE REQUIRED FINDINGS FOR A VARIANCE

Principal Planner Milini Simms presented Study Session item #1 and included the following:

- Purpose
- Background
- Required findings
- Proposed Amendment to Finding #1

- Example for Finding #1
- Proposed Amendment to Finding #2
- Proposed Amendment to Finding #3
- Proposed Amendment to Finding #4
- Example for Finding #4
- Finding #5
- Additional Guidance
- Planning and Zoning Commission
- Summary
- Comparison between OV Zoning Code and State Law

Discussion ensued amongst Council and staff regarding Study Session item #1.

2. DISCUSSION REGARDING A ZONING CODE TEXT AMENDMENT TO SECTION 23.5 FOR AN ADMINISTRATIVE REVIEW AND POTENTIAL APPROVAL PROCESS FOR MINOR BUILDING SETBACK REDUCTIONS

Senior Planner Hannah Oden presented Study Session item #2 and included the following:

- Purpose
- Background
- Key Amendment Components
- Proposed Amendment: Applicability and Allowances
- Proposed Amendment: Standards
- Proposed Amendment: Noticing Affected Property Owners
- Proposed Amendment: Opposition
- Proposed Amendment: Review and Appeal Process
- Additional Guidance
- Summary
- Planning Commission Recommendation

Oro Valley resident Tracey Alexander spoke regarding Study Session item #2.

Discussion ensued amongst Council and staff regarding Study Session item #2.

ADJOURNMENT

Mayor Winfield adjourned the meeting at 9:57 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 16th day of September 2020. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____, 2020.

Michael Standish, CMC
Town Clerk

