

**AGENDA
ORO VALLEY TOWN COUNCIL
REGULAR SESSION
MARCH 20, 2013
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE**

REGULAR SESSION AT OR AFTER 5:00 PM

CALL TO ORDER

ROLL CALL

EXECUTIVE SESSION AT OR AFTER 5:00 PM - Pursuant to ARS 38-431.03 (A) (4) – Discussion or consultation for legal advice with the attorney of the public body regarding Threat Assessment and Town Liability

REGULAR SESSION AT OR AFTER 6:00 PM

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

UPCOMING MEETING ANNOUNCEMENTS

COUNCIL REPORTS

DEPARTMENT REPORTS

The Mayor and Council may consider and/or take action on the items listed below:

ORDER OF BUSINESS - MAYOR WILL REVIEW THE ORDER OF THE MEETING

INFORMATIONAL ITEMS

1. Notice to Mayor and Council of Police Department requests for grant funding under the Governor's Office of Highway Safety (G.O.H.S.) 2014 opportunity, as well as the Arizona Department of Homeland Security (AZDOHS)

CALL TO AUDIENCE – At this time, any member of the public is allowed to address the Mayor and Town Council on any issue *not listed on today's agenda*. Pursuant to the Arizona Open Meeting Law, individual Council Members may ask Town Staff to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "Call to Audience". In order to speak during "Call to Audience" please specify what you wish to discuss when completing the blue speaker card.

CONSENT AGENDA

(Consideration and/or possible action)

- A. Minutes - February 6, 2013
- B. Fiscal Year 2012/2013 Financial Update through January 2013
- C. Resolution No. (R)13-13, Approving and accepting a Pima County Regional Flood Control District ("District") License to manage, operate, repair and maintain the Canada Del Oro Multi-Use Path
- D. Appointment of Tucson City Court Judge, the Honorable Michael Pollard, as the Town's Judge Pro Tem for the Regional Municipalities Veteran's Treatment Court (RMVTC)
- E. Resolution No. (R)13-14, Approving Contract Amendment Two (#02) to the Intergovernmental Agreement, Contract No. 01-11-O-140770-0408, between Pima County and the Town of Oro Valley for the Pima Regional Special Weapons and Tactics Team, extending the agreement date to April 14, 2018

REGULAR AGENDA

- 1. DISCUSSION AND POSSIBLE ACTION TO INITIATE A ZONING CODE AMENDMENT TO SECTION 27.10, ENVIRONMENTALLY SENSITIVE LANDS (ESL), TO CLARIFY APPLICABILITY PROVISIONS WITH REGARD TO GENERAL PLAN AMENDMENTS, REZONINGS AND OTHER DEVELOPMENT APPLICATIONS

FUTURE AGENDA ITEMS (The Council may bring forth general topics for future meeting agendas. Council may not discuss, deliberate or take any action on the topics presented pursuant to ARS 38-431.02H).

CALL TO AUDIENCE – At this time, any member of the public is allowed to address the Mayor and Town Council on any issue ***not listed on today's agenda.*** Pursuant to the Arizona Open Meeting Law, individual Council Members may ask Town Staff to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "Call to Audience". In order to speak during "Call to Audience" please specify what you wish to discuss when completing the blue speaker card.

ADJOURNMENT

POSTED: 3/13/13 at 5:00 p.m. by ms

When possible, a packet of agenda materials as listed above is available for public inspection at least 24 hours prior to the Council meeting in the Town Clerk's Office between the hours of 8:00 a.m. – 5:00 p.m.

The Town of Oro Valley complies with the Americans with Disabilities Act (ADA). If any person with a disability needs any type of accommodation, please notify the Town Clerk's Office at least five days prior to the Council meeting at 229-4700.

INSTRUCTIONS TO SPEAKERS

Members of the public have the right to speak during any posted public hearing. However, those items not listed as a public hearing are for consideration and action by the Town Council during the course of their business meeting. Members of the public may be allowed to speak on these topics at the discretion of the Mayor.

If you wish to address the Town Council on any item(s) on this agenda, please complete a speaker card located on the Agenda table at the back of the room and give it to the Town Clerk. **Please indicate on the speaker card which item number and topic you wish to speak on, or if you wish to speak during “Call to Audience”, please specify what you wish to discuss when completing the blue speaker card.**

Please step forward to the podium when the Mayor announces the item(s) on the agenda which you are interested in addressing.

1. For the record, please state your name and whether or not you are a Town resident.
2. Speak only on the issue currently being discussed by Council. Please organize your speech, you will only be allowed to address the Council once regarding the topic being discussed.
3. Please limit your comments to 3 minutes.
4. During “Call to Audience” you may address the Council on any issue you wish.
5. Any member of the public speaking must speak in a courteous and respectful manner to those present.

Thank you for your cooperation.



Town Council Regular Session

Item # 1.

Meeting Date: 03/20/2013

Requested by: Daniel G. Sharp **Submitted By:** Colleen Muhr, Police Department

Department: Police Department

Information

SUBJECT:

Notice to Mayor and Council of Police Department requests for grant funding under the Governor's Office of Highway Safety (G.O.H.S.) 2014 opportunity, as well as the Arizona Department of Homeland Security (AZDOHS)

RECOMMENDATION:

This report is for informational purposes only.

EXECUTIVE SUMMARY:

Each year the Governor's Office of Highway Safety and the Arizona Department of Homeland Security accept proposals for grant-funded projects from all emergency responders.

In reference to the G.O.H.S. funding for DUI enforcement overtime and employee related expenses (ERE) the Police Department intends to request grant funding in the amount of \$40,000. The Police Department will request funding for a fully equipped motorcycle and two dash mounted 'in-car' video systems for a total amount of \$36,000.

The Governor's Office of Highway Safety reviews all proposals submitted by agencies across the entire state, and can award funding for all or any part of these requests.

Additionally, a request was submitted to the Arizona Department of Homeland Security for \$66,000 to fund Operation Stonegarden overtime, ERE and mileage.

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

Capacity to accept grant funding will be included in the FY 2013/2014 proposed budget.

SUGGESTED MOTION:

N/A



Town Council Regular Session

Item # A.

Meeting Date: 03/20/2013

Requested by: Julie Bower **Submitted By:** Mike Standish, Town Clerk's Office

Department: Town Clerk's Office

Information

SUBJECT:

Minutes - February 6, 2013

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

N/A

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to (approve, approve with the following changes) the February 6, 2013 minutes.

Attachments

2/6/13 Draft Minutes

**MINUTES
ORO VALLEY TOWN COUNCIL
REGULAR SESSION
February 6, 2013
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE**

REGULAR SESSION AT OR AFTER 5:00 PM

CALL TO ORDER

Mayor Hiremath called the meeting to order at 5:00 p.m.

ROLL CALL

PRESENT: Satish Hiremath, Mayor
Lou Waters, Vice Mayor
Joe Hornat, Councilmember
Mary Snider, Councilmember
Mike Zinkin, Councilmember

ABSENT: Bill Garner, Councilmember

EXCUSED: Brendan Burns, Councilmember

EXECUTIVE SESSION AT OR AFTER 5:00 PM - Pursuant to A.R.S. 38-431.03(A)(7) for consideration of a potential lease or sale of Town property

MOTION: A motion was made by Vice Mayor Waters and seconded by Councilmember Zinkin to go into Executive Session at 5:00 p.m.

MOTION carried, 5-0.

Mayor Hiremath stated that the following staff members would join Council in Executive Session: Interim Town Attorney Tobin Sidles, Town Manager Greg Caton, Town Clerk Julie Bower, Finance Director Stacey Lemos and Economic Development Manager Amanda Jacobs.

REGULAR SESSION AT OR AFTER 6:00 PM

CALL TO ORDER

Mayor Hiremath called the meeting to order at 6:00 p.m.

ROLL CALL

PRESENT: Satish Hiremath, Mayor
Lou Waters, Vice Mayor
Bill Garner, Councilmember
Joe Hornat, Councilmember
Mary Snider, Councilmember
Mike Zinkin, Councilmember

EXCUSED: Brendan Burns, Councilmember

Councilmember Garner attended the meeting via telephone.

PLEDGE OF ALLEGIANCE

Mayor Hiremath led the audience in the Pledge of Allegiance.

UPCOMING MEETING ANNOUNCEMENTS

Communications Administrator Misti Nowak announced the upcoming Town meetings and events.

COUNCIL REPORTS

• Spotlight on Youth

Councilmember Snider gave an update regarding the Youth Advisory Council (YAC) and stated that the Youth Advisory Council was administered through the Town Manager's Office to provide opportunities for residents to become engaged in and knowledgeable about the role of local government. The first Cabinet of Officers consisted of the following Members:

- President Holly Durr, Ironwood Ridge High school
- Vice President Andrew Felix, Ironwood Ridge High school
- Secretary Citlali Aguilar-Canamar, Canyon Del Oro High school
- Treasurer Tristan Schrader, Basis Oro Valley
- Historian Luke Haines, Pusch Ridge Christian Academy

President Holly Durr stated that the next YAC meeting would be held on Monday, February 11th at 7:00 p.m. in the Oro Valley Council Chambers.

Councilmember Hornat said that he and Vice Mayor Waters attended the Arizona Association of Economic Development Luncheon in Phoenix last week where a possible change to how Cities and Towns collect construction sales tax was discussed. The proposed change could impact the Town of Oro Valley by as much as \$2 million a year.

DEPARTMENT REPORTS

Town Manager Greg Caton introduced the new Parks and Recreation Director Kristy Diaz-Trahan.

Town Clerk Julie Bower announced that there was new artwork on display in the Council Chambers from artist Mordecai Colodner.

ORDER OF BUSINESS

Mayor Hiremath stated that the agenda would stand as posted.

INFORMATIONAL ITEMS

1. Public Safety Providers Quarterly Report (2nd quarter FY 2012-2013)

CALL TO AUDIENCE

Oro Valley resident John Musolf spoke on the budget and recommended that any departmental savings be redistributed back into the Contingency Reserve Fund.

Oro Valley resident Bill Adler said that the public art ordinance needed to be updated in order to expand the definition of public art to include but not limited to organic living art, musical art and changing art. Mr. Adler also stated that the 1% public art in-lieu fee should be channeled to an organization that had contributed a variety of art.

CONSENT AGENDA

Councilmember Zinkin requested that item (B) be removed from the Consent Agenda for discussion.

- A. Minutes - December 5, 2012

MOTION: A motion was made by Councilmember Zinkin and seconded by Councilmember Hornat to approve Consent Agenda item (A).

MOTION carried, 6-0.

B. Appointment of Kelly Huber to the Conceptual Design Review Board (CDRB)

Councilmember Zinkin requested that his vote be counted as an abstention.

Vice Mayor Waters stated that Kelly Huber was the only person to apply for the Conceptual Design Review Board (CDRB) and that her consideration for the CDRB was inspired by a resignation of a CDRB Board Member and her extensive art background.

MOTION: A motion was made by Vice Mayor Waters and seconded by Councilmember Snider to approve the appointment of Kelly Huber to the Conceptual Design Review Board (CDRB) to a term expiring December 31, 2015.

MOTION carried, 5-1 with Councilmember Zinkin abstaining.

REGULAR AGENDA

1. FISCAL YEAR 2012/2013 MID-YEAR FINANCIAL UPDATE

Finance Director Stacey Lemos gave an overview of the following funds:

- General Fund
- Highway Fund
- Bed Tax Fund
- Water Utility Fund
- Stormwater Utility Fund

The following individual spoke on item #1.

Oro Valley resident Bill Adler

2. REQUEST FOR PLANNED AREA DEVELOPMENT (PAD) EXEMPTION FROM THE EXISTING SIGN SYSTEM GUIDELINES FOR DIRECTIONAL SIGNAGE IN RANCHO VISTOSO

Principal Planner Chad Daines gave an overview of item #2.

Applicant Jena Carpenter, Vistoso Community Association Manager, outlined the Association's intentions for replacing certain signage within the Rancho Vistoso community.

MOTION: A motion was made by Vice Mayor Waters and seconded by Councilmember Zinkin to approve the PAD Exemption from the Rancho Vistoso PAD Sign System Guidelines for T-2 directional signs, subject to the Conditions in Attachment 1, with the addition of a condition that stipulated that for every sign that was removed, no more than one sign shall be erected and finding that the request meets the Zoning Code requirements for a PAD exemption.

Attachment 1
Conditions of Approval
Vistoso Community Association PAD Exemption
OV312-008

1. The Kiosk Signs in Rancho Vistoso shall utilize the same colors, materials, and styles as other approved Kiosk Signs in the Town.

2. New and replacement Kiosk Signs shall each require a sign permit.

Councilmember Hornat requested an amendment to the main motion that stipulated that the total number of new signs shall not exceed the total number of current signs.

This amendment was agreed to by Vice Mayor Waters and Councilmember Zinkin.

MOTION AS AMENDED carried, 6-0.

3. REQUEST FOR APPROVAL OF CONCEPTUAL PUBLIC ART FOR THE SAN DORADO COMMERCIAL DEVELOPMENT, LOCATED WITHIN THE ORO VALLEY TOWN CENTRE AT ROONEY RANCH PAD, ON THE EAST SIDE OF ORACLE ROAD AND FIRST AVENUE

Senior Planner Matt Michels gave an overview of item #3.

Brad Anderson, representative for Kitchell, spoke on the proposed conceptual public art for the San Dorado development.

MOTION: A motion was made by Councilmember Hornat and seconded by Councilmember Garner to approve the Conceptual Public Artwork for the San Dorado commercial development, subject to the Conditions in Attachment 1, finding that:

- The proposed Conceptual Public Artwork meets the Zoning Code Review Criteria
- The proposed Conceptual Public Artwork meets the applicable Design Standards

Attachment 1
CDRB Recommended Conditions of Approval
San Dorado Commercial Area Public Art
OV1212-08

1. The public art locations shall be shown on the Final Landscape and Irrigation Plan.
2. Seating areas and shading elements (i.e. shade trees) shall be placed in close proximity to the public art to allow visitors and the public to enjoy the public art in a comfortable setting.
3. Four (4) art pieces shall be provided with two pieces of art provided at each location shown in the conceptual public art submittal.

and further MOVE that a description plaque shall be required for each piece of artwork and that the location of the artwork shall be located in the breezeway area.

MOTION carried, 6-0.

4. RESOLUTION NO. (R)13-07, GRANTING APPROVAL OF A CONDITIONAL USE PERMIT (CUP) TO CVS PHARMACY FOR A DRIVE-THROUGH ON PAD A, LOCATED WITHIN THE SAN DORADO COMMERCIAL DEVELOPMENT ON THE SOUTHEAST CORNER OF ORACLE ROAD AND FIRST AVENUE

Mayor Hiremath stated that items #4 and #5 would be combined for discussion but each item would require a separate motion.

Mr. Michels gave an overview of items #4 and #5.

Brad Anderson, representative for Kitchell, discussed the traffic flow/patterns of the proposed CVS Pharmacy and Paradise Bakery drive-through's.

The following individual spoke on items #4 and #5.

Oro Valley resident Bill Adler

MOTION: A motion was made by Vice Mayor Waters and seconded by Councilmember Snider to approve Resolution No. (R)13-07, granting approval of a Conditional Use Permit (CUP) to CVS Pharmacy for a drive-through on Pad A, subject to the Condition in Attachment 2, finding that the proposed CUP meets all applicable Zoning Code requirements.

Attachment 2
Condition of Approval
CVS Pharmacy CUP
OV812-002

1. The drive-through shall be developed consistent with the design depicted on the Conceptual Site Plan and as described in the applicant's narrative.

MOTION carried, 6-0.

5. RESOLUTION NO. (R)13-08, GRANTING APPROVAL OF A CONDITIONAL USE PERMIT (CUP) TO PARADISE BAKERY FOR A DRIVE-THROUGH IN SHOPS B, LOCATED WITHIN THE SAN DORADO COMMERCIAL DEVELOPMENT ON THE SOUTHEAST CORNER OF ORACLE ROAD AND FIRST AVENUE

MOTION: A motion was made by Councilmember Zinkin and seconded by Councilmember Hornat to approve Resolution No. (R)13-08, granting approval of a Conditional Use Permit (CUP) to Paradise Bakery for a drive-through in Shops B, subject to the Condition in Attachment 2, finding that the proposed CUP meets all applicable Zoning Code requirements.

Attachment 2
Condition of Approval
Paradise Bakery CUP
OV812-003

1. The drive-through shall be developed consistent with the design depicted on the Conceptual Site Plan and as described in the applicant's narrative.

MOTION carried, 6-0.

FUTURE AGENDA ITEMS

Vice Mayor Waters requested a future agenda item to review the Town's public art definition, seconded by Councilmember Snider.

Councilmember Hornat requested a future agenda item to review the CUP process, seconded by Mayor Hiremath.

CALL TO AUDIENCE

No comments were received.

ADJOURNMENT

MOTION: A motion was made by Vice Mayor Waters and seconded by Councilmember Snider to adjourn the meeting at 7:33 p.m.

MOTION carried, 6-0.

Prepared by:

Michael Standish, CMC
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 6th day of February 2013. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____, 2013

Julie K. Bower, MMC
Town Clerk



Town Council Regular Session

Item # B.

Meeting Date: 03/20/2013

Requested by: Stacey Lemos

Submitted By: Wendy Gomez, Finance

Department: Finance

Information

SUBJECT:

Fiscal Year 2012/2013 Financial Update through January 2013

RECOMMENDATION:

This item is for informational purposes only.

EXECUTIVE SUMMARY:

In the General Fund (please see attachment A), revenues collected through January totaled \$15.5 million, or 58.0% of the budget amount of \$26.7 million. Year to date expenditures through January totaled \$13.7 million, or 52.1% of the budget amount of \$26.3 million.

In the Highway Fund (please see attachment B), revenues collected through January totaled \$2 million, or 58.6% of the budget amount of \$3.3 million. Year to date expenditures through January totaled \$1.6 million, or 43.4% of the budget amount of \$3.7 million.

In the Bed Tax Fund (please see attachment C), revenues collected through January totaled \$436,464, or 55.4% of the budget amount of \$788,000. Year to date expenditures through January totaled \$162,426, or 34.4% of the budget amount of \$472,000.

BACKGROUND OR DETAILED INFORMATION:

Attachment A shows General Fund revenues and expenditures through January, as well as year-end estimates for each category. The estimated year-end projections in the General Fund are as follows:

Revenues	\$27,102,780
<u>Less:</u>	
Expenditures	(\$25,432,296)
<u>Less:</u>	
Other Financing Uses	(\$ 918,358)
Est. Increase in Fund Balance	\$ 752,126

General Fund Revenues

- Local sales tax collections in the General Fund total \$7,372,218, which is \$881,723 or 13.5% more than the amount collected in FY 11/12 through January. This increase is due to the utility tax increase that became effective in August 2011, as well as increased construction and retail tax revenues. Sales tax collections in the General Fund are estimated to come in over budget by \$237,850.
- License and Permit revenues are estimated to come in over budget by \$394,127 due

to increased commercial and residential permit activity.

- Charges for Services revenues are estimated to come in over budget by \$66,998 due mainly to higher than anticipated recreation user fees derived from recreation programs.
- The Other Intergovernmental category has been reduced by \$171,074 in the Pima County Library District Reimbursement line item to account for anticipated savings in the Library budget. The Library budget has also been reduced to reflect these savings.
- Federal grant revenues have been reduced by \$110,768. This reduction is offset by corresponding expenditure savings.
 - State shared revenue collections total \$5,129,097 which is \$401,231, or 8.5% more than the amount collected in FY 11/12 through January.
 - Staff will continue to monitor revenue collections and may adjust the year-end estimates based on actual trends.

Highway Fund Revenues

- Construction tax revenues in the Highway Fund totaled \$262,887 through January, which is \$95,665 or 57.2% more than the amount collected in FY 11/12 through January. Construction tax revenues in the Highway Fund are estimated to come in over budget by \$152,454. Staff will continue to monitor revenue collections and may adjust the year-end estimates based on actual trends.
- State shared highway user funds totaled \$1,413,285 through January, which is \$113,138 or 8.7% more than the amount collected in FY 11/12 through January.

Bed Tax Revenues

- Bed tax revenues totaled \$434,431 through January, which is \$73,994 or 20.5% more than the amount collected in FY 11/12 through January.

General Fund Expenditures

- Expenditures are estimated to come in under budget by \$832,695 or 3.2%, due to projected vacancy savings, Library savings and grant capacity that will not be utilized. Please note that vacancy savings are estimates and are subject to change.

Highway Fund Expenditures

- Expenditures are estimated to come in under budget by \$19,783 or 0.5%, due to projected vacancy savings.

Bed Tax Fund Expenditures

- Expenditures are estimated to come in under budget by \$74,752 or 15.8%, due to projected vacancy savings and the discontinued contract payment to TREO.

Please see Attachments A, B, and C for additional detail on the General Fund, Highway Fund and Bed Tax Fund. See Attachment D for estimated vacancy savings. See Attachment E for a fiscal year-to-date consolidated summary of all Town Funds.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

N/A

Attachments

Attachment A - Gen Fund

Attachment B - HW Fund

Attachment C - Bed Tax Fund

Attachment D - Vacancy Report

Attachment E - Summary All Funds



General Fund

% Budget Completion through January --- 58.4%

	Actuals thru 1/2013	Budget	% Actuals to Budget	Year End Estimate *	YE \$ Variance to Budget	YE % Variance to Budget
REVENUES:						
LOCAL SALES TAX	7,372,218	12,327,995	59.8%	12,565,845	237,850	1.9%
LICENSES & PERMITS	998,349	936,469	106.6%	1,330,596	394,127	42.1%
FEDERAL GRANTS	292,300	983,000	29.7%	872,232	(110,768)	-11.3%
STATE GRANTS	512,412	1,014,042	50.5%	1,032,200	18,158	1.8%
STATE/COUNTY SHARED	5,129,097	9,175,117	55.9%	9,175,117	-	0.0%
OTHER INTERGOVERNMENTAL	197,753	613,413	32.2%	442,339	(171,074)	-27.9%
CHARGES FOR SERVICES	736,795	1,217,556	60.5%	1,284,554	66,998	5.5%
FINES	97,688	190,000	51.4%	180,000	(10,000)	-5.3%
INTEREST INCOME	31,861	89,000	35.8%	62,275	(26,725)	-30.0%
MISCELLANEOUS	109,884	134,000	82.0%	157,622	23,622	17.6%
TOTAL REVENUES	15,478,357	26,680,592	58.0%	27,102,780	422,188	1.6%

	Actuals thru 1/2013	Budget	% Actuals to Budget	Year End Estimate *	YE \$ Variance to Budget	YE % Variance to Budget
EXPENDITURES:						
COUNCIL	145,822	224,618	64.9%	224,618	-	0.0%
CLERK	174,600	322,779	54.1%	321,989	(790)	-0.2%
MANAGER	333,239	728,645	45.7%	638,568	(90,077)	-12.4%
HUMAN RESOURCES	232,166	496,156	46.8%	464,107	(32,049)	-6.5%
FINANCE	390,369	744,111	52.5%	726,233	(17,878)	-2.4%
INFORMATION TECHNOLOGY	765,294	1,213,633	63.1%	1,213,633	-	0.0%
GENERAL ADMINISTRATION	915,477	1,859,094	49.2%	1,859,094	-	0.0%
LEGAL	400,367	816,559	49.0%	768,813	(47,746)	-5.8%
COURT	363,004	757,629	47.9%	726,527	(31,102)	-4.1%
DEV & INFRASTRUCTURE SVCS	1,775,544	3,803,751	46.7%	3,490,062	(313,689)	-8.2%
PARKS, REC, LIBRARY, & CULT RSCS	1,383,095	2,630,112	52.6%	2,362,954	(267,158)	-10.2%
POLICE	6,798,689	12,667,904	53.7%	12,635,698	(32,206)	-0.3%
TOTAL EXPENDITURES	13,677,665	26,264,991	52.1%	25,432,296	(832,695)	-3.2%

EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES	1,800,691	415,601		1,670,484	1,254,883	
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	Actuals	Budget	% Actuals	Year End	YE \$ Variance	YE % Variance
TRANSFERS IN						
Bed Tax Fund - Gen Fund Allocation	-	176,747	0.0%	126,966	(49,781)	-28.2%
TRANSFERS OUT						
Aquatic Center Project Fund	(910,000)	(910,000)	100.0%	(910,000)	-	0.0%
Debt Service Fund	-	(135,324)	0.0%	(135,324)	-	0.0%
TOTAL OTHER FINANCING SOURCES (USES)	(910,000)	(868,577)	104.8%	(918,358)	(49,781)	5.7%

CHANGE IN FUND BALANCE	890,691	(452,976)		752,126	1,205,102	
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BEGINNING FUND BALANCE

Assigned - Comp. Absences & Unemploy Resrv		1,608,035		1,608,035	-	
Unassigned		9,793,614		9,793,614	-	
TOTAL BEGINNING FUND BALANCE		11,401,649		11,401,649	-	

ENDING FUND BALANCE **

Assigned - Comp. Absences & Unemploy Resrv		1,608,035		1,608,035	-	
Unassigned		9,340,638		10,545,740	1,205,102	
TOTAL ENDING FUND BALANCE **		10,948,673		12,153,775	1,205,102	

* Year-end estimates are subject to further revision

** Ending Fund balance amounts are estimates and are subject to further revision



Highway Fund

% Budget Completion through January --- 58.4%

	Actuals thru 1/2013	Budget	% Actuals to Budget	Year End Estimate *	YE \$ Variance to Budget	YE % Variance to Budget
REVENUES:						
LOCAL SALES TAX	262,887	316,890	83.0%	469,344	152,454	48.1%
LICENSES & PERMITS	45,867	43,000	106.7%	51,110	8,110	18.9%
STATE GRANTS	84,701	260,000	32.6%	125,000	(135,000)	-51.9%
STATE/COUNTY SHARED	1,413,285	2,480,005	57.0%	2,480,005	-	0.0%
CHARGES FOR SERVICES	133,871	229,493	58.3%	229,493	-	0.0%
INTEREST INCOME	6,087	7,000	87.0%	7,000	-	0.0%
MISCELLANEOUS	13,612	10,000	136.1%	17,683	7,683	76.8%
TOTAL REVENUES	1,960,309	3,346,388	58.6%	3,379,635	33,247	1.0%

	Actuals thru 1/2013	Budget	% Actuals to Budget	Year End Estimate *	YE \$ Variance to Budget	YE % Variance to Budget
EXPENDITURES:						
ADMINISTRATION	330,057	621,498	53.1%	621,498	-	0.0%
TRANSPORTATION ENGINEERING	624,188	1,616,873	38.6%	1,616,873	-	0.0%
PAVEMENT MANAGEMENT	54,325	102,051	53.2%	102,051	-	0.0%
STREET MAINTENANCE	355,655	784,005	45.4%	764,222	(19,783)	-2.5%
TRAFFIC ENGINEERING	227,041	545,402	41.6%	545,402	-	0.0%
TOTAL EXPENDITURES	1,591,266	3,669,829	43.4%	3,650,046	(19,783)	-0.5%

EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES **369,043** **(323,441)** **(270,411)** **53,030**

TRANSFERS IN	-	-	0.0%	-	-	0.0%
TRANSFERS OUT						
TOTAL OTHER FINANCING SOURCES (USES)	-	-	0.0%	-	-	0.0%

CHANGE IN FUND BALANCE **369,043** **(323,441)** **(270,411)** **53,030**

BEGINNING FUND BALANCE
Restricted 3,017,431
TOTAL BEGINNING FUND BALANCE **3,017,431**

ENDING FUND BALANCE **
Restricted 2,693,990
TOTAL ENDING FUND BALANCE ** **2,693,990**

* Year-end estimates are subject to further revision
 ** Ending Fund balance amounts are estimates and are subject to further revision

FY 12/13 Town Vacancy Report as of January 31, 2013		
Fund	Vacant FTEs	Estimated FY 12/13 Savings
General Fund	4.00	298,908
Highway Fund	0.00	19,783
Bed Tax Fund	0.00	33,741
Water Utility Fund	0.00	23,239
Stormwater Utility Fund	0.00	-

CONSOLIDATED YEAR-TO-DATE FINANCIAL REPORT THROUGH JANUARY, 2013

ATTACHMENT E

Fund	Actual FY 12/13 Begin Bal.	Revenue	Other Fin Sources/Tfrs	Total In	Capital Leases/ Transfer Out	Personnel	O&M	Capital	Contingency	Debt Service	Total Out	Left in Accounts Thru Jan 2013
General Fund - Unassigned	9,793,614	15,478,357	-	15,478,357	919,177	10,479,251	2,822,776	354,730	11,731	-	14,587,665	10,684,306
General Fund - Assigned	1,608,035											1,608,035
Highway Fund - Restricted	3,017,431	1,960,309	-	1,960,309	-	979,363	284,533	327,370	-	-	1,591,266	3,386,474
Seizure & Forfeiture - State	464,183	41,099	-	41,099	-	-	25,205	24,930	-	-	50,135	455,148
Seizure & Forfeiture - Justice	593,904	3,273	-	3,273	-	19,767	9,304	38,712	-	-	67,783	529,394
Bed Tax Fund - Committed	622,918	436,464	-	436,464	300,000	104,257	58,168	-	-	-	462,426	596,957
Impound Fee Fund	-	20,700	-	20,700	-	25,560	-	-	-	-	25,560	(4,860)
Municipal Debt Service Fund	1,164,733	114,412	-	114,412	-	-	4,400	-	-	693,861	698,261	580,884
Oracle Road Debt Service Fund	3,592	310,803	-	310,803	-	-	335	-	-	311,914	312,249	2,146
Alternative Water Resources Dev Impact Fee Fund	1,735,163	2,177,274	-	2,177,274	100,000	-	154,776	13,242	-	263,191	531,209	3,381,228
Potable Water System Dev Impact Fee Fund	3,379,205	434,526	-	434,526	-	-	-	-	-	61,468	61,468	3,752,263
Townwide Roadway Development Impact Fee Fund	2,228,996	1,577,550	-	1,577,550	-	-	-	1,920,923	-	-	1,920,923	1,885,623
Parks & Recreation Impact Fee Fund	112,053	87,382	-	87,382	-	-	-	90,099	-	-	90,099	109,336
Library Impact Fee Fund	110,192	4,606	-	4,606	-	-	-	-	-	-	-	114,798
Police Impact Fee Fund	102,329	46,082	-	46,082	-	-	-	82,645	-	-	82,645	65,766
General Government Impact Fee Fund	119,993	3,190	-	3,190	-	-	-	-	27,107	-	27,107	96,076
Naranja Park Fund	258,821	-	-	-	250,000	-	-	-	-	-	250,000	8,821
Aquatic Center Project Fund	3,122,332	24,479	1,460,000	1,484,479	-	-	180	2,601,940	-	-	2,602,120	2,004,691
Water Utility	10,002,917	6,721,040	100,000	6,821,040	-	1,376,123	2,759,832	1,225,556	-	675,869	6,037,380	10,786,577
Stormwater Utility	539,948	388,962	-	388,962	95,512	151,766	271,742	72,025	-	-	591,045	337,865
Fleet Maintenance Fund	-	372,626	-	372,626	-	44,259	379,657	-	-	-	423,916	(51,290)
Benefit Self Insurance Fund	-	1,215,480	-	1,215,480	-	-	962,974	-	-	-	962,974	252,506
Recreation In-Lieu Fee Fund	155,830	-	-	-	-	-	-	104,336	-	-	104,336	51,495
Total	39,136,190	31,418,615	1,560,000	32,978,615	1,664,689	13,180,346	7,733,881	6,856,509	38,839	2,006,302	31,480,566	40,634,238



Item # **C.**

Town Council Regular Session

Meeting Date: 03/20/2013
Requested by: Jose Rodriguez
Submitted By: Jose Rodriguez, Development Infrastructure Services
Department: Development Infrastructure Services

Information

SUBJECT:

Resolution No. (R)13-13, Approving and accepting a Pima County Regional Flood Control District ("District") License to manage, operate, repair and maintain the Canada Del Oro Multi-Use Path

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

The Resolution included as Attachment 1 is for the approval of a license agreement that consolidates three existing license agreements between the Town and the Pima County Regional Flood Control District, and expands the agreement to cover a new section of the CDO multi-use path north of the First Avenue Bridge.

The Town currently has three active license agreements with the District to construct and maintain the Multi-Use Path, Asphalt Trail, Pedestrian Bridge and Ramada on District land along the CDO wash. The Town recently requested an additional license agreement from the District for a new multi-use path segment that will be constructed along the CDO wash bank between the First Ave. bridge and Steam Pump Village. In response to this request, the District developed a single license agreement to consolidate the existing active license agreements and include the new multi-use path segment. This license agreement is included as Attachment 2.

BACKGROUND OR DETAILED INFORMATION:

This license agreement will allow the Town to build the Canada del Oro Multi-Use Path Project (Phase II) along and on top of the CDO Wash bank area which is owned by the Pima County Regional Flood Control District. The project limits are from the First Avenue Bridge to Steam Pump Village and will include an additional pedestrian bridge. The project is funded with Regional Transportation Funds (RTA) and Federal Transportation Enhancement Funds. Construction is scheduled to start in July 2013 and finish November 2013. The Town will be responsible for the maintenance of the Multi-Use Path, Bridge and Ramada during the 25-year term of the agreement.

FISCAL IMPACT:

Routine and yearly maintenance to the Multi-Use Path, Bridge and Ramada is included in the DIS O&M budget.

SUGGESTED MOTION:

I MOVE to (adopt or deny) Resolution No. (R)13-13, Approving and accepting a Pima County Regional Flood Control District License to manage, operate, repair and maintain the Canada Del Oro Multi-Use Path.

Attachments

Attachment 1 - (R)13-13 PCRFCD License

Attachment 2 - License Agreement

RESOLUTION NO. (R)13-13

A RESOLUTION OF MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, APPROVING AND ACCEPTING A PIMA COUNTY REGIONAL FLOOD CONTROL DISTRICT (“DISTRICT”) LICENSE TO MANAGE, OPERATE, REPAIR AND MAINTAIN THE CANADA DEL ORO MULTI USE PATH

WHEREAS, the District previously granted a license for the use of Canada Del Oro Wash for the purpose of managing, operating, repairing, and maintaining the existing path; and

WHEREAS, the District previously granted a license for the use of Canada Del Oro Wash for the purpose of constructing, managing, operating, repairing and maintaining an additional segment of the linear park; and

WHEREAS, the District previously granted a license for the use of Canada Del Oro Wash for the purpose of managing, operating, repairing, and maintaining a public pedestrian bridge and shade pavilion; and

WHEREAS, it is in the best interest of the Town to consolidate the existing licenses into one agreement, otherwise known as the Pima County Regional Flood Control District License to manage, operate, repair and maintain the Canada Del Oro Multiuse Path, attached hereto as Exhibit “A”.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Oro Valley, Arizona, that:

1. The Pima Regional Flood Control District License to manage, operate, repair and maintain the Canada Del Oro Multiuse Path is hereby authorized and approved.
2. The Mayor and other administrative officials of the Town of Oro Valley are hereby authorized to take such steps as are necessary to execute and implement the terms for the Pima County Regional Flood Control District License for Encroachment.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona this 20th day of March, 2013.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

Julie K. Bower, Town Clerk

Date: _____

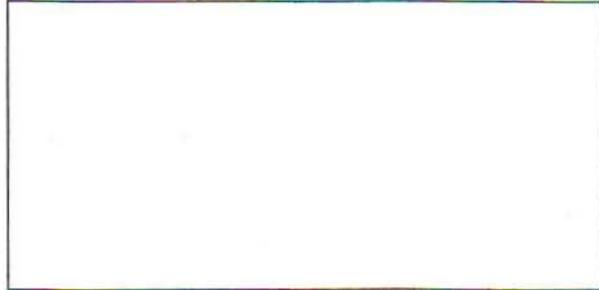
APPROVED AS TO FORM:

Tobin Sidles, Interim Town Attorney

Date: _____

EXHIBIT "A"

For Recorder's Use Only



**PIMA COUNTY REGIONAL FLOOD CONTROL DISTRICT
LICENSE FOR ENCROACHMENT**

THIS AGREEMENT is made between the Pima County Regional Flood Control District, a political taxing subdivision of the State of Arizona, ("District"), and the Town of Oro Valley, Arizona, a municipal corporation ("Licensee"). The parties agree as follows:

RECITALS

WHEREAS, the District previously granted the following Licenses to the Town of Oro Valley for the use of District property:

1. License for Encroachment approved 11/9/04 and recorded 11/19/04 in Sequence 20042240291.
2. License Amendment No. 1 approved 3/21/06 and recorded 3/28/06 in Sequence 20060590240.
3. License approved 7/6/10, Contract No. 12-59-O-143118-0710.
4. License approved 7/6/10, Contract No. 12-59-O-143119-0710, and

WHEREAS, District and Licensee wish to consolidate the above licenses into one agreement,

NOW THEREFORE, District and Licensee agree that this License for Encroachment shall supersede and replace the previous licenses listed above, under the terms and conditions as follows:

1. Grant of Permission. In consideration of the terms and conditions contained herein, the District hereby grants permission, revocable and terminable as provided herein, to

Licensee to enter upon and use the District's real property described as the Canada del Oro Wash and further identified in the attached Exhibits "A-1" and "A-2" for the purpose of managing, operating, repairing and maintaining an existing public pedestrian path, and in the attached Exhibit "A-3" for the purpose of constructing, managing, operating, repairing and maintaining an additional segment of the linear park, and in the attached Exhibits "B" and "C" for the purpose of managing, operating, repairing and maintaining a public pedestrian bridge and shade pavilion (collectively the "Encroachments") in accordance with the terms and conditions of this License.

2. Hold Harmless. All costs associated with the Encroachments shall be at the sole expense of Licensee and District shall not be liable for any costs, claims or damages of any kind arising from Licensee's or the public's use of the District's property described in the Exhibits listed above. Licensee assumes responsibility and liability for any bodily injury or damage, including any fatal injury or damage, to any officer, employee, agent, contractor, subcontractor or member of the general public arising as a result of the use of the above described property and the Encroachments thereon. To the fullest extent allowed by law, Licensee hereby agrees to indemnify, defend, and hold harmless the District, its officers, departments, employees, agents and contractors from and against any and all such suits, actions, legal or administrative proceedings, claims, demands, or damages of any kind or nature arising out of this License, which are attributed, in whole or in part to Licensee's use of the property, or to any act or omission of the Licensee, its agents, employees, or anyone acting under its direction, control or on its behalf, whether intentional or negligent in connection with or incident to this License. Licensee's responsibilities shall not extend to the negligence of District, its officers, departments, employees and agents. This indemnity shall survive the termination or expiration of this License for purposes of addressing any claims, demands or damages which occurred or alleged to have occurred during the term of this License.
3. Insurance. Licensee shall acquire and maintain general liability and property damage coverage, including automobile, accident, property damage, and general personal injury liability coverage for all activities involving or directly related to Licensee's and the general public's use of District property under this License. Said policy shall specifically name the District as an additional insured, shall provide a minimum coverage of \$5,000,000 per incident, and shall contain no exceptions to policy coverage. The policy required by this License shall be maintained throughout the term of this License and shall include specific instructions to the insurer that District is to be notified in writing in the event the policy is about to lapse or expire for any reason. This notification shall be required no less than thirty days prior to cancellation. The certificate of insurance shall be supplied on an annual basis to District. Licensee's self-insurance program may satisfy the requirements of this section if Licensee is able to provide appropriate documentation to the Pima County Risk Manager that verifies the Licensee's self-insurance program meets the insurance limits required herein. The loss of this insurance coverage at any time during the term of this License shall be sufficient grounds for immediate termination

of this License by District.

4. Annual Fee. There shall be no annual fee for this License.
5. Permits. This License is not a right of way use permit. Following the granting of this License by District, Licensee shall obtain all applicable federal, state or local permits, which may include a Right-of-Way Use Permit, a County Use Permit, Building Permit or Floodplain Use Permit, necessary for the use of District property as authorized by this License.
6. Safety. The management, operation and maintenance of the Encroachments shall not, at any time, interfere with the general health, safety and welfare of the citizens of Pima County, nor shall said use impede, obstruct or interfere with the basic purpose and value of the District property for flood control purposes.
7. Term. This License shall run for a period of 25 (twenty-five) years from the date this License is executed by Pima County Flood Control District Board of Directors. Notwithstanding any other condition, this License may be terminated by either party or revoked by District upon ninety days' written notice to the other. District may terminate or revoke by recording a termination or revocation statement executed by the Manager of the Real Property Services of the Public Works Administration. The indemnifications set forth in Paragraph 2 above shall survive the termination or revocation of this License.
8. Underground Facilities. If Encroachments include any underground facilities, Licensee is required to maintain a membership with Arizona Blue Stake, Inc., or its successors or assigns, throughout the term of this License.
9. Licensee Has No Interest or Estate. Licensee agrees that it has no claim, interest, or estate at any time in the District property by virtue of this License or its use hereunder. Upon termination or revocation of this License, Licensee shall have no right of entry upon the property.
10. Conflict of Interest. This License is subject to A.R.S. § 38-511 which provides for cancellation of contracts for certain conflicts of interest.
11. Notices. All notices or demands by any party to the other shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Town of Oro Valley:

Jose Rodriguez, P.E.
Engineering Division Manager
Development and Infrastructure

Pima County Regional Flood Control District:

Christopher C. Cawein, Deputy Director
Pima County Regional Flood Control District
97 E. Congress, 3rd Floor

Services Department
Town of Oro Valley
11000 N. La Canada Dr.
Oro Valley, AZ 85737

Tucson, AZ 85701

IN WITNESS WHEREOF, the parties hereto accept, approve and have executed this License as demonstrated below.

ATTEST

LICENSEE: TOWN OF ORO VALLEY

Julie Bower, Town Clerk

Dr. Satish I. Hiremath, Mayor

Approved as to form:

Tobin Sidles, Interim Attorney for the Town of Oro Valley

PIMA COUNTY FLOOD CONTROL DISTRICT

Chairman, Pima County Board of Directors

ATTEST:

Robin Brigode, Clerk of the Board

Approved as to form:



Deputy County Attorney

EXHIBIT "A-1"

Stantec Consulting Inc.
201 North Bonita Avenue
Tucson AZ 85745-2999
Tel: (520) 750-7474 Fax: (520) 750-7470
stantec.com



Stantec

Legal Description of a Public Pedestrian Easement

DESCRIPTION of an easement to be used for a public pedestrian footpath. Said easement is on a parcel of land located in Sections 5,6 & 7, Township 12 South, Range 14 East, Gila & Salt River Meridian, Pima County, Arizona. Said easement being more fully described as follows:

COMMENCING AT the northeast corner of said Section 7;

Thence along the north line of said Section 7, North 89°39'55" West, a distance of 397.15 feet to the southeasterly boundary of Canada Del Oro Wash;

Thence, continuing North 89°39'55" West along the northern section line of said Section 7, a distance of 74.11 feet to the TRUE POINT OF BEGINNING;

Thence, South 54°08'21" West, a distance of 946.24 feet;

Thence, South 43°35'33" West, a distance of 30.64 feet;

Thence, South 52°33'30" West, a distance of 103.41 feet;

Thence, South 56°38'20" West, a distance of 14.76 feet;

Thence, South 58°22'26" West, a distance of 70.04 feet;

Thence, South 56°50'52" West, a distance of 46.05 feet;

Thence, South 53°58'46" West, a distance of 55.18 feet;

Thence, South 53°56'36" West, a distance of 37.76 feet;

Thence, North 35°47'26" West, a distance of 16.00 feet;

Thence, North 53°56'36" East, a distance of 37.69 feet;

Thence, North 53°58'46" East, a distance of 55.59 feet;

Buildings

Environment

Industrial

Transportation

Urban Land

EXHIBIT "A-1" (con't)

Reference: 85000572-78 – Steam Pump Ranch

Thence, North 56°50'52" East, a distance of 46.66 feet;
Thence, North 58°22'26" East, a distance of 70.01 feet;
Thence, North 56°38'20" East, a distance of 11.86 feet;
Thence, North 19°11'16" West, a distance of 17.64 feet;
Thence, North 61°10'54" East, a distance of 69.61 feet;
Thence, North 54°08'21" East, a distance of 1024.73 feet;
Thence, North 56°05'25" East, a distance of 1209.65 feet;
Thence, North 60°00'49" East, a distance of 141.25 feet;
Thence, North 21°01'41" West, a distance of 21.26 feet;
Thence, North 64°07'04" East, a distance of 74.22 feet;
Thence, North 57°39'54" East, a distance of 169.53 feet;
Thence, North 60°44'50" East, a distance of 132.53 feet;
Thence, North 62°19'27" East, a distance of 101.05 feet;
Thence, North 64°56'32" East, a distance of 108.25 feet;
Thence, North 66°38'25" East, a distance of 140.02 feet;
Thence, North 72°18'29" East, a distance of 99.33 feet;
Thence, North 77°23'52" East, a distance of 77.73 feet;
Thence, North 82°23'13" East, a distance of 28.85 feet;
Thence, South 07°36'47" East, a distance of 16.00 feet;
Thence, South 82°23'13" West, a distance of 28.15 feet;
Thence, South 77°23'52" West, a distance of 76.33 feet;
Thence, South 72°18'29" West, a distance of 97.82 feet;

EXHIBIT "A-1" (con't)

Reference: 85000572-78 – Steam Pump Ranch

Thence, South 66°38'25" West, a distance of 138.99 feet;

Thence, South 64°56'32" West, a distance of 107.65 feet;

Thence, South 62°19'27" West, a distance of 100.46 feet;

Thence, South 60°44'50" West, a distance of 131.88 feet;

Thence, South 57°39'54" West, a distance of 134.67 feet;

Thence, South 40°58'43" West, a distance of 52.48 feet;

Thence, South 60°00'49" West, a distance of 203.48 feet;

Thence, South 56°05'25" West, a distance of 1208.83 feet;

Thence, South 54°08'21" West, a distance of 16.91 feet to the TRUE POINT OF BEGINNING.

Said easement containing an approximate area of 60,303 square feet or 1.38 acres of land, more or less.

Prepared by Michael F. York, RLS
Prepared on 22 May 2003
Prepared for and on behalf of Stantec Consulting Inc.
Project Number: 85000572-78

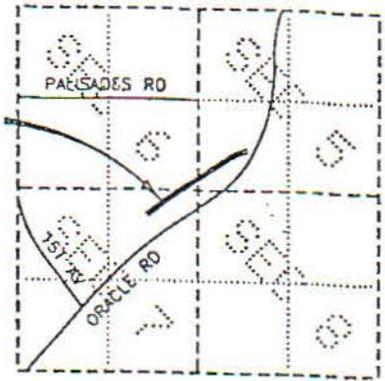
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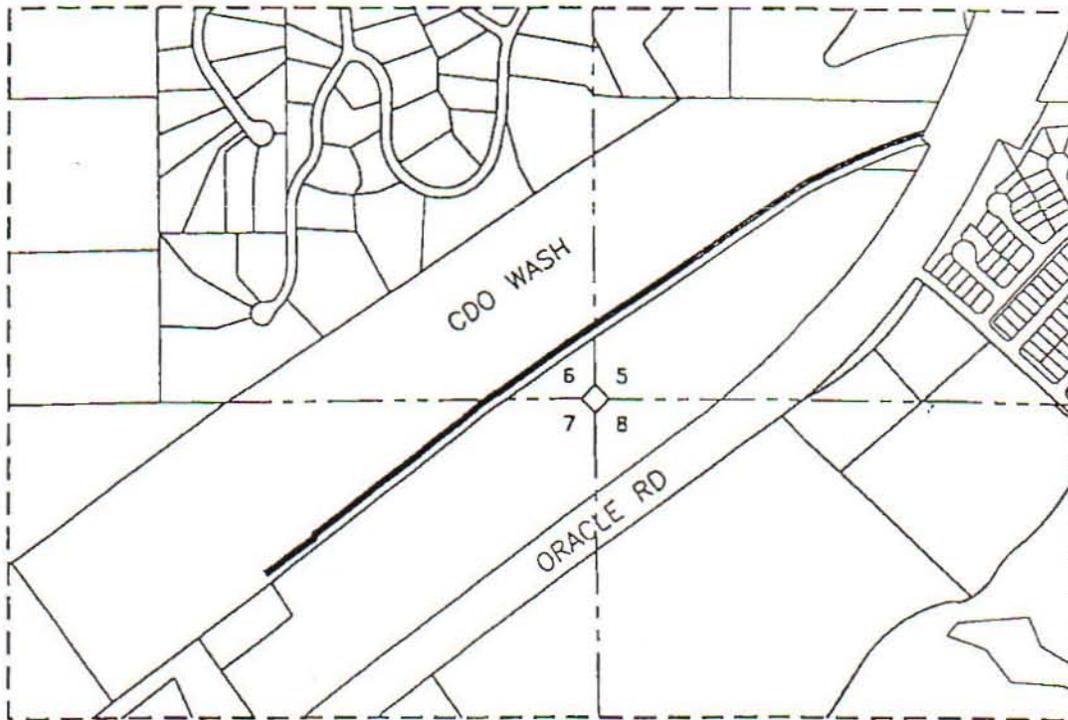
EXHIBIT "A-1"
Depicted

SECTIONS 5, 6, 7 & 8
TOWNSHIP 12 SOUTH
RANGE 14 EAST

SUBJECT AREA



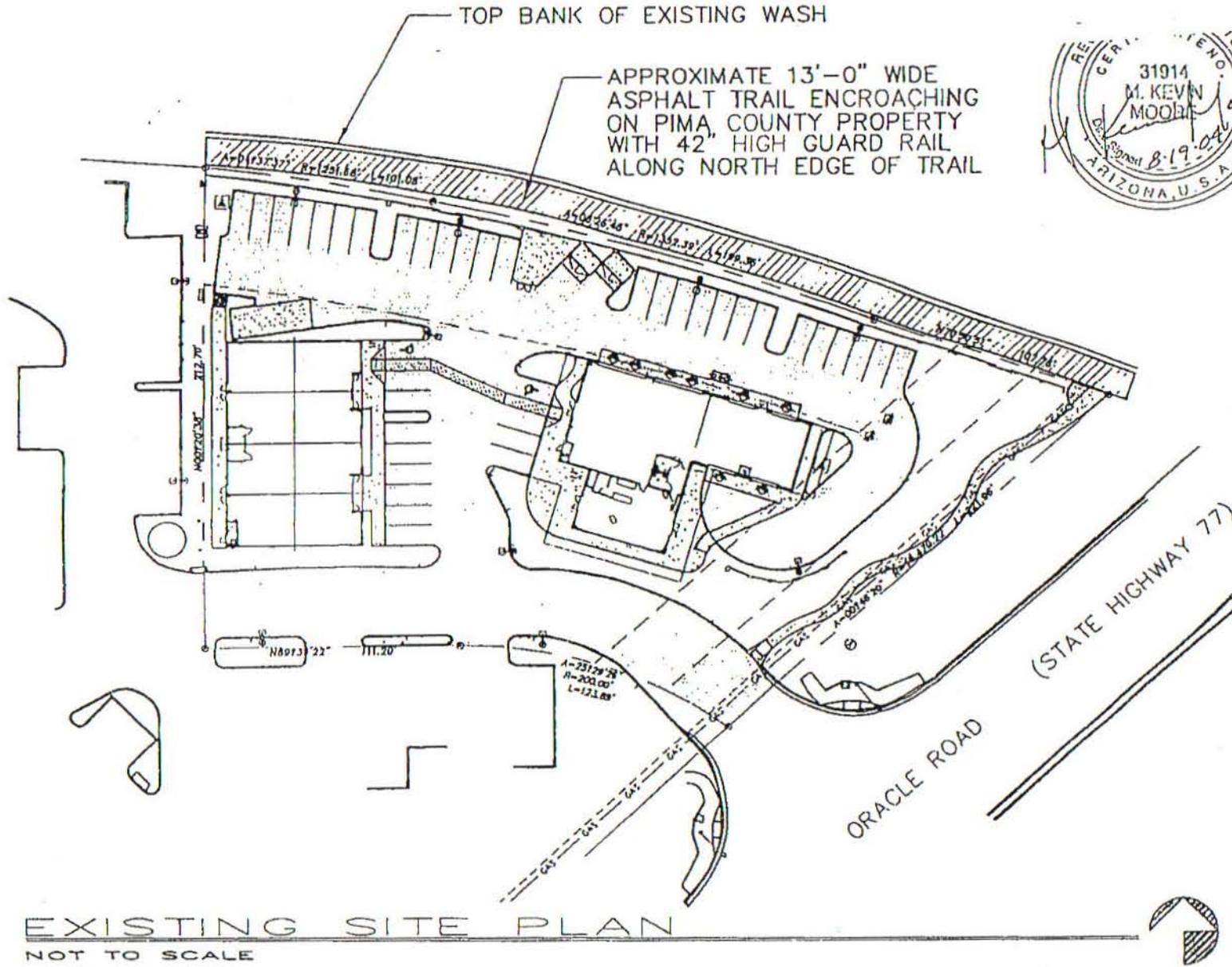
SECTIONS 5, 6, 7 & 8
G&SRB&M
PIMA COUNTY, ARIZONA



— PROPOSED PEDESTRIAN PATH



PIMA COUNTY DEPARTMENT OF TRANSPORTATION
TECHNICAL SERVICES DIVISION



EXISTING SITE PLAN
NOT TO SCALE

- NOTES: 1. EXISTING SITE PLAN INFORMATION PROVIDED BY ARCHITECTURAL TEAM THREE, TEMPE, ARIZONA, DATED 9-30-03.
2. ASPHALT TRAIL LOCATION WAS BASED ON ACTUAL FIELD MEASUREMENTS FROM EXISTING SITE WALL BY PAA ON 8-18-04

PROJECT TITLE:
BIG "O" TIRE SITE ISSUES

SHEET TITLE:
EXISTING SITE PLAN

REFERENCE SHEET:
AS-1

PAA
ARCHITECTS & PLANNERS, INC.
140 W. PRINCE RD., #D
TUCSON, AZ 85704

EXHIBIT "A-3"

CPE CONSULTANTS



EXHIBIT A

CDO MULTI-USE PATH - PROJECT LIMITS

A PORTION OF THE CANADA DEL ORO DRAINAGEWAY AND FIRST AVENUE RIGHT OF WAY AS DESCRIBED IN DOCKET 7420 AT PAGE 1175, DOCKET 7571 AT PAGE 800 AND DOCKET 7102 AT PAGE 887, RECORDS OF PIMA COUNTY, ARIZONA, BEING A PORTION OF SECTION 7, TOWNSHIP 12 SOUTH, RANGE 14 EAST, G&SRM, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 4, ROONEY RANCH PARCEL B, AS RECORDED IN BOOK 65 OF MAPS AND PLATS AT PAGE 22, RECORDS OF PIMA COUNTY, ARIZONA:

THENCE NORTH $51^{\circ}28'07''$ EAST ALONG THE NORTHERLY LINE OF SAID LOT 4, A DISTANCE OF 198.03 FEET TO THE NORTHWEST CORNER OF LOT 2 OF SAID ROONEY RANCH;

THENCE NORTH $51^{\circ}30'03''$ EAST ALONG THE NORTHERLY LINE OF SAID LOT 2, A DISTANCE OF 376.45 FEET TO THE NORTHWEST CORNER OF LOT 1 OF SAID ROONEY RANCH;

THENCE NORTH $51^{\circ}30'10''$ EAST ALONG THE NORTHERLY LINE OF SAID LOT 1, A DISTANCE OF 212.32 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 1,251.68 FEET, TO WHICH POINT A RADIAL LINE BEARS NORTH $22^{\circ}26'39''$ WEST;

THENCE EASTERLY ALONG SAID CURVE AND NORTHERLY LINE OF SAID LOT 1, THROUGH A CENTRAL ANGLE OF $27^{\circ}35'42''$, AN ARC DISTANCE OF 602.84 FEET,

THENCE LEAVING SAID NORTHERLY LINE, NORTH $33^{\circ}14'23''$ EAST, 178.37 FEET TO WESTERNMOST CORNER OF THAT PARCEL DESCRIBED IN DOCKET 13117 AT PAGE 683, RECORDS OF PIMA COUNTY, ARIZONA, SAID POINT BEING ON THE NORTH-SOUTH MID-SECTION LINE OF SAID SECTION 7.

EXHIBIT "A-3" (con't)

THENCE NORTH $00^{\circ}53'22''$ WEST ALONG SAID MID-SECTION LINE, AND THE WESTERLY LINE OF SAID PARCEL, 303.50 FEET TO THE NORTHWEST CORNER, THENCE:

THENCE NORTH $53^{\circ}30'56''$ EAST ALONG THE NORTHERLY LINE OF SAID PARCEL, 1367.40 FEET TO THE NORTHEAST CORNER, THENCE, SAID POINT BEING THE NORTHWEST CORNER OF LOT 8 OF SIAM PUMP VILLAGE RETAIL CENTER AS RECORDED IN BOOK 64 OF MAPS AND PLATS AT PAGE 29, RECORDS OF PIMA COUNTY, ARIZONA.

THENCE NORTH $53^{\circ}30'56''$ EAST, 50.00 FEET;

THENCE NORTH $36^{\circ}29'04''$ WEST, 75.00 FEET;

THENCE SOUTH $53^{\circ}30'56''$ WEST, 1363.71 FEET TO A POINT ON THE NORTH-SOUTH MID-SECTION LINE OF SAID SECTION 7, FROM WHICH POINT THE NORTH QUARTER CORNER OF SAID SECTION 7 BEARS NORTH $00^{\circ}53'22''$ WEST, 1,516.64 FEET DISTANT;

THENCE CONTINUE SOUTH $53^{\circ}30'56''$ WEST, 64.85 FEET;

THENCE SOUTH $51^{\circ}30'10''$ WEST, 1,076.49 FEET;

THENCE SOUTH $51^{\circ}30'03''$ WEST, 376.45 FEET;

THENCE NORTH $38^{\circ}41'32''$ WEST, 15.00 FEET;

THENCE SOUTH $51^{\circ}28'07''$ WEST, 294.40 FEET TO A POINT ON THE CENTERLINE OF FIRST AVENUE AS DESCRIBED IN DOCKET 7571 AT PAGE 800 RECORDS OF PIMA COUNTY, ARIZONA, FROM WHICH POINT A BRASS CAPPED SURVEY MONUMENT STAMPED RLS 32233 BEARS NORTH $38^{\circ}32'24''$ WEST, 1,142.83 FEET DISTANT;

THENCE CONTINUE SOUTH $51^{\circ}28'07''$ WEST, 149.99 FEET;

THENCE SOUTH $38^{\circ}31'53''$ EAST, 90.00 FEET TO THE NORTH LINE OF THAT PARCEL DESCRIBED IN DOCKET 9770 AT PAGE 2753 RECORDS OF PIMA COUNTY, ARIZONA;

THENCE NORTH $51^{\circ}28'07''$ EAST ALONG THE NORTH LINE OF SAID PARCEL, 150.00 FEET TO A POINT ON THE CENTERLINE OF FIRST AVENUE AS DESCRIBED IN DOCKET 7571 AT PAGE 800 RECORDS OF PIMA COUNTY, ARIZONA, FROM WHICH POINT A BRASS CAPPED SURVEY MONUMENT STAMPED RLS 32233 BEARS SOUTH $38^{\circ}32'24''$ EAST, 507.21 FEET DISTANT;

THENCE CONTINUE NORTH $51^{\circ}28'07''$ EAST, 96.35 FEET TO THE POINT OF BEGINNING.

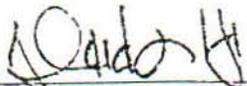
CONTAINING 8.87 ACRES, MORE OR LESS.

EXHIBIT "A-3" (con't)

THE BASIS OF BEARING IS SOUTH 38°32'24" EAST BETWEEN THE 2 BCSTM'S STAMPED RLS 32253 ON FIRST AVENUE NORTH OF ORACLE ROAD OVER THE CDO WASH. SAID BEARING WAS ESTABLISHED BY OCCUPYING PIMA COUNTY CITY OF TUCSON DOT GLODITIC CONTROL POINT 121, A GLO BCSTM FOR THE CORNER OF SECTIONS 1, 2, 11, AND 12, T12S R13E, AT THE NORTHWEST CORNER OF THE INTERSECTION OF NARANJA DRIVE AND MONTEFERRA VISTA DRIVE, AND USING GLODITIC CONTROL POINT NO. 127, A STAINLESS STEEL ROD IN A CASTING AT THE NORTHEAST CORNER OF ORACLE ROAD AND LINDA VISTA ROAD, FOR AZIMUTH PURPOSES ONLY.



EXPIRES 12/31/2014



J. LEONARD FONTES JR., R.L.S.

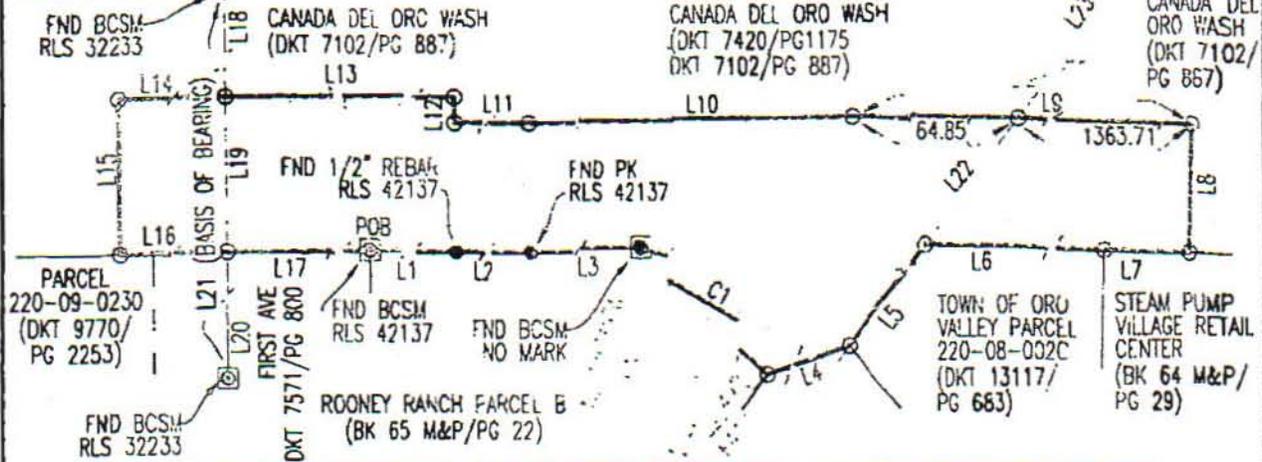
EXHIBIT "A-3" (Depicted)

DEPICTION OF EXHIBIT "A"
PROJECT LIMITS - CDO MULTI-USE PATH

PORTION OF CDO WASH AND FIRST AVENUE
DKT 7420/PG 1175, DKT 7571/PG 800, & DKT 7102/PG 887,
SECTION 7, T12S, R14E, G&SRM, PIMA COUNTY, AZ

N1/4 COR. SEC 7
GLO MARKED STONE

SCALE: 1"=100'



LINE	LENGTH	BEARING
L1	198.03'	N51°28'07"E
L2	376.45'	N51°30'03"E
L3	212.32'	N51°30'10"E
L4	178.37'	N33°14'23"E
L5	303.50'	N00°53'22"W
L6	1367.40'	N53°30'56"E
L7	50.00'	N53°30'56"E
L8	75.00'	N36°29'04"W
L9	1428.56'	S53°30'56"W

LINE	LENGTH	BEARING
L10	1076.49'	S51°30'10"W
L11	376.45'	S51°30'03"W
L12	15.00'	N38°41'32"W
L13	294.40'	S51°28'07"W
L14	149.99'	S51°28'07"W
L15	90.00'	S38°31'53"E
L16	150.00'	N51°28'07"E
L17	96.35'	N51°28'07"E
L18	1142.83'	S38°32'24"E

LINE	LENGTH	BEARING
L19	90.00'	S38°32'24"E
L20	307.21'	S38°32'24"E
L21	1540.04'	S38°32'24"E
L22	92.23'	S00°53'22"E (C)
L23	1516.64'	S00°53'22"E (C)

CURVE	LENGTH	RADIUS	DELTA
C1	602.84'	1251.68'	27°35'42"

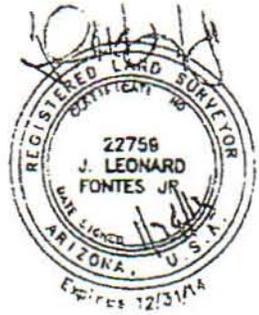
BASIS OF BEARING

THE BASIS OF BEARING IS SOUTH 38°32'24" EAST BETWEEN THE 2 BCSM'S STAMPED RLS 32233 ON FIRST AVENUE NORTH OF ORACLE ROAD OVER THE CDO WASH. SAID BEARING WAS ESTABLISHED BY OCCUPYING PIMA COUNTY/CITY OF TUCSON DOT GEODETIC CONTROL POINT E21, A GLO BCSM FOR THE CORNER OF SECTIONS 1, 2, 11, AND 12, T12S, R13E, AT THE NORTHWEST CORNER OF THE INTERSECTION OF NARANJA DRIVE AND MONTERRA VISTA DRIVE, AND USING GEODETIC CONTROL POINT NN 127, A STAINLESS STEEL ROD IN A CASTING AT THE NORTHEAST CORNER OF ORACLE ROAD AND LINDA VISTA ROAD, FOR AZIMUTH PURPOSES ONLY

LEGEND SYMBOLS

- POB POINT OF BEGINNING
- BCSM AS NOTED
- FOUND MONUMENT AS NOTED
- CALCULATED POINT
- (C) CALCULATED BEARING AND DISTANCE

PROJECT AREA
386,294 SF (8.87 AC)



CPE CONSULTANTS

JOB NO. 274
01/23/2013

378 N. Main Avenue
Tucson, AZ 85701
520-545-7001



EXHIBIT "B"

**EXHIBIT -
LEGAL DESCRIPTION**

A temporary construction easement, lying in the Southwest one quarter of section 5, Township 12 South, Range 14 East, GSRM, Pima County Arizona, more particularly described as follows:

BEGINNING at a point which bears South 33 degrees 09 minutes 04 seconds East, a distance of 1979.84 feet, from the West one quarter corner of said section 5; and also bears North 47 degrees 49 minutes 50 seconds East, a distance of 1441.37 feet, from the Southwest corner of said section 5, and also bears North 58 degrees 04 minutes 22 seconds West, a distance of 1797.75 feet, from the South one quarter corner of said section 5;

THENCE North 24 degrees 41 minutes 17 seconds West, a distance of 564.00 feet,

THENCE North 65 degrees 18 minutes 44 seconds East, a distance of 375.00 feet;

THENCE North 80 degrees 03 minutes 34 seconds East, a distance of 526.32 feet;

THENCE South 40 degrees 36 minutes 55 seconds West, a distance of 466.25 feet;

THENCE South 65 degrees 15 minutes 07 seconds West, a distance of 110.38 feet;

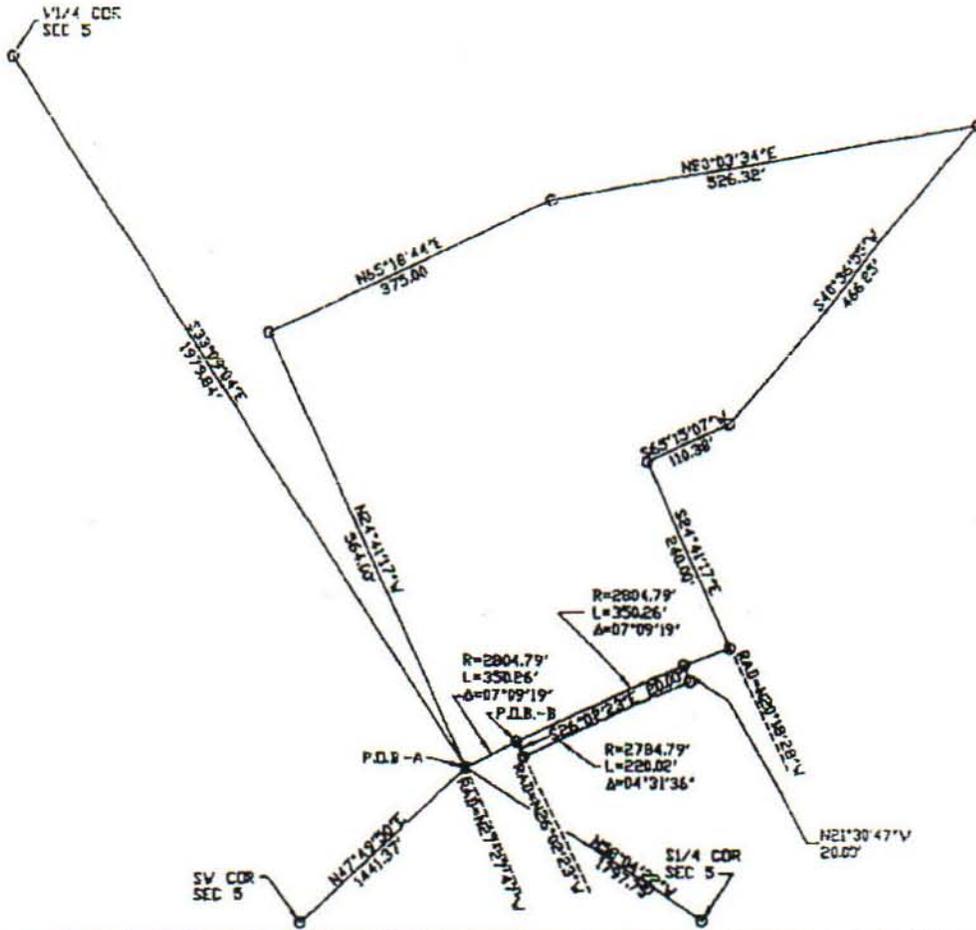
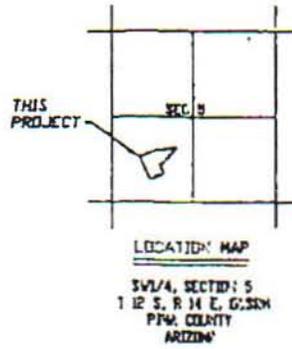
THENCE South 24 degrees 41 minutes 17 seconds East, a distance of 240.00 feet, to a point on a non-tangent curve. A radial line through said point bears North 20 degrees 18 minutes 28 seconds West;

THENCE 350.26 feet along the arc of said curve, to the left, concave Southeasterly, having a radius of 2804.79 feet, through a central angle of 07 degrees 09 minutes 19 seconds, to the POINT OF BEGINNING.

Containing 297,199 sq. ft. or 6.823 acres more or less.


Stan G. Farn
Expires 09-30-09

EXHIBIT "B" (Depicted)



TEMPORARY
CONSTRUCTION
EASEMENTS

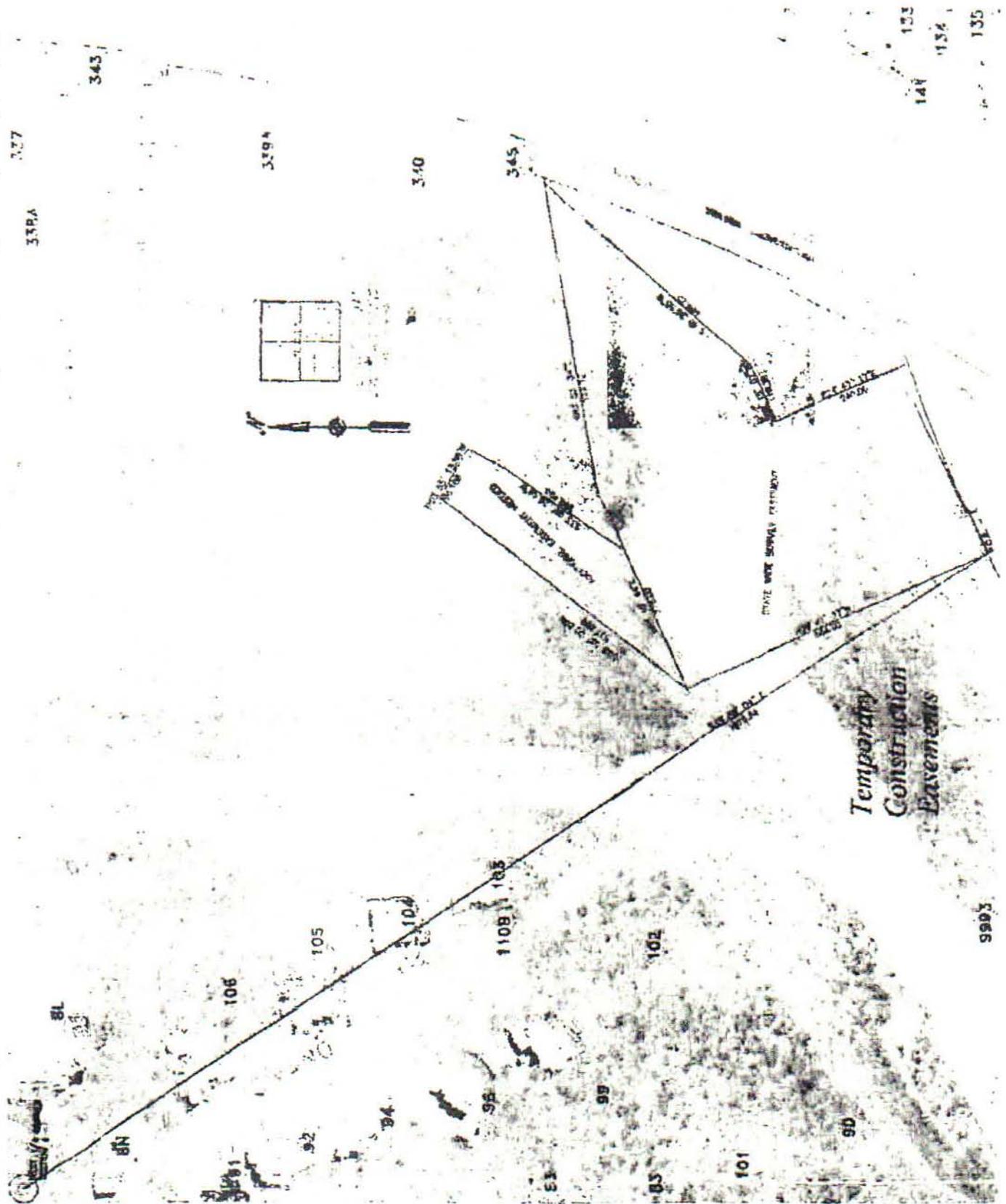
SW1/4 SECTION 5, TOWNSHIP 12 SOUTH, RANGE 14 EAST

JOB NO.	DATE	SHEET
26077	10-13-2006	1 OF 1



10141 N RANCHO SENDRA DR.
DRY VALLEY AZ. 85737
(360) 219-4506

EXHIBIT "C"





Town Council Regular Session

Item # **D.**

Meeting Date: 03/20/2013
Submitted By: Julie Bower, Town Clerk's Office
Department: Town Clerk's Office

Information

SUBJECT:

Appointment of Tucson City Court Judge, the Honorable Michael Pollard, as the Town's Judge Pro Tem for the Regional Municipalities Veteran's Treatment Court (RMVTC)

RECOMMENDATION:

The Town Magistrate, the Honorable George Dunscomb, recommends that Judge Michael Pollard be appointed judge pro tem of the Oro Valley Magistrate Court so that Judge Pollard may preside over Oro Valley cases that involve military veterans.

EXECUTIVE SUMMARY:

The Regional Municipalities Veteran's Treatment Court is a cooperative effort of the Oro Valley Magistrate Court, Marana Municipal Court, Sahuarita Municipal Court, South Tucson Municipal Court, Tucson City Court and the Southern Arizona Veterans Administration Health Care System (SAVAHCS). Its goal is to assist veterans who are homeless, have a substance abuse problem or other issues. Rather than arresting and jailing veteran offenders for a few days or weeks only to return them to the same type of life, this court connects them to Veterans Administration (VA) resources. Through the RMVTC, veterans will be offered the opportunity for both the legal and the VA systems to engage them and offer support.

Judge Pollard, of the Tucson Municipal Court, put the RMVTC together, coordinating with the Veterans Administration and the University of Arizona College of Law. All cases of eligible veterans that are filed in Oro Valley Magistrate Court will be transferred to the RMVTC, which resides in Tucson City Court, and Judge Pollard will handle all of the cases from there. For him to do that, he will need to have the authority to act on those cases. This appointment as a judge pro tempore gives him that authority.

BACKGROUND OR DETAILED INFORMATION:

There is much documented evidence that a significant number of the veterans who returned from the Vietnam conflict experienced rather severe problems adjusting to civilian life. Many veterans remained untreated for a long period of time. The VA recognizes that many of the veterans who have fought in the current wars in Iraq and Afghanistan are returning with mental health problems. Nationally, the VA is in the process of identifying veterans in need of services and offering treatment in a timely manner. Admitting to mental health problems is not something that comes easily for the men and women who have served in the armed forces. The challenge for the VA is to offer interventions whenever and wherever opportunities occur. The SAVAHCS and the Tucson legal community are working jointly to engage veterans through the RMVTC.

An early sign that a veteran may have unaddressed problems may be when they first break the law. The RMVTC offers opportunity for the VA to engage veterans and offer treatment as an alternative to

time in jail. Men and women who have served the country are entitled to the best care the VA can provide. Through the RMVTC, veterans will be offered the opportunity for both the legal and the VA systems to engage them and offer support.

The RMVTC is a specialty court within the justice system that assists veterans, as defined by federal law. The eligible veterans are those having misdemeanor charges except for charges involving sexual offenses or violent crimes. The veteran must be willing to accept and engage in assistance from the VA to address treatment, rehabilitation, housing needs and/or employment referrals.

Veterans who want to participate in the rehabilitative program will initially agree to participate in the program and be evaluated for eligibility by the SAVAHCs. The outcome of the case will be delayed until they have completed the RMVTC and treatment.

FISCAL IMPACT:

The financial impact on the Town would be negligible. These types of cases typically result in diversion with the fine being waived if the defendant completes intensive counseling or therapy.

SUGGESTED MOTION:

I MOVE to appoint Michael Pollard as an Oro Valley Magistrate Court Judge Pro Tem.

Attachments

Eligible RMVTC Offenses

ELIGIBLE RMVTC OFFENSES:

Any offense which is Diversion Eligible, including but not limited to:

1. Child Passenger Restraint Violation
2. Criminal Speeding
3. DIP
4. DSL
5. Expired Out of State Reg.
6. Expired Reg.
7. False ID to Enter Bar
8. Fictitious Plates
9. GCIP
10. Leash Law
11. No Vaccination (Dog)
12. No License (Dog)
13. MIP
14. No ID/License
15. NMBP
16. No Medical Cert.
17. NPI
18. Panhandling
19. Park After Hours
20. Solicit from Median
21. UPNP
22. UPOM
23. UPPD
24. UIP
25. Shoplifting
26. Assault
27. Criminal Damage
28. Criminal Trespass
29. DV cases subject to Prosecutor Approval
30. Threatening and Intimidating
31. Endangerment
32. Custodial Interference
33. Violation of a Court Order
34. Disorderly Conduct
35. Loitering
36. Biting Dog
37. Prostitution
38. Contributing to Delinquency/Dependency
39. Baby DUI (under .03 BAC only)
40. Furnishing Alcohol to a Minor
41. Furnishing Tobacco to a Minor
42. Failure to Appear
43. Fireworks in the City
44. Burning without a Permit
45. Criminal Littering
46. Theft
47. Open Container
48. Permit an unauthorized minor to drive
49. Resisting Arrest
50. Hindering Prosecution in 2nd Degree
51. Failure to obey a police officer
52. False Information
53. Dog on School Grounds
54. Male fowl in the city
55. Pig in the City



Town Council Regular Session

Item # **E.**

Meeting Date: 03/20/2013

Requested by: Daniel G. Sharp **Submitted By:** Colleen Muhr, Police Department

Department: Police Department

Information

SUBJECT:

Resolution No. (R)13-14, Approving Contract Amendment Two (#02) to the Intergovernmental Agreement, Contract No. 01-11-O-140770-0408, between Pima County and the Town of Oro Valley for the Pima Regional Special Weapons and Tactics Team, extending the agreement date to April 14, 2018

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

Contract Amendment Two, attached, extends the original IGA to April 14, 2018.

BACKGROUND OR DETAILED INFORMATION:

Resolution No. (R)08-04 was approved by Council on February 20, 2008, authorizing an Intergovernmental Agreement (IGA) between the Town of Oro Valley, Pima County, and member agencies for the participation and administration of a multi-agency task force in the Tucson metropolitan area.

Resolution No. (R)10-15 was approved by Council on April 7, 2010 expanding the provisions of the IGA to include a Bomb Squad Element in the Regional SWAT Team, the goal being to expand the Town of Oro Valley Police Department's response and investigative tools within this partnership.

FISCAL IMPACT:

There is no fiscal impact associated with this amendment.

SUGGESTED MOTION:

I MOVE to (adopt or deny) Resolution No. (R)13-14, authorizing and approving Amendment No. Two (#02) to the Intergovernmental Agreement, Contract No. 01-11-O-140770-0408, between Pima County and the Town of Oro Valley for the Pima Regional Special Weapons and Tactics Team, extending the AGREEMENT date to April 14, 2018.

Attachments

(R)13-14 Amendment #2 to SWAT IGA
Amendment #2

RESOLUTION NO. (R)13-14

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, APPROVING AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN PIMA COUNTY AND THE TOWN OF ORO VALLEY FOR THE PIMA REGIONAL SPECIAL WEAPONS AND TACTICS TEAM

WHEREAS, the Town of Oro Valley pursuant to Arizona Revised Statutes (A.R.S.) § 11-952 is authorized to enter into or renew agreements for joint and cooperative action with other public agencies; and

WHEREAS, the Town of Oro Valley is authorized to establish and maintain the Oro Valley Police Department, pursuant to A.R.S. § 9-240 (B)(12); and

WHEREAS, the Town of Oro Valley desires to enter into an amendment to the Intergovernmental Agreement (IGA) with Pima County and other member agencies for the Pima Regional Special Weapons and Tactics Team; and

WHEREAS, the amendment will extend the term of the IGA for a period of five years; and

WHEREAS, it is in the best interest of the Town to enter into the amendment to the IGA, attached hereto as Exhibit "A" and incorporated herein by this reference, to provide for the health, safety and welfare of the residents in the Town of Oro Valley;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Oro Valley, Arizona, that:

1. The Amendment to the Intergovernmental Agreement between the Town of Oro Valley, Pima County and other member agencies in the Tucson metropolitan area designated as the Pima Regional Special Weapons and Tactics Team, attached hereto as Exhibit "A", is hereby approved.
2. The Mayor, the Chief of Police and other administrative officials are hereby authorized to take such steps as necessary to execute and implement the terms of the amendment.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona, this 20th day of March, 2013.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie K. Bower, Town Clerk

Tobin Sidles, Interim Town Attorney

Date: _____

Date: _____

EXHIBIT "A"

<p>PIMA COUNTY SHERIFF'S DEPARTMENT</p> <p>PROJECT: PIMA REGIONAL S.W.A.T. TEAM</p> <p>CONTRACTOR: Pima County, Town of Oro Valley, Town of Marana, City of South Tucson, Town of Sahuarita, Pascua Yaqui Nation and Tucson Airport Authority.</p> <p>CONTRACT NO.:</p> <p>CONTRACT AMENDMENT NO.: Two (#02)</p>	
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ORIG. CONTRACT TERM: 03/23/2005 - 03/22/2013	ORIG. CONTRACT AMOUNT: \$150,000.00
TERMINATION DATE PRIOR AMENDMENT: 04/13/2013	PRIOR AMENDMENTS: \$0.00
TERMINATION THIS AMENDMENT: 04/13/2018	AMOUNT THIS AMENDMENT: \$0.00
	REVISED CONTRACT AMOUNT: \$150,000.00

CONTRACT AMENDMENT

WHEREAS, COUNTY and CONTRACTOR entered into a Contract for services as referenced above; and

WHEREAS, CONTRACTOR and COUNTY, pursuant to Article IV - Term, have agreed to extend the Contract term for a period of five years; and

NOW, THEREFORE, it is agreed as follows:

Change: ARTICLE V – Term:

From: "...shall terminate on the 14th day of April, 2013..."

To: "...shall terminate on the 14th day of April, 2018..."

The effective date of this Amendment shall be April 13, 2013.

(THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK)



Town Council Regular Session

Item # **1.**

Meeting Date: 03/20/2013
Requested by: David Williams
Submitted By: David Williams, Development Infrastructure Services
Department: Development Infrastructure Services

Information

SUBJECT:

DISCUSSION AND POSSIBLE ACTION TO INITIATE A ZONING CODE AMENDMENT TO SECTION 27.10, ENVIRONMENTALLY SENSITIVE LANDS (ESL), TO CLARIFY APPLICABILITY PROVISIONS WITH REGARD TO GENERAL PLAN AMENDMENTS, REZONINGS AND OTHER DEVELOPMENT APPLICATIONS

RECOMMENDATION:

Staff recommends initiation of an Amendment to the Zoning Code to correct inconsistencies in Section 27.10 related to the applicability of Environmentally Sensitive Lands regulations.

EXECUTIVE SUMMARY:

This item was requested by Councilmembers Burns and Snider as a result of inconsistencies identified in the ESL regulations during review of a major General Plan amendment in 2012. The ESL regulations were adopted in 2011.

This agenda item is to discuss and possibly take action to initiate a Zoning Code Amendment to Section 27.10, Environmentally Sensitive Lands (ESL). The code amendment would clarify applicability provisions with regard to General Plan Amendments, rezonings and other development applications. If initiated, the amendment would also correct minor formatting inconsistencies and clarify ESL requirements and review processes.

BACKGROUND OR DETAILED INFORMATION:

This item was requested in order to address an issue that arose in December, 2012. During review of the Desert Springs major General Plan amendment case, it became evident that the Zoning Code language regarding ESL applicability was ambiguous. The key concern was whether the ESL provisions should be applied during a Major General Plan amendment case, and specifically to the Desert Springs case. As ESL should be addressed during all land use cases, this ambiguity needs to be corrected.

The ESL regulations were adopted in 2011. The scope of this amendment is minor and is intended to correct known problems. The code amendment would:

- Clarify applicability provisions with regard to General Plan Amendments, rezonings and other development applications,
- Correct minor formatting inconsistencies and,
- Clarify ESL requirements and review processes (Town processes have changed since ESL adoption).

As with all Zoning Code amendments, the Planning and Zoning Commission will review the proposed changes and make a specific recommendation to the Town Council. Both the Commission's review and

subsequent Council action must take place at an advertised public hearing in order to facilitate public input.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to initiate an Amendment to the Oro Valley Zoning Code Revised to correct inconsistencies in Section 27.10 related to the applicability and provisions of the Environmentally Sensitive Lands regulations.
