

MINUTES, FLOOD CONTROL DISTRICT BOARD

SEPTEMBER 16, 2008

The Pima County Flood Control District Board met in regular session in its regular meeting place at Pima County Administration Building (Hearing Room), 130 W. Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, September 16, 2008. Upon roll call, those present and absent were as follows:

All Present:	Richard Elías, Chairman
	Ramón Valadez, Vice Chairman
	Sharon Bronson, Member
	Ray Carroll, Member (arrived 9:10)
	Ann Day, Member
	Lori Godoshian, Clerk

1. **APPEAL OF CHIEF ENGINEER'S DECISION**

Pursuant to Pima County Code, Section 16.56.050, Jeff and Allyson Miller appeal the decision of the Chief Engineer regarding the Floodplain Use Permit No. 07-051RP for property located at 9987 N. Camino de Oeste. (District 1)

Without objection, this item was continued to October 14, 2008.

2. **CONTRACT**

MMLA Psomas, Inc., Amendment No. 2, to provide design engineering services for the Canada del Oro Linear Park: Thornydale Road to Magee Road and amend scope of work, 2004 Bond Fund, contract amount \$18,410.00 (16-59-M-140480-1107)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to approve the contract.

3. **ADJOURNMENT**

The meeting was adjourned at 10:27 a.m.

MINUTES, LIBRARY DISTRICT BOARD

SEPTEMBER 16, 2008

The Pima County Library District Board met in regular session in its regular meeting place at Pima County Administration Building (Hearing Room), 130 W. Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, September 16, 2008. Upon roll call, those present and absent were as follows:

All Present: Richard Elías, Chairman
 Ramón Valadez, Vice Chairman
 Sharon Bronson, Member
 Ray Carroll, Member (arrived 9:10)
 Ann Day, Member
 Lori Godoshian, Clerk

1. **CONTRACTS**

- A. Arizona State Library, Archives and Public Records, to provide for GED programming and renovations at the Nanini Library, ASLAPR Grant Fund, contract amount \$25,000.00 revenue (02-66-A-141263-0708)
- B. Arizona State Library, Archives and Public Records, to provide for the completion of renovations to the third floor of the Main Library, ASLAPR Grant Fund, contract amount \$26,430.00 revenue (02-66-A-141281-0708)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to approve the contracts.

2. **ADJOURNMENT**

The meeting was adjourned at 10:27 a.m.

MINUTES, ZONING ENFORCEMENT BOARD OF APPEALS

SEPTEMBER 16, 2008

The Pima County Zoning Enforcement Board of Appeals met in regular session in its regular meeting place at Pima County Administration Building (Hearing Room), 130 W. Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, September 16, 2008. Upon roll call, those present and absent were as follows:

All Present: Richard Elías, Chairman
 Ramón Valadez, Vice Chairman
 Sharon Bronson, Member
 Ray Carroll, Member (arrived 9:10)
 Ann Day, Member
 Lori Godoshian, Clerk

1. EXECUTIVE SESSIONS

- A. Pursuant to A.R.S. §38-431.03(A)(3) and (4), for legal advice and direction regarding the appeal of the decision of the Hearing Officer in Case No. P08ZV00186, Phillip and Paula Delaney. The Board may also during the course of the hearing and upon motion, enter into executive session.

Without objection, this item was continued to November 18, 2008.

- B. Pursuant to A.R.S. §38-431.03(A)(3) and (4), for legal advice and direction regarding the appeal of the decision of the Hearing Officer in Case No. P08ZV00250–1 and 2, James Hessler. The Board may also during the course of the hearing and upon motion, enter into executive session.

Without objection, this item was continued to October 21, 2008.

- C. Pursuant to A.R.S. §38-431.03(A)(3) and (4), for legal advice and direction regarding the appeal of the decision of the Hearing Officer in Case No. P08BV00109, Patrick D. Daniel. The Board may also during the course of the hearing and upon motion, enter into executive session.

This item was for information purposes only.

2. APPEALS OF HEARING OFFICER DECISIONS

- A. P08ZV00186, Phillip and Paula Delaney
In accordance with the Pima County Code 18.95.030.D, Phillip and Paula Delaney appeal the decision of the Hearing Officer in Case No. P08ZV00186, regarding a violation of the Pima County Zoning Code Section 18.17.020, storage containers not a permitted use in SR zone, on property located at 11111 N. Shannon Rd. (District 1)

Without objection, this item was continued to November 18, 2008.

B. P08ZV00250– 1 and 2, James Hessler

In accordance with the Pima County Code 18.95.030.D, James Hessler appeals the decision of the Hearing Officer in Case No. P08ZV00250–1 and 2, regarding violations of the Pima County Zoning Code Section 18.81.080.C1, failure to obtain a grading permit and Section 18.72.060.A1, removing native plants without an approved plant preservation plan, on property located at 231 N. Vail View Rd. (District 4)

Without objection, this item was continued to October 21, 2008.

C. P08BV00109, Patrick D. Daniel

In accordance with the Pima County Code 18.95.030.D and Building Code Enforcement Rules of Administrative Procedure, Chapter 4, Section 402, Patrick D. Daniel appeals the decision of the Hearing Officer in Case No. P08BV00109, regarding violations of the 2006 Pima County International Building Code Sections 105, Permits; 109, Inspections; 113, Violations; and 114, Stop Work Order, on property located at 11238 E. Old Vail Rd. (District 4)

Robert Farkas, Zoning Inspector, reported that the Hearing Officer's statement was that the building inspector signed the citation and sent it to the defendant. Any masonry structure over 6 feet high required a building permit. The defendant and building inspector testified at the subsequent hearing. Photographs presented by both the inspector and defendant showed masonry columns with a minimum of 20 stacked 8-inch-high concrete blocks with no concrete footing. The calculated height was 13-plus feet. Several columns contained 24 blocks. In the photographs, the relative height of vehicles shown adjacent to columns also illustrated the height. After the Hearing Officer determined the calculated height and that a violation existed, Mr. Daniel stated the columns were less than 6 feet and did not require a permit. He also stated that due to his stacking technique, a stable concrete foundation was unnecessary regardless of the height.

On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and uphold the Hearing Officer's decision.

3. **ADJOURNMENT**

The meeting was adjourned at 10:27 a.m.

MINUTES, BOARD OF SUPERVISORS' MEETING
SEPTEMBER 16, 2008

The Pima County Board of Supervisors met in regular session in its regular meeting place at Pima County Administration Building (Hearing Room), 130 W. Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, September 16, 2008. Upon Roll Call, those present and absent were as follows:

All Present: Richard Elías, Chairman
 Ramón Valadez, Vice Chairman
 Sharon Bronson, Member
 Ray Carroll, Member (arrived 9:10)
 Ann Day, Member
 Lori Godoshian, Clerk

1. **INVOCATION**

The invocation was given by Pastor Craig Coulter of Oro Valley Church of the Nazarene.

2. **PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

3. **PAUSE 4 PAWS**

The Pima County Animal Care Center showcased an animal available for adoption.

4. **EXECUTIVE SESSION**

On consideration, it was moved by Supervisor Valadez, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, that the Board convene to Executive Session at 9:25 a.m.

5. **RECONVENE**

The meeting reconvened at 9:34 a.m. All members were present.

6. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a settlement in Marana Apartments Ltd. Partnership, an Arizona Limited Partnership v. Pima County, a political subdivision of the State of Arizona, Tax Parcel No. 217-37-0630 for the following:

Arizona Tax Court Case Nos.	TX2005-050349	Tax Year 2006
	TX2006-000188	Tax Year 2007
	TX2007-000320	Tax Year 2008
	No suit filed yet	Tax Year 2009

Chris Straub, Chief Civil Deputy County Attorney, stated this case regarded a proposed settlement involving the valuation of low-income subsidized housing apartments (parcel 217-37-0630) at 3603 E. Grant Road. The Full Cash Value

would be decreased for tax year 2006 from \$1,718,400.00 to \$1,173,702.00 and for tax years 2007, 2008 and 2009 from \$1,903,440.00 to \$1,598,890.00. The Pima County Assessor and Attorney's Office recommended acceptance.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to accept the recommendations.

7. **CONSENT CALENDAR:** For consideration and approval

The Chairman inquired whether anyone wished to be heard on any item listed for action on the Consent Calendar. No one appeared. On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to approve the Consent Calendar as presented:

CONSENT CALENDAR ITEMS ARE AS FOLLOWS:

1. **CONTRACTS AND AWARDS**

A. **Community Resources**

1. University Physicians Healthcare, Amendment No. 2, to provide adolescent health care services at the Kino Teen Center and extend contract term to 6/30/09, General Fund, contract amount \$112,500.00 (02-67-U-137393-1105)

B. **Community Services, Employment and Training**

2. RESOLUTION NO. 2008-250, approving an Intergovernmental Agreement with the Arizona Department of Economic Security, to provide space, equipment and supplies for Disability Program Navigator at the One-Stop Career Centers, in-kind services \$4,520.00 (01-69-A-141251-0708)
3. Arizona Department of Economic Security, Amendment No. 8, to provide employment and training services to participants in the County's Workforce Investment Act Programs, WIA Grant Fund, contract amount \$20,000.00 decrease (01-69-A-136196-0405)
4. Arizona Department of Economic Security, Amendment No. 3, to provide employment and training services to eligible residents, WIA Grant Fund, contract amount \$386,975.00 decrease (01-69-A-139730-0407)
5. Portable Practical Education Preparation, Inc., Amendment No. 1, to provide workforce development services to youth and adults and amend contractual language, no cost (07-69-P-141060-0708)

C. **County Attorney**

6. RESOLUTION NO. 2008-251, approving an Intergovernmental Agreement with the City of Tucson, to provide for the Victim Witness Program, City of Tucson Fund, contract amount \$32,450.00 revenue (01-02-T-141247-0708)

D. Environmental Quality

7. Tucson Airport Authority, Amendment No. 1, to provide a private well monitoring program and extend contract term to 6/30/09, Tucson Airport Authority Fund, contract amount \$16,898.00 revenue (11-51-T-140865-0707)

E. Office of Court Appointed Counsel

Award

8. Award of Contracts, Requisition No. 0802175, in the total amount of \$1,800,000.00 to six applicants for court appointed attorney services for the Post Conviction Relief Panel. Each contract is for an initial amount of \$300,000.00 and provides for one renewal for a three-year period to the following vendors. Funding Source: General Fund. Administering Department: Office of Court Appointed Counsel.

Ronald Zack
Erin E. Duffy
Henry Lawrence Jacobs
Daniel W. Anderson
Law Offices of Susan M. Schauf, P.L.L.C
Law Offices of Stephanie K. Bond, P.C.

F. Pima Health System

9. Desert State Dental Anesthesia, L.L.C., Amendment No. 4, to provide dental anesthesia services, extend contract term to 9/30/09 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-D-135211-1104)
10. Alfredo Guevara, Jr., M.D., FACS, Amendment No. 3, to provide urology services, extend contract term to 9/30/09 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-G-136671-1005)

2. SPECIAL EVENT LIQUOR LICENSES APPROVED PURSUANT TO RESOLUTION NO. 2002-273

- A. Shari Lowell, Angel Charities for Children, Inc., Westin La Paloma Resort and Spa, 3800 E. Sunrise Drive, Tucson, December 13, 2008.
- B. Laura Brumbelow, Rincon Institute, 12500 E. Old Spanish Trail, Tucson, September 20, 2008.

3. REAL PROPERTY

Abandonment and Quit Claim Deed

- A. RESOLUTION NO. 2008-252, of the Pima County Board of Supervisors, providing for the vacation by exchange of a portion of McKinley Avenue, Pima County Abandonment No. A-05-07, located just west of the intersection of Interstate 10 and Los Reales Road, in Section 13, T15S, R14E, G&SRM. (District 2)

- B. Quit Claim Deed to Fidelity National Title Agency, Inc., as Trustee under Trust No. 60,219, Of a portion of McKinley Avenue located just west of the intersection of Interstate 10 and Los Reales Road. No revenue. (District 2)

4. **RATIFY AND/OR APPROVE**

Minutes: August 5, 2008

REGULAR AGENDA/ADDENDUM ITEMS

8. **COUNTY ADMINISTRATOR: CLASSIFICATION AND COMPENSATION**

The Transportation Department requests the creation of a new classification for 2370/Environmental Planning and Compliance Officer. There is no cost associated with this position.

Class Code	Class Title	Grade/Range	EEO, O/T Code
2370	Environmental Planning and Compliance Officer	55(\$50,753 - \$75,135)	1, E*

*E-Exempt, Not Paid Overtime

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to approve the new classification.

9. **DIVISION OF ELECTIONS**

- A. The following list of Fire and School Districts have asked that the Board of Supervisors cancel their election and appoint the listed candidates.

GOLDER RANCH FIRE DISTRICT

BRADY, STEPHEN F.
DAHL, DAVID A.
KOSLOWSKI, RONALD J.

HERITAGE HILLS FIRE DISTRICT

NO CANDIDATES

LA CANADA FIRE DISTRICT

NO CANDIDATES

MT. LEMMON FIRE DISTRICT

COZZETTI, DENNIS
MACK, CAROL

NORTH RANCH/LINDA VISTA FIRE DISTRICT

NO CANDIDATES

NORTHWEST FIRE DISTRICT

CARTER, GEORGE E.
MISCHEL, ANKA
NASSI, RICHARD B.

PICTURE ROCKS FIRE DISTRICT

NO CANDIDATES

RINCON VALLEY FIRE DISTRICT

TOLER, DESIREE

SABINO VISTA FIRE DISTRICT

ARENA, BRUNO
GREEN, R. JEFFREY
SUBRIN, LAWRENCE I.

WHY FIRE DISTRICT

NO CANDIDATES

AMPHITHEATER UNIFIED SCHOOL DISTRICT No. 10

BARRABEE, KENT P.
BOROS, DIANA L.
LOOMIS, LINDA

SUNNYSIDE UNIFIED SCHOOL DISTRICT No. 12

BARAJAS, MAGDALENA
GONZALES, LOUIE C.
JARAMILLO, ROBERTO

TANQUE VERDE UNIFIED SCHOOL DISTRICT No. 13

LIVINGSTON, PETER A.
NEFF, JEFFREY M.
PEATE, WAYNE

VAIL UNIFIED SCHOOL DISTRICT No. 20

BURKHOLDER, MARGARET B.
COULTER, JIM
KING, DEBBIE

CONTINENTAL ELEMENTARY SCHOOL DISTRICT No. 39

DAVIS, CHESTER
McNARIE, WILLIAM J.
SCHMERL, PETER G.

INDIAN OASIS-BABOQUIVARI UNIFIED SCHOOL DISTRICT No. 40

NO CANDIDATES

REDINGTON ELEMENTARY SCHOOL DISTRICT No. 44

NO CANDIDATES

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to approve the request.

- B. RESOLUTION NO. 2008-253, of the Pima County Board of Supervisors, cancelling the election for District Board Members of the Green Valley Domestic Water Improvement District and appointing Lorraine M. Botheilo, Les Gunderson, Robert Hedden and Leonard Murphy to the Green Valley Domestic Water Improvement District Board of Directors.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to adopt Resolution No. 2008-253.

- C. RESOLUTION NO. 2008-254, of the Pima County Board of Supervisors, cancelling the election for District Board Members of the Metropolitan Domestic Water Improvement District and appointing Bryan R. Foulk and Dan M. Offret to the Metropolitan Domestic Water Improvement District Board of Directors.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to adopt Resolution No. 2008-254.

10. **PROCUREMENT**

AWARD

The Board, on 8/18/08, continued this item.

Low Bid: Award of Contract, Requisition No. 0803163, in the amount of \$3,006,500.00 to the lowest responsive bidder, Triumph Builders Southwest, L.L.C. (Headquarters: Tucson, AZ) for the base bid and all alternates for remodeling and construction of an addition to the Pima Animal Care Center. The contract is for an eighteen-month period and may be extended for project completion. Funding Source: 2004 General Obligation Bond-70%; General Obligation Bond Interest-9%; Space Acquisition Fund-21%. Administering Department: Facilities Management.

The Chairman stated there were speakers:

The following addressed the Board:

1. Salette Latas
2. Sandra Atcheson
3. Michelle Burris
4. Michael Toney

Comments included the following:

- A. A brand new building would cost less to design and construct.
- B. Lack of spaying and neutering was 99% responsible for overpopulation and the consequent euthanasia.
- C. Irresponsible people with animals need to be educated.
- D. It was recommended the Board build a new Animal Care Center rather than extensively renovate the existing 40-year-old building.

In response to queries, Kim Janes, Animal Care Center Manager, stated that there was insufficient staff to go door-to-door to verify licensing. He agreed there was not enough spaying and neutering and that more education was needed.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and carried by a 4-0 vote, Supervisor Carroll voting "Nay," to approve the award.

11. **TRANSPORTATION: ACCEPTANCE OF PROJECTS/ROADWAYS FOR MAINTENANCE**

- A. P1203-090, Santa Rita Ranch II, Lots 1-169. Developer: KB Homes. (District 4)
- B. P1203-090, Santa Rita Ranch II, Lots 170-233. Developer: AF Sterling. (District 4)
- C. P1203-090, Offsite Improvements on Camino del Toro, Phase II to serve Santa Rita Ranch II from Station 35+07 to Station 41+66, Lots 1-301. Developer: Santa Rita Bel Air Hills, L.L.C. (District 4)
- D. P1203-090, Offsite Improvements on Melpomene Way, Phase I to serve Santa Rita Ranch II from Station 8+50 to Station 12+96, Lots 1-301. Developer: Santa Rita Bel Air Hills, L.L.C. (District 4)
- E. P1298-096, Mountain View Ranch, Lots 60-91 and 298-362. Developer: Mountain View Ranch Development Joint Venture, L.L.C. (District 4)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to approve the items.

12. **FRANCHISES/LICENSES/PERMITS:**

A. **AGENT CHANGE-ACQUISITION OF CONTROL-RESTRUCTURE**

08-02-017, Laura Karin Williamson, Vintabla, 2890 E. Skyline Drive, No. 100, Tucson, Acquisition of Control.

B. **LIQUOR LICENSE**

08-32-8954, Randy Allen Guse, Walgreens No. 6245, 7877 E. Snyder Rd., Tucson, Series 9, Liquor Store License, Location Transfer.

C. **EXTENSION OF PREMISES/PATIO PERMIT**

Michael Raymond Gill, Montgomery's Grill and Saloon, 13190 E. Colossal Cave Road, No. 190, Vail, Temporary Extension of Premises for October 14, November 11, and December 9, 2008.

The Chairman inquired whether anyone wished to be heard. No one appeared. On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearings, to approve the requests and forward the recommendations to the State Liquor Control Board.

13. **FRANCHISES/LICENSES/PERMITS: FIREWORKS PERMITS**

- A. Cherisse Mills, Caterpillar, Inc., Tinaja Hills Training Facility, 5000 West Caterpillar Trail, Green Valley, October 21, 2008 at 8:00 p.m.
- B. Pete Mangelsdorf, Old Tucson Studios, 201 S. Kinney Road, Tucson, October 2, 2008 at 8:15 p.m.
- C. Troy Finley, Tucson Country Club, 2950 N. Camino Principal, Tucson, October 4, 2008 at 8:30 p.m.
- D. Troy Finley, Tucson Country Club, 2950 N. Camino Principal, Tucson, November 1, 2008 at 8:30 p.m.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearings and approve the permits.

14. **DEVELOPMENT SERVICES: REZONING**

The Board, on 8/18/08, continued this item.

Co9-07-02, PARK COMPANY OF ARIZONA, INC.–DUVAL MINE ROAD REZONING
Request of Park Company of Arizona, Inc., represented by Tierra Planning Services, for a rezoning of 53.00 acres from RH (Rural Homestead) to CR-4 (Mixed Dwelling Type), on property located on the south side of Duval Mine Road and on north side of the Camino Casa Verde alignment in Green Valley. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 8-0 (Commissioner Membrila was absent) to recommend **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. Staff recommends **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. (District 4)

“Rezoning conditions were recommended as follows:

Completion of the following requirements within **five** years

from the date the rezoning request is approved by the Board of Supervisors:

- 1. Submittal of a development plan if determined necessary by the appropriate County agencies.
- 2. Recording of a covenant holding Pima County harmless in the event of flooding.
- 3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
- 4. Provision of development related assurances as required by the appropriate agencies.
- 5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.
- 6. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
- 7. Transportation conditions:
 - A. The property owner(s)/developer(s) shall dedicate 45 feet right-of-way for the west half right-of-way of Avenida del Abaco, along the east property boundary and 90 feet through the rezoning boundary. The right-of-way shall curve to the west through the rezoning property to allow for future perpendicular intersection with Duval Mine Road, as depicted on the Preliminary Development Plan.
 - B. The property owner(s)/developer(s) shall construct improvements to Duval Mine Road and Avenida del Abaco as determined necessary and required by the Department of Transportation. These improvements may include, but may not be limited to, pavement widening for right/left turn lanes, multi use lanes, curb and sidewalk and possibly overlay of asphalt. Improvements to Avenida del Abaco will only be required within the existing paved portion (from Camino Casa Verde for approximately 500 feet north) or possibly further north if proposed streets within the

northern half of the rezoning are connected to Avenida del Abaco. Construction or connection to Duval Mine Road is not required for this rezoning.

8. Flood Control conditions:
 - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
 - B. A drainage report shall be submitted during the platting process for Flood Control District to determine 100-year water surface elevations for all lots and to analyze detention /retention requirements. Channel and drainage design shall be addressed and a meeting prior to submittal is recommended.
 - C. This development shall meet Critical Basin detention and retention requirements because of existing flooding problems.
 - D. The property owner(s)/developer(s) shall provide all necessary on-site and off-site drainage related improvements at no cost to Pima County that are needed as a result of the proposed development of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.
 - E. The property owner(s)/developer(s) shall provide necessary on-site and off-site drainage improvements at no cost to Pima County and as required by the Pima County Regional Flood Control District.
 - F. All-weather access shall be provided to all lots to meet concurrency requirements.
 - G. A riparian mitigation plan shall be required for development in designated riparian areas and building envelopes may be required for some lots within designated habitat.
9. Wastewater Management conditions:
 - A. The owner(s)/developer(s) shall construe no action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner(s)/ developer(s) to that effect.
 - B. The owner(s)/developer(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner(s)/developer(s) shall have the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the Pima County Regional Wastewater Reclamation Department.
 - C. The owner(s)/developer(s) shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. The owner(s)/developer(s) shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the Regional Wastewater Reclamation Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
 - E. The owner(s)/developer(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, sewer construction plan or request for building permit.
 - F. The owner(s)/developer(s) shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
10. Natural Resources, Parks and Recreation conditions:
 - A. The minimum features required for one to three acres of recreation area include landscaping, irrigation, 30% turf area, 2-trash receptacles, 1-bicycle rack, 2-park benches, 1-shade structure (20' x 28'), 2-picnic tables with benches, 2-barbeque grills and 3-playground components.
 - B. The recreational facilities shall be constructed by the developer and completed by 75% permit stage.
11. Environmental Quality condition: The property owner(s)/developer(s) must connect to the public sewer system at the location and in the manner specified by Wastewater Management at the time of review of the tentative plat, development plan or request for building permit. On-site wastewater disposal shall not be allowed.
12. The owner(s)/developer(s) shall execute and record a document acceptable to the Pima County Department of Community Services indicating that the owner(s)/developer(s) shall contribute to the affordable housing trust fund as adopted by the Pima County Board of Supervisors on December 13, 2005, before a certificate of compliance is issued.
13. In the event the subject property is annexed, the property owner(s)/developer(s) shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require

financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.

14. The property owners shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."
 15. The owner(s)/developer(s) shall adhere to the preliminary development plan as approved by the Board of Supervisors.
 16. The following shall be incorporated into Private Subdivision Covenants, Conditions and Restrictions (CC&Rs) that govern Homeowners' Associations (HOAs) and the actions of private property owners within the Subdivision:
 - A. Maintenance of Common Area by Association: The HOA shall be responsible for the removal of invasive non-native plant species from Common Areas, including but not limited to those listed below.
 - B. Maintenance of Lots by Owners: Obligations of Owners shall include keeping private lots free of invasive non-native plant species including but not limited to those listed below.
- Invasive Non-Native Plant Species Subject to Control and Eradication
- | | | | |
|------------------------|--------------------|----------------------------------|----------------------|
| Ailanthus altissima | Tree of Heaven | Eragrostis spp. | Lovegrass (excluding |
| Alhagi pseudalhagi | Camelthorn | E. intermedia, plains lovegrass) | |
| Arundo donax | Giant reed | Melinis repens | Natal grass |
| Brassica tournefortii | Sahara mustard | Mesembryanthemum spp. | Iceplant |
| Bromus rubens | Red brome | Peganum harmala | African rue |
| Bromus tectorum | Cheatgrass | Pennisetum ciliare | Buffelgrass |
| Centaurea melitensis | Malta starthistle | Pennisetum setaceum | Fountain grass |
| Centaurea solstitialis | Yellow starthistle | Rhus lancea | African sumac |
| Cortaderia spp. | Pampas grass | Salsola spp. | Russian thistle |
| Cynodon dactylon | Bermuda grass | Schismus arabicus | Arabian grass |
| (excluding sod hybrid) | | Schismus barbatus | Mediterranean grass |
| Digitaria spp. | Crabgrass | Sorghum halepense | Johnson grass |
| Elaeagnus angustifolia | Russian olive | Tamarix spp. | Tamarisk |

17. **All structures on site shall be limited to a single story not to exceed 24 feet in height.**
18. **At the time of platting, the developer shall record a covenant that establishes the age restriction. Prior to the Certificate of Compliance, the owner(s)/developer(s) shall record a covenant consistent with federal and state law establishing age restriction as agreed upon at the June 25, 2008 public hearing.**
19. **The native plant preservation plan must be approved prior to issuance of a grading permit.**
20. **The three Pima pineapple cacti that are not shown in common area shall be transplanted on-site and mitigated in accordance with Section 18.72 of the Pima County Zoning Code."**

Tom Hudson, Zoning Administrator, verified that staff had resolved the situation of the Community Water Company of Green Valley lacking a 100-year water supply assurance. The understanding was that Park Company had taken on the responsibility of providing infrastructure and other items.

On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to close the public hearing and approve the rezoning, as amended.

15. **DEVELOPMENT SERVICES**

*Items Co23-97-01 and P1205-019 were heard together.

A. **MODIFICATION (NON-SUBSTANTIAL CHANGE) OF REZONING CONDITIONS**

***Co23-97-01, VAIL VALLEY RANCH SPECIFIC PLAN**
Request of Fidelity National Title TR 60273, represented by Rick Engineering Company, for a modification (non-substantial change) of the Vail Valley Ranch Specific Plan to reduce the front setbacks for architectural projections, porches and livable space of residences to ten feet on Lots 1-320 of the Four Seasons–Phase 1 Subdivision Plat, Bk. 63, Pg. 10 (P1205-019) and Tax Parcel Nos. 305-

05-072A, 305-05-072B, 305-05-073A, 305-05-074A, 305-05-076D, 305-05-107A, 305-73-3450, 305-73-3460 (equivalent to Lots 321-526 of the Four Seasons–Phase 2 Subdivision Plat (P1206-132–under County review). The request, if approved, would not reduce the required front setback for garages. The subject site is designated Medium Density Residential (MDR) by the Vail Valley Ranch Specific Plan. The MDR designation requires a minimum front building setback of 20 feet, or 10 feet with side or rear entry driveways. The subject site is approximately 129 acres and is located in the north central portion of the Vail Valley Ranch Specific Plan (commonly referred to as Rancho del Lago). Vail Valley Ranch Specific Plan, which in its entirety is approximately 1,600 acres in size, was originally rezoned from RH (Rural Homestead), GR-1 (Rural Residential) and CB-2 (General Business) to SP (Specific Plan) on September 12, 1989 and is located approximately 1 1/4 miles north of Interstate 10 and Colossal Cave Road, on the north and south sides of Colossal Cave Road and on the north and south sides of Mary Ann Cleveland Way, north of Union Pacific Railroad. Staff recommends **APPROVAL**. (District 4)

B. PLAT NOTE WAIVER/MODIFICATION

*P1205-019, FOUR SEASONS–PHASE 1 SUBDIVISION

Request of Fidelity National Title TR 60273, represented by Rick Engineering Company, for a plat note modification to reduce the front setbacks for architectural projections, porches and livable space of residences to ten feet for Lots 1-320 of the Four Seasons–Phase 1 Subdivision Plat (Bk. 63, Pg. 10). Subdivision Plat Permitting Note 2 requires a minimum individual lot setback of 20 feet. The subject site is approximately 107 acres and is located in the north central portion of the Vail Valley Ranch Specific Plan (commonly referred to as Rancho del Lago) northwest of Colossal Cave Road and on the west side of Mary Ann Cleveland Way. Staff recommends **APPROVAL**. (District 4)

Chris Poirer, Development Services Manager, summarized the facts regarding Co23-97-01 and P1205-019.

Chuck Martin, Rick Engineering Company, stated he was unaware of the neighbors' concerns. He received nothing in writing or any phone calls. He was willing to meet with them.

The Chairman stated there was a speaker regarding Co23-97-01 and P1205-019:

The following addressed the Board:

William Smith, Wingview HOA Vice-President and Rancho Del Lago Association member

Comments included the following:

- A. Opposition was expressed to the modification.
- B. Rancho Del Lago CC&Rs require 20' setbacks.
- C. Small lots that are closer to street will degrade the neighborhood and devalue property. It seems to be a trailer-park-to-be.
- D. The area has very narrow streets. Having the setback would encourage on-street parking.

- E. The models constructed have 20' setbacks. This does not reflect the developer's planned actions.
- F. The Wingview HOA will be meeting October 23, 2008. Co23-97-01 and P1205-019 will be topics of discussion.
- G. Wingview HOA members can see the development from back yards.

On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to continue Co23-97-01 and P1205-019 to November 4, 2008, with the understanding that Mr. Martin will meet with neighbors and also attend the Wingview HOA meeting on October 23, 2008.

16. **DEVELOPMENT SERVICES: REZONING ORDINANCE**

ORDINANCE NO. 2008-85, Co9-06-27, PBH II L.L.C.–Valencia Road Rezoning. Owner: PBH II, L.L.C. (District 5)

On consideration, it was moved by Chairman Elías, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and approve Ordinance No. 2008-85.

17. **DEVELOPMENT SERVICES: REZONING RESOLUTION**

RESOLUTION NO. 2008-255, Co9-00-30, Aravaipa Properties, L.L.C.–Valencia Road Rezoning. Owner: PBH II, L.L.C. (District 5)

On consideration, it was moved by Chairman Elías, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and adopt Resolution No. 2008-255.

18. **TRANSPORTATION: TRAFFIC ORDINANCES**

- A. ORDINANCE NO. 2008-86, the Pima County Board of Supervisors, designating Florence Road as a through street in Pima County, Arizona. Staff recommends **APPROVAL**. (District 1)
- B. ORDINANCE NO. 2008-87, of the Pima County Board of Supervisors, establishing prima facie reasonable speed limits for motor vehicles on Wilds Road in Pima County, Arizona. Staff recommends **APPROVAL**. (District 1)
- C. ORDINANCE NO. 2008-88, of the Pima County Board of Supervisors, establishing prima facie reasonable speed limits for motor vehicles on Swan Road in Pima County, Arizona. Staff recommends **APPROVAL**. (Districts 1 and 2)
- D. ORDINANCE NO. 2008-89, of the Pima County Board of Supervisors, establishing prima facie reasonable speed limits for motor vehicles on Wilmot Road in Pima County, Arizona. Staff recommends **APPROVAL**. (Districts 2 and 4)
- E. ORDINANCE NO. 2008-90, of the Pima County Board of Supervisors, establishing prima facie reasonable speed limits for motor vehicles on Yedra Road in Pima County, Arizona. Staff recommends **APPROVAL**. (District 3)

- F. ORDINANCE NO. 2008-91, of the Pima County Board of Supervisors, establishing prima facie reasonable speed limits for motor vehicles on Whitehouse Canyon Road in Pima County, Arizona. Staff recommends **APPROVAL**. (District 4)
- G. ORDINANCE NO. 2008-92, of the Pima County Board of Supervisors, establishing prima facie reasonable speed limits for motor vehicles on Dawn Drive in Pima County, Arizona. Staff recommends **APPROVAL**. (District 4)

On consideration, it was moved by Chairman Elías, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and approve Ordinance Nos. 2008-86 through 2008-92.

19. **TRANSPORTATION: TRAFFIC RESOLUTION**

RESOLUTION NO. 2008-256, of the Board of Supervisors of Pima County, temporarily closing Well Road, La Mina Avenue, Fundicion Street, Lomita Avenue and Plaza Street, in the Town of Ajo, Arizona on September 22, 2008 for the Annual Ajo International Day of Peace Celebration. Staff recommends **APPROVAL**. (District 3)

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and adopt Resolution No. 2008-256.

20. **PRESENTATION/PROCLAMATION**

Presentation of a proclamation to Pastor Larry Mungia proclaiming Saturday, September 27, 2008, to be:

“RECOVERY WALK DAY IN PIMA COUNTY”

Chairman Elías presented the proclamation to Pastor Pete Moore, Executive Director of H.O.P.E. Recovery, Inc., who was substituting for Pastor Mungia. Pastor Moore thanked the Board and invited everyone to participate in the walk.

On consideration, it was moved by Supervisor Valadez, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to approve the proclamation.

21. **BOARD OF SUPERVISORS**

RESOLUTION NO. 2008-257, of the Pima County Board of Supervisors, against exploitative payday lending practices in Arizona and in opposition to efforts to extend these practices indefinitely. (District 5)

The Chairman stated there was one speaker:

The following addressed the Board:

Kelly Griffith, Deputy Director, Southwest Center for Economic Integrity

Comments included the following:

- A. In 2005, \$140,000,000.00 in fees were extracted from the Arizona economy. In December 2003, when there were about 50% the payday lenders than

now, a study conservatively estimated \$20,000,000.00 was extracted from the neighborhoods where the Board was reinvesting revitalization dollars.

- B. Money going in and triple the money going out is bad for Pima County families and the economy.
- C. Payday lending is legal loan-sharking.
- D. Proposition 200 is very dangerous. If passed, it will legalize 391% forever with no legislative remedy. This will have national implications.
- E. States have been enacting interest rate caps of 28-36%. Arizona's 36% usury cap on small loans will go back into effect in 2010.
- F. Support was expressed for the item.
- G. The Board was commended for their consistent, strong voice opposing predatory payday lending practices.
- H. The industry was funding Proposition 200 very well.
- I. The interest rates needed regulating.
- J. The public needed to be educated.

Chairman Elías clarified that the Resolution is unrelated to Proposition 200. The issue is responsible lending.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to adopt Resolution No. 2008-257.

22. **CONTRACTS**

A. **COUNTY ATTORNEY**

- 1. Baker, Peterson, Baker and Associates, Amendment No. 4, to provide expert appraisal services relating to Dos Picos v. Pima County, Case No. C20010173, Risk Management Tort Fund, contract amount \$50,000.00 (07-02-B-132988-0603)

B. **FACILITIES MANAGEMENT**

- 2. Arizona's Children Association, to provide a lease agreement for space at the Interagency Advocacy Center located at 2329 E. Ajo Way, General Fund, contract amount \$60,300.00 revenue/25 year term (04-13-A-141305-1008)
- 3. Tucson Center for Women and Children, to provide a lease agreement for space at the Interagency Advocacy Center located at 2329 E. Ajo Way, General Fund, contract amount \$62,100.00 revenue/25 year term (04-13-T-141304-1008)
- 4. Arizona Department of Economic Security, to provide a lease agreement for space at the Interagency Advocacy Center located at 2329 E. Ajo Way, General Fund, contract amount \$158,940.00 revenue/5 year term (04-13-A-141303-1008)

C. **INSTITUTIONAL HEALTH**

- 5. University Physicians Healthcare, Amendment No. 2, to provide court ordered evaluation care coordination services, extend contract term to

6/30/09 and amend contractual language, General Fund, contract amount \$386,480.00 (07-65-U-139643-0707)

6. Arizona Board of Regents, University of Arizona, Amendment No. 1, to provide a Clinical Teaching Program and amend contractual language, Federal Fund, no cost (01-65-A-141113-0808)

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to approve the contracts.

23. **DEVELOPMENT SERVICES: FINAL PLAT WITH ASSURANCES**

P1206-178, Vail Ridge Estates, Lots 1-30 and Common Area A. (District 4)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to approve P1206-178.

24. **BOARDS, COMMISSIONS AND/OR COMMITTEES**

A. **BOARD OF ADJUSTMENT, DISTRICT NO. 1**

Appointment of Charles Geoffrion to fill the unexpired term of Larry Kraus. Term expiration: 11/18/11. (District 1)

B. **PIMA COUNTY EMPLOYEE MERIT SYSTEM COMMISSION AND LAW ENFORCEMENT COUNCIL**

Appointment of John M. Boyd, Republican, to replace Mike Hellon. Term expiration: 6/30/12. (District 1)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to approve the appointments.

25. **CALL TO THE PUBLIC**

Donna Branch-Gilby spoke about election integrity.

Michael Toney spoke about the Chicago White Sox.

26. **ADJOURNMENT**

The meeting adjourned at 10:27 a.m.