

MINUTES, FLOOD CONTROL DISTRICT BOARD

OCTOBER 7, 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, October 7, 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
	Ann Day, Member
	Lori Godoshian, Clerk

1. **CONTRACTS**

- A. RESOLUTION NO. 2008-FC-9, approving an Intergovernmental Agreement with Pima County, to provide for the transfer of salvaged mobile or manufactured homes, no cost (01-70-P-141293-1008)
- B. Town of Marana, to provide a License Agreement for establishing and irrigating natural desert vegetation on district property, no cost (12-59-M-141295-1008)

On consideration, it was moved by Chairman Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to adopt Resolution No. 2008-FC-9 and approve the License Agreement.

2. **ADJOURNMENT**

The meeting was adjourned at 1:25 p.m.

MINUTES, BOARD OF SUPERVISORS' MEETING

OCTOBER 7, 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, October 7, 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
 Ann Day, Member
 Lori Godoshian, Clerk

1. **INVOCATION**

The invocation was given by Pastor Phil Kruis of Rincon Mountain Presbyterian Church.

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. **PRESENTATION**

Presentation of the 2008 "Innovation in Sustainability Award of Excellence" received from the Association for Operations Management (APICS).

Without objection, this item was removed.

5. **EXECUTIVE SESSION**

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, that the Board convene to Executive Session at 9:15 a.m.

6. **RECONVENE**

The meeting reconvened at 9:35 a.m. All members were present.

7. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a tax appeal settlement recommendation in Tucson Affordable Housing 1, L.P. v. Pima County, Tax Parcel No. 111-08-470B for the following:

Chris Straub, Chief Civil Deputy County Attorney, stated this case regarded a proposed settlement involving the valuation of a low-income subsidized housing apartment complex known as Mission Vista located at Grant Road and Dodge Boulevard, Parcel No. 111-08-470B. The settlement would decrease the Full Cash Value from \$2,582,400.00 to \$2,169,216.00 for tax year 2006 and from \$2,758,672.00 to \$2,317,284.00 for tax years 2007, 2008 and 2009. The Pima County Attorney's Office and Assessor recommended the settlement.

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

8. LITIGATION

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a tax appeal settlement recommendation in Wing and Lei Co-1, L.L.C. v. Pima County, Tax Parcel No. 133-30-090A, Arizona Tax Court Case No. TX2007-000467.

Chris Straub, Chief Civil Deputy County Attorney, stated this case was a proposed settlement involving the valuation of the retail strip building located at 8781 E. Broadway Blvd., Parcel No. 133-30-090A. The settlement would decrease the Full Cash Value from \$1,394,640.00 to \$1,045,980.00 for tax year 2008. The Pima County Attorney's Office and Assessor recommended the settlement.

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

9. LITIGATION

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding approval of a settlement recommendation in Asarco, L.L.C., Bankruptcy Case No. 05-21207 (S. Dist. TX).

Chris Straub, Chief Civil Deputy County Attorney, stated this case was a proposed compromise settlement in a bankruptcy case pending in the Southern District of Texas. It involved property taxes for tax year 2005 in the principal amount of \$917,803.72, plus penalties and fees of about \$46,009.80, plus interest of about \$401,009.54 through October, totaling approximately \$1,364,820.03. Penalties and fees were not recoverable. The Bankruptcy Court may reduce the recoverable interest if no settlement was reached. If settled, Pima County would be paid \$1,307,788.16 in full satisfaction of its claims, with payment no later than October 21, 2008. The settlement was subject to approval by other creditors and the U.S. Trustee. The Pima County Attorney's Office recommended the settlement.

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

10. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a request that Pima County waive a concurrent conflict of interest to allow the Pima County Attorney's Office to represent the Pima County Board of Adjustment, District 4 in Friends of Madera Canyon v. Pima County Board of Adjustment, District 4, et. al., Superior Court Cause No. C20084694.

Chris Straub, Chief Civil Deputy County Attorney, summarized the above-referenced information. He stated that the waiver of conflict of interest was entirely at the discretion of the Board.

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

11. **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. 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, subject to the following:

PULLED FOR SEPARATE ACTION

1. **CONTRACTS AND AWARDS**

C. **County Administrator**

10. Humane Borders, Inc., to provide for the provision of water distribution services in remote areas of Pima County, General Fund, contract amount \$25,000.00 (11-30-H-141326-0708)

The following addressed the Board:

1. Dale Roose
2. Lee Lwing
3. Wes Bramhall
4. Joe Sweeney

Comments included the following:

- A. Opposition was expressed for the item.
- B. Providing water was cheaper than recovering corpses.
- C. Providing water was the humane thing to do.
- D. Support was expressed for the item.
- E. The Board was aiding and abetting illegal immigration.

Supervisor Bronson requested staff respond to a concerned resident from the Arivaca area regarding a problem with a water station.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Valadez and carried by a 4-1 vote, Supervisor Day voting "Nay," to approve the contract.

PULLED FOR DISCUSSION BY SUPERVISOR CARROLL:

1. **CONTRACTS**

G. **Facilities Management**

15. Holualoa Pioneer, L.L.C., Amendment No. 4, to provide a Lease Agreement for the Graphic Design Office at 100 N. Stone Avenue and extend contract term to 11/30/11, General Fund, contract amount \$415,572.72 (04-13-C-127464-1100)

Supervisor Carroll asked for funding clarification. Chuck Huckelberry, County Administrator, stated funding was converted from Special Revenue to General about two years ago due to requiring continual transfers from the General Fund. Supervisor Carroll asked if outsourcing was ever considered. Mr. Huckelberry stated that Graphic Design comprised two components. Outsourcing the creative side has never been proven to be cost-effective, so the County subsidized that component. The printing side was profitable.

In reply to Chairman Elías, Mr. Huckelberry observed that the last review of possible outsourcing was 2006. Another review could be done. Chairman Elías verified that the contract was for rent payment. Mr. Huckelberry stated that Graphic Design will relocate to a County building after that building's asbestos removal. A contract clause allowed optional early termination.

Supervisor Day inquired about fund status. Chairman Elías and Mr. Huckelberry stated it had not been a Special Revenue Fund for at least two years. Mr. Huckelberry clarified for her it was never an Enterprise Fund. He verified County entities paid for Graphic Design services. Printing's total cost has always been offset by fees.

PULLED FOR SEPARATE ACTION:

1. **CONTRACTS**

M. **Regional Wastewater Reclamation**

39. Arizona Board of Regents, University of Arizona, Water Quality Center, Amendment No. 2, to provide an Industry/University Cooperative Research Center Membership Agreement relating to research on biosolids reuse on mine tailings and agricultural farms, extend contract term to 12/31/09 and amend contractual language, Regional Wastewater Enterprise Fund, contract amount \$107,221.70 (01-03-A-139664-0707)

Supervisor Carroll stated that he believed nothing flourished in Sonoran Desert areas where silver mining was done. He opined that trying to grow anything on former mining claims was useless. Chuck Huckelberry, County Administrator, stated the entire biosolids disposal program was now land application and agricultural farms. It was part of continued evaluation monitoring of the program and effectiveness for public well-being. Past discussion included mine tailings which was not the main emphasis now. About 99% or more of biosolids application went to agricultural farms with

maybe 1% to mine tailings. He offered to provide a report describing the research, County participation, the research's necessity and research activity efforts in land application biosolids for agriculture and mining

Supervisor Day stated that when the contract was extended two years ago, she did not know the focus was no longer mine tailings. She concurred with Supervisor Carroll as to the research's uselessness.

Michael Gritzuk, Regional Wastewater Reclamation Director, stated the \$107,000.00 was in three components: the research center's continuation, \$30,000.00; biosolids application to mine tailings, \$22,400.00; and, continuation of UA services including the researcher plus graduate students, \$54,800.00. That person was doing process improvement and process review of County treatment plants. The intent was to increase capacity out of existing facilities. So far that was very successful. Supervisor Day asked if the purpose was to research information that Wastewater needed. He replied the research continued to optimize the wastewater treatment process at the facility.

Chairman Elías suggested continuing the item until more information was obtained.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Carroll and carried by a 5-0 vote, to continue the item to November 4, 2008.

CONSENT CALENDAR ITEMS ARE AS FOLLOWS:

1. CONTRACTS AND AWARDS

A. Community Development and Neighborhood Conservation

1. RESOLUTION NO. 2008-258, approving an Intergovernmental Agreement with the City of Tucson, to provide for the Northwest Neighborhood Reinvestment Project, 2004 Bond Fund, contract amount \$457,850.00 (01-70-T-141253-0908)

B. Community Services, Employment and Training

2. RESOLUTION NO. 2008-259, approving an Intergovernmental Agreement with the Arizona Department of Economic Security, to provide Title V Vocational Rehabilitation workforce development services to persons with disabilities, General Fund, contract amount \$300,000.00; DES Grant Fund, contract amount \$544,700.00 revenue (01-69-A-141334-0708)
3. RESOLUTION NO. 2008-260, approving an Intergovernmental Agreement with the Arizona Department of Economic Security, to provide workforce development services to enhance coordination of education and workforce services and referrals, DES WIA Grant Fund, contract amount \$70,864.00 revenue (01-69-A-141335-0708)

4. RESOLUTION NO. 2008-261, approving an Intergovernmental Agreement with the Pima Community College District, to provide workforce development services, WIA, Veterans Rehabilitation Services, WIRED and Housing Grant Funds (expenditure determined by client eligibility); General Fund, contract amount \$90,000.00; total contract amount \$909,605.00 (01-69-P-141345-0708)
5. SER-Jobs for Progress for Southern Arizona, Inc., Amendment No. 2, to provide basic education and English as a second language and amend contractual language, WIA Grant Fund, contract amount \$45,500.00 (07-69-S-139738-0707)
6. Arizona Board of Regents, University of Arizona, Amendment No. 2, to provide administration of the Workforce Innovation in Regional Economic Development (WIRED) Program, extend contract term to 6/30/10 and amend contractual language, AZ Department of Commerce WIRED Grant Fund, contract amount \$397,087.00 (01-69-A-140408-0707)
7. Arizona Department of Economic Security, Amendment No. 1, to provide employment and training services to eligible Pima County Workforce Investment Act Program participants and amend contractual language, WIA Grant Fund, contract amount \$60,000.00 revenue (01-69-A-141029-0408)
8. Goodwill Industries of Southern Arizona, Inc., to provide staff to assist with employer outreach services, U. S. Dept. of Labor and DES Grant Funds (expenditure determined by client eligibility); General Fund, contract amount \$5,000.00; total contract amount \$50,548.40 (07-69-G-141333-1008)
9. Catholic Community Services of Southern Arizona, Inc., d.b.a. Community Outreach Program for the Deaf, to provide cognitive skills workshops to Pima County One Stop participants, U. S. Dept. of Labor and DES Grant Funds (expenditure determined by client eligibility); General Fund, contract amount \$2,500.00; total contract amount \$24,500.00; (07-69-C-141352-0708)

C. County Administrator

10. Humane Borders, Inc. (PULLED FOR SEPARATE ACTION)

D. County Attorney

11. Howard Baldwin, Esquire, Amendment No. 1, to provide legal representation relating to the Boards of Adjustment and extend contract term to 1/31/10, General Fund, contract amount \$25,000.00 (17-02-B-139388-0207)
12. Arizona Criminal Justice Commission, to provide for staff assigned to the Pima County/Tucson Metro Narcotics Alliance, H.I.D.T.A.

Grant Fund, contract amount \$160,767.00 revenue (02-02-A-141331-1007)

E. Office of Court Appointed Counsel

Award

13. Award of Contracts, for representation of indigent persons in guardianship proceedings under A.R.S. Title 14, Chapter 5. The contracts will be for a three-year period and shall not exceed \$50,000.00 each for the attorneys listed below. Total contract amount \$1,100,000.00. Funding Source: General Fund.

No.	Attorney	No.	Attorney
0900079	Manuel H. Garcia	0900327	Duffield Young Adamson, P.C.
0900234	Ronald W. Sommer	0900431	Villarreal Law Office, P.C.
0900246	Heather Anson	0900470	Phillip B. Tor
0900247	King and Frisch, P.C.	0900471	Denice R. Shepherd
0900248	Rednour Law Offices P.L.L.C.	0900472	Willman Law Firm
0900249	Snell and Wilmer, L.L.P.	0900473	John S. O'Dowd
0900250	Jeffrey G. Buchella	0900474	Kate McMillian, LTD.
0900252	Jacqueline Wohl	0900475	Cynthia D. Ettinger
0900254	Bob R. Gary	0900476	D. Jesse Smith
0900257	Bogutz and Gordon, P.C.	0900479	Judith Witt Palmer
0900258	Ralles Law Firm, P.C.	0900772	Deborah Chisholm Scott

F. Economic Development and Tourism

14. The Critical Path to Accelerate Therapies, d.b.a. The Critical Path Institute, Amendment No. 3, to provide equipment and personnel, extend contract term to 7/1/09 and amend contractual language, General Fund, contract amount \$375,000.00 (11-71-C-137133-1005)

G. Facilities Management

15. Holualoa Pioneer, L.L.C. (PULLED FOR DISCUSSION)

H. Finance

16. Government Finance Officers Association of the United States and Canada, to provide enterprise resource planning system needs assessment, system selection and vendor evaluation services, General Fund, contract amount \$142,360.00 (07-09-G-141351-1008)

I. Health Department

17. RESOLUTION NO. 2008-262, approving an Intergovernmental Agreement with the Green Valley Fire District, to provide assistance to the Pima County Office of Emergency Management and Homeland Security in regional hazmat team and regional technical rescue team drills to exercise and test components of the local response system, State Homeland Security Grant Fund, contract amount \$27,520.00 (01-01-G-141332-1008)
18. Southern Arizona AIDS Foundation, Amendment No. 2, to provide medical services for the Points of Health Project and amend

contractual language, Southern Arizona AIDS Foundation Grant Fund, contract amount \$8,671.00 revenue (18-01-S-140382-1007)

J. Pima Health System

19. KPS Mountain, Inc., d.b.a. Kindred Pharmacy Services, Amendment No. 5, to provide pharmaceutical and equipment services to Posada Del Sol Health Care Center, extend contract term to 9/30/09 and amend contractual language, no cost (18-15-K-135050-1004)
20. Palo Verde Surgical Associates, P.C., Amendment No. 4, to provide surgery services, extend contract term to 9/30/09 and amend contractual language, no cost (18-15-P-135247-1104)
21. Arizona Department of Economic Security, Amendment No. 11, to provide for home and community based services and amend contractual language, no cost (01-15-D-137491-0705)
22. Arizona Consumer Direct Personal Care, L.L.C., Amendment No. 5, to provide non-skilled home care services and amend contractual language, PHCS Enterprise Fund, contract amount \$2,000,000.00 (07-15-A-139487-0407)
23. Emmanuel Care Home, Inc., d.b.a. Emmanuel Care Home II, Amendment No. 1, to provide assisted living home services, extend contract term to 8/31/09 and amend contractual language, PHCS Enterprise Fund, contract amount \$50,000.00 (07-15-E-140099-0907)
24. Leonor Arroyo, d.b.a. Autumn House, Amendment No. 1, to provide assisted living home services, extend contract term to 8/31/09 and amend contractual language, PHCS Enterprise Fund, contract amount \$50,000.00 (07-15-A-140107-0907)
25. Sher-Lan, L.L.C., d.b.a. Elder Care and More, Amendment No. 1, to provide assisted living home services, extend contract term to 8/31/09 and amend contractual language, PHCS Enterprise Fund, contract amount \$150,000.00 (07-15-S-140112-0907)
26. Northwest Allied Physicians, L.L.C., Amendment No. 1, to provide primary care physician and specialty services and amend contractual language, no cost (18-15-N-140176-1007)
27. La Paloma Home for the Aging, L.L.C., d.b.a. La Paloma Home for the Aging, Amendment No. 1, to provide assisted living home services, extend contract term to 8/31/09 and amend contractual language, PHCS Enterprise Fund, contract amount \$50,000.00 (07-15-L-140212-0907)
28. Espinosa Care L.L.C., d.b.a. Heatherwood, Amendment No. 1, to provide assisted living home services, extend contract term to

8/31/09 and amend contractual language, PHCS Enterprise Fund, contract amount \$150,000.00 (07-15-E-140213-0907)

29. Freedom Manor Inc., d.b.a. Freedom Manor-Cody's House, Amendment No. 1, to provide assisted living home services, extend contract term to 8/31/09 and amend contractual language, PHCS Enterprise Fund, contract amount \$150,000.00 (07-15-F-140216-0907)
30. Ubaldina R. Trejo, d.b.a. Care Haven III, Amendment No. 1, to provide assisted living home services, extend contract term to 8/31/09 and amend contractual language, PHCS Enterprise Fund, contract amount \$300,000.00 (07-15-T-140565-0108)
31. Hanger Prosthetics and Orthotics West, Inc., Amendment No. 1, to provide durable medical equipment, orthotics and prosthetics and amend contractual language, PHCS Enterprise Fund, contract amount \$250,000.00 (18-15-H-140679-0108)
32. Pima Council on Aging, Amendment No. 1, to provide respite case management, personal care and housekeeping services and amend contractual language, PHCS Enterprise Fund, contract amount \$56,000.00 revenue (07-15-P-140966-0708)

K. Procurement

33. Kone, Inc., Amendment No. 6, to provide vertical transportation maintenance services and amend contractual language, General Fund, contract amount \$165,000.00 (11-13-K-136346-0605) Facilities Management

Awards

34. Amendment of Award: DeConcini, McDonald, Yetwin and Lacey, P.C., Blanket Contract No. B503939, Amendment No. 2, to provide legal representation to the Merit System Commission/Law Enforcement Council, extend contract term to 11/29/09, and increase award in the amount of \$15,000.00. Funding Source: General Fund, Administering Department: Human Resources.
35. Limited Competition: Award of Contract, Requisition No. 0900477, in the amount of \$150,000.00 for the management and operation of the Pima County native plant nursery to Tucson Botanical Gardens (Headquarters: Tucson, AZ). Contract is for a one-year term and includes four one-year renewal periods. The limited competition procurement for this award was conducted in accordance with Pima County Procurement Code 11.12.060. The contract will be retroactive to 7/1/08. Funding Source: General Fund. Administering Department: Natural Resources, Parks and Recreation.
36. Award of Contract, Requisition No. 0803032, in the amount of \$3,222,159.00 to the lowest responsive bidder meeting the

minimum MBE goal, The Ashton Company, Inc., (Headquarters: Tucson, AZ) for the construction of the Houghton/Sahuarita Intersection Improvement Project. Contract shall be for fifteen months to cover a construction time of 150 working days. Funding Source: RTA Revenue Tax Fund. Administering Department: Transportation.

37. Award of Contract, Requisition No. 0803098, to Black and Veatch Corporation (Headquarters: Kansas City, MO), the highest-ranked respondent for engineering services for the Ina Road WRF Digester Gas Equipment Replacement Project. The contract amount shall not exceed \$450,000.00. In the event a fee agreement cannot be reached with the highest ranked firm, request authorization to negotiate with the next highest ranked firms in the following order: Brown and Caldwell, and CH2M Hill Inc. Funding Source: Wastewater Management System Development Fund. Administering Department: Regional Wastewater Reclamation Department.

L. Public Works

38. RESOLUTION NO. 2008-263, approving an Intergovernmental Agreement with the Pima County Flood Control District, to provide for the transfer of salvaged mobile or manufactured homes, no cost (01-70-P-141293-1008)

M. Regional Wastewater Reclamation

39. University of Arizona (PULLED FOR SEPARATE ACTION)

N. Sheriff

40. Town of Sahuarita, Amendment No. 2, to provide public safety dispatch services and management of dispatch logs, extend contract term to 6/12/09 and amend contractual language, General Fund, contract amount \$65,148.00 revenue (01-11-S-138084-0606)

O. Superior Courts

41. Arizona Superior Court, Pima County Consolidated Justice Court and City of Tucson Court, Amendment No. 1, to provide for the provision of twice-a-day initial appearances and extend contract term to 6/30/09, General Fund, contract amount \$148,000.00 (01-18-T-140195-0707)

P. Transportation

42. Juan and Patricia Navarrete, to provide artist services for the I-19 Northbound Frontage Road, Canoa Road to Continental Road Project, 1997 Bond (23%), RTA (24%), HURF (36%) and Impact Fee (17%) Funds, contract amount \$150,000.00 (07-04-N-141349-1008)

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

A. **Air Quality Hearing Board**

Appointment of Dr. William S. Nevin, M.D., to replace Dr. Caryl Brailsford. Term expiration: 10/31/11. (Staff recommendation)

B. **Tucson-Pima County Bicycle Advisory Committee**

Reappointment of Norman Land. Term expiration: 6/30/10. (District 1)

C. **Pima County Election Integrity Commission**

Appointment of Michael Duniho. Term expiration: 10/31/10. (District 4)

D. **Flood Control District Advisory Committee**

Ratification of appointments for the City of South Tucson Representatives: Joel Gastelum to replace David Ruelas; and, Josue Licea, Alternate, to replace Joel Gastelum. No term expiration. (City of South Tucson recommendations)

E. **Housing Commission**

Appointment of Brad Smith to fill the unexpired term of Steve Craddock. Term expiration: 12/31/08. (District 4)

F. **Metropolitan Education Commission**

Appointment of Dr. Harriett Scarborough, representing Minority Group (Tucson Urban League) replacing Henrietta Shepard. Term expiration: 9/16/11. (Commission recommendation)

Reappointment of Rhonda Ball, representing Teachers Grades 9-12 (Arizona Education Association). Term expiration: 11/16/11. (Commission recommendation)

G. **Self-Insured Trust Fund Committee**

Appointment of Maria Luna to fill the unexpired term of Merrill Holpert. Term expiration: 12/31/08. (Committee recommendation)

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

A. Maya T. Luria, Tucson Culinary Festival, Loews Ventana Canyon Resort, 7000 N. Resort Drive, Tucson, October 24 and 25, 2008.

B. William D. Woodruff, Corpus Christi Church Activities Group, 300 N. Tanque Verde Loop Road, Tucson, October 3, 2008.

C. Colleen George Walech, Casa de Esperanza, 780 S. Park Centre Avenue, Green Valley, October 12, 2008.

D. Colleen George Walech, Casa de Esperanza, 780 S. Park Centre Avenue, Green Valley, November 9, 2008.

- E. Colleen George Walech, Casa de Esperanza, 780 S. Park Centre Avenue, Green Valley, April 26, 2009.
- F. Colleen George Walech, Casa de Esperanza, 780 S. Park Centre Avenue, Green Valley, May 17, 2009.
- G. Laurie Buckelew, Three Point Fire Local 3504 Union Fire Fighters, Buckelew Farms, 17000 W. Ajo Way, Tucson, October 10, 11 and 12, 2008.
- H. Laurie Buckelew, Three Point Fire Local 3504 Union Fire Fighters, Buckelew Farms, 17000 W. Ajo Way, Tucson, October 17, 18 and 19, 2008.
- I. Laurie Buckelew, Three Point Fire Local 3504 Union Fire Fighters, Buckelew Farms, 17000 W. Ajo Way, Tucson, October 24, 25 and 26, 2008.

4. TREASURER'S OFFICE

A. Certificates of Removal and Abatement

Pursuant to A.R.S. §42-18353, approval of the Certificates of Removal and Abatement for the following:

Real Property	\$ 8,725.63
Abatement Nos. 400153 through 400159	
Personal Property	<u>\$ 13,457.46</u>
Abatement Nos. 500313 through 500347	
TOTAL	<u>\$ 22,183.09</u>

B. Certificates of Clearance pursuant to A.R.S. §42-19118

Name on Assessor's Record	Reference No.	Tax Year
A Better Rate Insurance	06012183465	2006
A Better Rate Insurance	07012183465	2007
Abygail's Fine Bakery and Café	06012177625	2006
Aguaro, Francisco Abelardo	07011153004	2007
Altpeter, Michael	07011134958	2007
Araiza, Juan	05011155727	2005
Araiza, Juan	06011155727	2006
Araiza, Juan	07011155727	2007
Araque, Ruben	04011140238	2004
Araque, Ruben	05011140238	2005
Araque, Ruben	06011140238	2006
Araque, Ruben	07011140238	2007
Arizona Professional Transport	05012176060	2005
As Seen on TV	03012112459	2003
As Seen on TV	04012112459	2004
As Seen on TV	05012112460	2005
Attwood, James Alvarez	03011126547	2003
Aztec Air Conditioning, Inc.	04011140237	2004
Aztec Air Conditioning, Inc.	05011140237	2005
Aztec Air Conditioning, Inc.	06011140237	2006
Aztec Air Conditioning, Inc.	07011140237	2007
Ballinger, Eunice	05011126824	2005
Barker, James L. Sr. or Elizabeth	07011134322	2007
Bellevue Court	07011127678	2007

Name on Assessor's Record	Reference No.	Tax Year
Boals, Byron B. or Gladys Ann	05011148886	2005
Boals, Byron B. or Gladys Ann	06011148886	2006
Boals, Byron B. or Gladys Ann	07011148886	2007
Boals, Byron B. or Gladys Ann	05011148892	2005
Boals, Byron B. or Gladys Ann	06011148892	2006
Boals, Byron B. or Gladys Ann	07011148892	2007
Botanica la Guadalupeana	05012175927	2005
Busy Bubble	05012173330	2005
Butterbrodt, Paul R.	06011126358	2006
Cactus Gardens Home Community TR	05011151016	2005
Cactus Gardens Home Community TR	06011151016	2006
Cactus Gardens Home Community TR	07011125391	2007
Cates, John L.	06011142312	2006
Coco's	06012001695	2006
Cooper, Raymond Jr.	05011132617	2005
Cooper, Raymond Jr.	06011132617	2006
Cooper, Raymond Jr.	07011132617	2007
Cordova, Rafael	06011189900	2006
Cordova, Rafael	07011189900	2007
Creative Expressions	07012197255	2007
Cutters, Inc. The/Borics Haircare	04012067964	2004
Davila, Eulalio	06011159568	2006
Davila, Eulalio	07011159568	2007
De la Rocha Movers, L.L.C.	04011131173	2004
De la Rocha Movers, L.L.C.	05011131173	2005
De la Rocha Movers, L.L.C.	06011131173	2006
De la Rocha Movers, L.L.C.	07011131173	2007
Dickey, Lawrence or Mary E.	05011139367	2005
Duffey, Winifred	07011130330	2007
El Alamo Dulceria	06012119145	2006
Elías, Plutarco or Matilde	07011139523	2007
Elmer, Jason B. or Roberta	06011140062	2006
Elmer, Jason B. or Roberta	07011140062	2007
Esry, Jason Wayne	04011127109	2004
Esry, Jason Wayne	05011127109	2005
Esry, Jason Wayne	06011127109	2006
Esry, Jason Wayne	07011127109	2007
Ford, Frank or Bonny E.	07011159808	2007
Four 12 Development, L.L.C.	06011128655	2006
Four 12 Development, L.L.C.	07011128655	2007
Fuchs, Michael	05012113222	2005
Fuchs, Michael	06012113222	2006
Gallego, Jose Luis	07011150658	2007
Gastelum, Ruben	00011036270	2000
Gonzalez, Maria Lugo	07011135915	2007
Hammond, Stacy	07011146399	2007
Hannes, Peter J.	07011190435	2007
Harbour, Ed	04011153279	2004
Harbour, Ed	05011153279	2005
Harbour, Ed	06011153279	2006
Harbour, Ed	07011153279	2007
Harris, Jerry or Annette	07011157225	2007
Hergenreter, Janice K.	07011189906	2007
Hyfield, David Lee	07011143709	2007
Ikalka, Perry K.	06011162352	2006
Johnson, Mary C.	07011203934	2007
Kjellstrom, Kreg A.	05011147237	2005
Kjellstrom, Kreg A.	06011147237	2006
Kjellstrom, Kreg A.	07011147237	2007
Longfellow, L. W.	05011139075	2005
Longfellow, L. W.	07011139075	2007
Lopez, Javier	07011138578	2007

Name on Assessor's Record	Reference No.	Tax Year
Lozano, Abel	06011156391	2006
Lozano, Abel	07011156391	2007
Maldonado, Monserrate	06011158888	2006
Maldonado, Monserrate	07011158888	2007
Marquez, Sal	07011162620	2007
Martinez, Angelita	07011133434	2007
Maxwell, Franklin Herbert	06011190703	2006
Maxwell, Franklin Herbert	07011190703	2007
McKenzie, Carol	07011135540	2007
Mejia, Max	01021009780	2001
Mendoza, Virginia	05011125562	2005
Mendoza, Virginia	06011125562	2006
Mendoza, Virginia	07011125562	2007
Moreno, Alejandro Fuentes	07011144984	2007
Morris, Gregory M.	06011172274	2006
Muir, Doug	06011126941	2006
Muir, Doug	07011126941	2007
Muir, Doug	06011143657	2006
Muir, Doug	07011143657	2007
Ogletree, Lanie E.	07011149801	2007
Oquita, Luis	07011172992	2007
Orlando, Norma A.	07011146769	2007
Palafox, Leticia	04011147435	2004
Postal Connection	07012177650	2007
Rascon, Lupita	06011145002	2006
Rascon, Lupita	07011145002	2007
Rascon, Tony	07011156629	2007
Raw Food Boot Camp	07012197403	2007
Ray, Barry O. or Sandra G. N.	05011147362	2005
Razberi Beads	07012191321	2007
Rice, Sandy	07011138788	2007
Robert Raike's Artists Gallery	07012200709	2007
Robinson, Mark V. or Anna K.	07011138916	2007
Russell, Martin J.	06011189651	2006
Russell, Martin J.	07011189651	2007
Slade, Paul or Cindy	07011137073	2007
Sobampo, Mario A.	06011140615	2006
Sobampo, Mario A.	07011140615	2007
Specialty Cleaning Service	05012165361	2005
Sterner, Lida R.	05011152167	2005
Sterner, Lida R.	06011152167	2006
Sterner, Lida R.	07011152167	2007
Stone, Mark	04011163904	2004
Stone, Mark	05011163904	2005
Stone, Mark	06011163904	2006
Stone, Mark	07011163904	2007
Terminal Finance Corporation	03016122872	2003
Terminal Finance Corporation	03016122874	2003
Tucson N.S.E. 2, L.L.C.	07012194403	2007
Vasquez, Olga	07011173024	2007
White, Terry T. or Milo W.	04011171942	2004
Wiebenga, Bruce Alan	07011129431	2007
Williams, Marilyn	00031000219	2000
Williams, Marilyn	01021007328	2001

5. RATIFY AND/OR APPROVE

Minutes: August 18, 2008

Warrants: September, 2008

REGULAR AGENDA/ADDENDUM ITEMS

12. BOARD OF SUPERVISORS

- A. Staff requests allocation of One Percent for Youth funds in the amount of \$600.00 for the first annual Neighbors Getting to Know Neighbors Festival hosted by the Dunbar/Spring Neighborhood and Friendship Missionary Baptist Church. (District 5)

Supervisor Day stated she asked for details regarding the last five years and the 08/09 budget's \$100,000.00 expenditure. Mr. Huckelberry stated the One Percent for Youth Fund was created many years ago and set aside by the Board as a Special Revenue Fund. The Board reserved it for specific allocation by specific contracts on a case-by-case basis. An expense line item was entered to balance the budget and make those funds available should the Board wish to expend them by specific appropriation. If this item were to pass, an expenditure line item would describe the program and the \$600.00. Supervisor Day agreed that Mr. Huckelberry had answered her questions. In response to Mr. Huckelberry, Supervisor Day stated she wanted the same report for all Special Revenue Funds.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to approve the allocation. Mr. Huckelberry is to provide a five-year historical report of line item expenditures for Supervisor Day.

- B. Direction to County Administrator to instruct appropriate Pima County staff members to conduct training for Public Works officials—administrative officials, department heads and their assistants on the Sonoran Desert Conservation Plan and its relationship to the Clean Water Act, with emphasis on how the Clean Water Act applies to Santa Cruz River tributaries. (District 5)

On consideration, it was moved by Chairman Elías, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to approve the direction to staff to provide a two-day training to the Public Works Department.

13. COUNTY ADMINISTRATOR:

A. SPORTSPARK FEE SCHEDULE

Staff recommends approval of the revised fee schedule for Sportspark.

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

- B. RESOLUTION NO. 2008-267, of the Pima County Board of Supervisors, authorizing submittal of four applications to the Arizona State Land Department to purchase the remaining four lands reclassified for conservation under the Arizona Preserve Initiative at public auction.

On consideration, it was moved by Supervisor Bronson, seconded by Chairman Elías and carried by a 4-0 vote, Supervisor Carroll not present for the vote, to adopt Resolution No. 2008-267.

14. **DIVISION OF ELECTIONS**

- A. Pursuant to A.R.S. §16-649, the Board of Supervisors shall determine by lot the elected candidate for the position of Republican Precinct Committeeman for Precinct 320 due to a tie on the official canvass of the September 2, 2008, Primary Election. Candidates Joseph Sweeney and Daniel Szewczyk each received six (6) votes for the office.

Supervisor Carroll asked if Mr. Sweeney, the recently denounced Republican candidate or Mr. Szewczyk were willing to step down. Mr. Sweeney declined. There was no response on behalf of Mr. Szewczyk. Officer Randy Ledy drew the lot. The chosen candidate was Mr. Sweeney.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to approve Joseph Sweeney as Precinct Committeeman.

- B. Pursuant to A.R.S. §19-209(B)2, the Board of Supervisors shall order a Special Recall Election for the Marana Domestic Water Improvement District Board to be held on March 10, 2009, for Luis Castaneda and Louis Preston.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to order a Special Recall Election.

- C. Pursuant to A.R.S. §16-241(C), notification of receipt and direction to staff to publish the Proclamation of the Governor of the State of Arizona proclaiming "General Election 2008."

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Valadez not present for the vote, to approve the proclamation.

15. **ECONOMIC DEVELOPMENT AND TOURISM**

RESOLUTION NO. 2008-264, authorizing Pima County to support the Pima County Sports and Tourism Authority's application for a grant from the 12% Local Revenue-Sharing Contribution of the Pascua Yaqui Tribe in the amount of \$50,000.00 to promote the retention and expansion of spring training baseball and the growth of youth sports in Southern Arizona.

On consideration, it was moved by Supervisor Valadez, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to adopt Resolution No. 2008-264.

16. **PROCUREMENT: MINORITY AND WOMAN OWNED BUSINESS ENTERPRISE PROGRAM-DISPARITY STUDY**

- A. Presentation by D. Wilson Consulting Group, L.L.C. of the Comprehensive Disparity Study of the Pima County MWBE Program.
- B. Direction to staff to proceed with the changes identified in the Executive Summary of Disparity Study.

- C. RESOLUTION NO. 2008-265, of the Pima County Board of Supervisors, approving the extension of the current Pima County MWBE Program to October 7, 2013, and directing amendments to the Pima County Code and related department procedures.

Deirdre Kyle provided a broad overview of the study done on Pima County's behalf.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to direct staff to proceed with the changes identified in the Disparity Study and adopt Resolution No. 2008-265.

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

P1204-085, The Enclave at Gates Pass II, Lots 22-40 and Common Area A. (District 5)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to approve P1204-085.

18. **FRANCHISES/LICENSES/PERMITS: AGENT CHANGE-ACQUISITION OF CONTROL-RESTRUCTURE**

08-03-018, Patricia Ann Martin, Holiday Inn-Tucson, 4550 S. Palo Verde Road, Tucson, Agent Change and Acquisition of Control.

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 hearing, and to approve the request and forward the recommendation to the State Liquor Control Board.

19. **FRANCHISES/LICENSES/PERMITS: EXTENSION OF PREMISES/PATIO PERMITS**

A. Albert S. Hall, Jr., Acacia at St. Philips, 4340 N. Campbell Avenue, No. 103, Tucson, Temporary Extension of Premises for October 24, November 1 and 15, and December 13, 2008.

B. Matthew Angus McKinnon, Shlomo and Vito's, 2870 E. Skyline Drive, No. 120, Tucson, Temporary Extension of Premises for November 15, 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 hearing, and to approve the requests and forward the recommendations to the State Liquor Control Board.

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

A. Sharmin Pool-Bak, Skyline Country Club, 5200 E. St. Andrews Drive, Tucson, October 11, 2008 at 9:30 p.m.

B. Lonnie Lister, Skyline Country Club, 5200 E. St. Andrews Drive, Tucson, October 19, 2008 at 9:30 p.m.

- C. Lonnie Lister, Skyline Country Club, 5200 E. St. Andrews Drive, Tucson, November 8, 2008 at 8:45 p.m.
- D. Timalee Hustin, Tucson Country Club, 2950 N. Camino Principal, Tucson, October 11, 2008 at 9:00 p.m.
- E. Troy Finley, Tucson Country Club, 2950 N. Camino Principal, Tucson, October 26, 2008 at 8:00 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 hearing and approve the permits.

21. **FRANCHISES/LICENSES/PERMITS: LIQUOR LICENSES**

- A. 08-33-8955, Eugenia Delfakis Benavente, Lariat Steakhouse and Saloon, 16666 N. Oracle Road, Tucson, Series 6, Bar License, Person Transfer.
- B. 08-34-8956, Rodney Scott Herbert, Super Stop No. 401, 15841 W. El Tiro Road, Marana, Series 10, Beer and Wine Store License, New License.

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 hearing, to approve the requests and forward the recommendations to the State Liquor Control Board.

22. **DEVELOPMENT SERVICES: REZONING**

The Board, on RM 5/13/08, RM 6/3/08 and RM 7/1/08, continued this item.

Co9-07-25, RENOVO VENTURES, L.L.C.–JUNIPER ROAD REZONING

Request of Renovo Ventures, L.L.C., represented by Tim Murray, for a rezoning of 3.4 acres from SR (Suburban Ranch) to CR-2 (Single Residence) and SH (Suburban Homestead) on a property located on the east side of Juniper Road, approximately 1/2 mile west of Thornydale Road. 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 CONDITIONS**. Staff recommends **APPROVAL WITH CONDITIONS**. (District 1)

“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, Document Services.
6. There shall be no lot splitting or subdividing without the written approval of the Board of Supervisors.
7. Wastewater 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/developer 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 Wastewater Management Department.
 - C. 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 Wastewater Management 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.
 - D. 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.
8. Transportation conditions:
- A. The property owner(s)/developer(s) shall dedicate five feet right-of-way along the west property boundary for Juniper Drive.
 - B. If access is proposed from North Aire Avenue, then the property owner(s) shall construct and dedicate right-of-way for appropriate turnaround per Subdivision and Development Street Standards is required, or shall connect the existing end of North Aire Avenue from the east property boundary to Juniper Drive.
 - C. The property owner shall construct improvements along frontage and within the site, including but not limited to pavement, curb and sidewalk.
9. Flood Control condition:
- A. The property owner shall comply with detention/retention conditions and restrictions, or provide an in-lieu fee, as stated in the Floodplain Management Ordinance since the property lies within a critical basin.
 - B. A drainage report shall be submitted and approved prior to the issuance of a Certificate of Compliance.
10. Department of Environmental Quality conditions:
The property owner(s)/developer(s) shall 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.
11. Subdivision Review Section conditions:
- A. Any onsite ironwood trees and saguaros shall be inventoried and if not preserved-in-place shall be mitigated in accordance with the native plant preservation ordinance.
 - B. Any invasive plants including buffelgrass and fountain grass shall be eradicated and controlled onsite in perpetuity or until such infestations are eliminated.
 - C. All lots shall comply with the single lot native plant preservation regulation using the set-aside method.
12. Cultural Resource Department conditions:
- A. Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property, and submitted to Pima County for review.
 - B. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate.
 - C. Following rezoning approval, any subsequent development requiring a Type II grading permit shall be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
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 owner(s)/developer(s) shall execute and record a disclaimer regarding Proposition 207 rights. The language is as follows:
The property owner(s)/developer(s) acknowledges that neither the rezoning of the property nor the conditions of rezoning give the property owner(s)/developer(s) 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 the property owner(s)/developer(s) any rights or claims under the Private Property Rights Protection Act. The property owner(s)/developer(s) hereby waive any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I).

15. The owner(s)/developer(s) shall execute and record a document acceptable to the Pima County Department of Community Services indicating that the owner/developer 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.
16. Adherence to the sketch plan as approved at public hearing.
17. No mobile or manufactured homes allowed.
18. Building height is restricted to 24 feet."

Tom Hudson, Zoning Administrator, stated the property was outside the Conservation Lands System. All concurrency criteria were met. Four neighbors addressed the Planning and Zoning Commission about traffic, drainage, wildlife habitat, erosion and building height. Open zoning on this property from the 1960s was enacted without an expiration date. The option existed for CR-3 density, commensurate with surrounding developments. There would be 30% set-aside.

Tim Murray, Remax Executives, applicant's representative, stated 12-14 homes were allowed under current zoning. The request was for five lots, each with a main house and guest house. Neighbors expressed opposition to higher density. Guest houses were frequently needed for elderly or disabled relatives. Natural vegetation will be maximized and grading minimized. Additional infrastructure was unnecessary.

The Chairman inquired whether anyone wished to be heard. No one appeared. On consideration, it was moved by Supervisor Day, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and approve, subject to conditions, amending Condition Nos. 9 and 11, and adding Condition 18.

23. **DEVELOPMENT SERVICES: REZONING**

The Board, on RM 9/9/08, continued this item.

Co18-08-01, TUCSON ELECTRIC POWER CANOA RANCH 138KV SUBSTATION
Request of Tucson Electric Power Company represented by The Planning Center, for a 138kV power substation permit and a waiver from Section 18.070.040(B)(5)(a) and (b) (setback and screening requirements) on a 3 acre site zoned RH (Rural Homestead). The site is located on the southeast corner of the intersection of the alignment of West Duval Mine Waterline Road and I-19, on portions of parcels: 304-69-0460 and 304-69-0530. Staff recommends **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS.** (District 4)

- "1. Environmental Planning Condition
~~Tucson Electric Power shall submit an Invasive Plant Eradication Plan as part of the Landscape Plan for the Development Plan, for the annual inspection and removal of invasive non-native plant species on the site, including but not limited to those listed below.~~
Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those listed below. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against any future property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.

Invasive Non-Native Plant Species Subject to Control:

<i>Ailanthus altissima</i>	Tree of Heaven	<i>Eragrostis spp.</i>	Lovegrass
<i>Alhagi pseudalhagi</i>	Camelthorn		(excluding <i>E. intermedia</i> , plains lovegrass)
<i>Arundo donax</i>	Giant reed	<i>Melinis repens</i>	Natal grass
<i>Brassica tournefortii</i>	Sahara mustard	<i>Mesembryanthemum spp.</i>	Iceplant
<i>Bromus rubens</i>	Red brome	<i>Peganum harmala</i>	African rue
<i>Bromus tectorum</i>	Cheatgrass	<i>Pennisetum ciliare</i>	Buffelgrass
<i>Centaurea melitensis</i>	Malta starthistle	<i>Pennisetum setaceum</i>	Fountain grass
<i>Centaurea solstitialis</i>	Yellow starthistle	<i>Rhus lancea</i>	African sumac
<i>Cortaderia spp.</i>	Pampas grass	<i>Salsola spp.</i>	Russian thistle
<i>Cynodon dactylon</i>	Bermuda grass (excluding	<i>Schismus arabicus</i>	Arabian grass
sod hybrid)		<i>Schismus barbatus</i>	Mediterranean grass
<i>Digitaria spp.</i>	Crabgrass	<i>Sorghum halepense</i>	Johnson grass
<i>Elaeagnus angustifolia</i>	Russian olive	<i>Tamarix spp.</i>	Tamarisk

2. Department of Environmental Quality (DEQ) Conditions:
 - A. Prior to the commencement of construction of any project that results in the disturbance of one or more acres of land or that results in the disturbance of less than one acre of land, but that is part of a larger common plan of development or sale that disturbs one or more acre of land, a Notice of Intent (NOI) shall be submitted to Arizona DEQ and Pima County DEQ, and the required Storm Water Pollution Prevention Plan (SWPPP) must be developed, implemented throughout, and retained on-site during the execution of these construction activities.
 - B. Prior to the commencement of construction of any grading, land clearing, or earthmoving of more than one (1) acre, any road construction of more than fifty (50) feet, or any trenching of more than three hundred (300) feet, an Air Quality Activity Permit shall be obtained.
 - C. No new roads, other than a private driveway, shall be constructed unless paving specifications are those defined by, or equivalent to those of, the planning department and/or highway department of the jurisdictional agency.
3. Regional Flood Control Department conditions:
 - A. report shall be submitted with the development plan containing the standard drainage requirements. In addition, the report shall include:
 - delineation of the 500 year floodplain;
 - protection against the 500 year flood; and
 - a flood response plan.
 - ~~B. In addition to standard drainage report requirements in place at the time of the report to be submitted with the development plan shall include delineation of the 500 year floodplain protection against the 500 year flood, and a flood response plan.~~
 - B. TEP shall purchase the subject property prior to development.
4. Cultural Resources Condition:

Archeological Data recovery shall be completed before the issuance of a grading permit.”

Arlan Colton, Planning Official, stated that this would replace a 46KV plant west of the subject property. The waivers were modifications of Code items. Other sites were unsuitable. Flood Control conditions were amended.

Supervisor Carroll asked if the new policy on invasive species would be imposed County-wide. Mr. Colton replied that there were two different types of conditions, depending on the proximity to environmentally sensitive property. Buffelgrass was covered in both instances. Land use action, like this, would be requesting this condition regarding invasive species. If the land was not adjacent to environmentally sensitive areas, the condition would deal solely with buffelgrass.

The Chairman inquired whether anyone wished to be heard.

The following speakers addressed the Board:

1. Michael Toney
2. Eric Barken, TEP representative

Comments included the following:

- A. Setbacks were vital.
- B. TEP has worked with neighborhood associations and the County.

- C. The existing substation will be phased out. That property will be restored to its previous condition.

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 and waiver of the setback requirement as being in the public interest due to the parcel size, subject to standard and special conditions and amending Condition Nos. 1 and 3.

24. **DEVELOPMENT SERVICES: REZONING**

Co9-07-26, LAWYERS TITLE OF ARIZONA TRUST NO. 7992T–MAGEE ROAD NO. 2 REZONING

Request of Lawyers Title of Arizona, Trust No. 7992T, represented by Craig Courtney, for a rezoning of 1.95 acres from TR (Transitional) to CB-2 (General Business), on property located on the northwest corner of Magee Road and La Cholla Boulevard. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 9-0 (Commissioner Richey was absent) to recommend **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. Staff recommends **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. (District 1)

“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. Prior to approval of a development plan or revised subdivision plat, the owner(s)/developer(s) shall be required, by covenant, to participate in an improvement district for improvements for Magee Road at La Cholla Boulevard, or if no improvement district is formed, then appropriate impact fees shall apply.
 - B. If Pima County’s improvements to Magee Road and/or La Cholla Blvd. have not been initiated prior to the property owner(s)/developer(s) starting construction on the first building within the rezoned property, then the property owner (s)/developer (s) shall provide offsite improvements to Magee Road and La Cholla Blvd. as determined necessary by the Pima County Department of Transportation
 - C. Access and maintenance agreements shall be required between the rezoning and adjacent properties.
8. Flood Control conditions:
 - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
 - B. ~~This development shall meet Critical Basin detention and retention requirements.~~
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 including but not limited to overflow facilities for the proposed water harvesting cisterns.
9. Wastewater Management conditions:
 - A. The owner(s)/developer(s) shall provide all weather, unrestricted vehicular access to all new, existing and/or relocated public sewer manholes within the rezoning area. The owner(s)/developer(s) shall also bring all existing public sewer easements (and/or public utility easements containing public sewer lines) within the rezoning area into accordance with the most recent Pima County Regional Wastewater Reclamation Department standards for such easements, as specified at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit. 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 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 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.
10. The property owner(s)/developer(s) shall 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.
 11. In the event the subject property is annexed, the property owner 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.
 12. The property owner 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)."
 13. Environmental Planning Condition
The developer shall submit an Invasive Plant Eradication Plan as part of the Landscape Plan for the Development Plan, for the annual inspection and removal of invasive non-native plant species on the site, including but not limited to those listed below.
Invasive Non-Native Plant Species Subject to Control:

<i>Ailanthus altissima</i>	Tree of Heaven	<i>Eragrostis</i> spp.	Lovegrass (excluding
<i>Alhagi pseudalhagi</i>	Camelthorn	<i>E. intermedia</i> ,	plains lovegrass)
<i>Arundo donax</i>	Giant reed	<i>Melinis repens</i>	Natal grass
<i>Brassica tournefortii</i>	Sahara mustard	<i>Mesembryanthemum</i> spp.	Iceplant
<i>Bromus rubens</i>	Red brome	<i>Peganum harmala</i>	African rue
<i>Bromus tectorum</i>	Cheatgrass	<i>Pennisetum ciliare</i>	Buffelgrass
<i>Centaurea melitensis</i>	Malta starthistle	<i>Pennisetum setaceum</i>	Fountain grass
<i>Centaurea solstitialis</i>	Yellow starthistle	<i>Rhus lancea</i>	African sumac
<i>Cortaderia</i> spp.	Pampas grass	<i>Salsola</i> spp.	Russian thistle
<i>Cynodon dactylon</i>	Bermuda grass	<i>Schismus arabicus</i>	Arabian grass
(excluding sod hybrid)		<i>Schismus barbatus</i>	Mediterranean grass
<i>Digitaria</i> spp.	Crabgrass	<i>Sorghum halepense</i>	Johnson grass
<i>Elaeagnus angustifolia</i>	Russian olive	<i>Tamarix</i> spp.	Tamarisk

Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against any future property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.
 14. The owner(s)/developer(s) shall adhere to the site plan as approved at public hearing. The property shall be allowed CB-2 zoning uses for restaurants with associated bars. All other uses shall be restricted to CB-1 zoning uses. Automotive-related uses, drive through restaurants and stand alone bars without restaurant facilities are prohibited.
 15. The maximum height of the west building shall be limited to 24 feet above the average grade within the site. The maximum height of the east building shall be limited to 34 feet above the average grade within the site including architectural features. This project will be subject to noise, odor and light trespass plans in accordance with Sections 18.39.030C4, 5, 6 and 7.

Tom Hudson, Zoning Administrator, stated that the developer would like to add retail and restaurant uses. The property was outside the Conservation Lands System. All concurrency criteria were met. The neighborhood had concerns about building height plus some uses allowed under CB-2 that were considered inappropriate for the location. The applicant primarily wanted restaurants with liquor licenses and to develop spas, salons and workout facilities. CB-1 allowed these uses.

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

approve the rezoning, subject to standard and special conditions, amending Condition Nos. 7, 8, 13 and 14 plus adding Condition No. 15.

25. **DEVELOPMENT SERVICES: REZONING**

Co9-08-11, LOPEZ-RIVER ROAD REZONING

Request of Gerald and Brenda Lopez, represented by The Planning Center, for a rezoning of 0.83 acres from SH (Suburban Homestead) to TR (Transitional), on property located on the northwest corner of River Road and Kevy Place. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Richey and Membrilla were absent) to recommend **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. Staff recommends **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. (District 1)

"Rezoning conditions were recommended as follows:

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. Only one access shall be allowed onto River Road and shall be right turn only. No median opening shall be allowed.
 - ~~B. As determined necessary by the Department of Transportation, access shall be provided to the property located north of the rezoning.~~
 - B. Provisions of access shall be provided to the east, access and maintenance agreements will be required prior to approval or Development Plan or Plat.
 - C. The owner(s)/developer(s) shall provide a turn around at the southern terminus of Kevy Place as approved by the Department of Transportation.**
8. Flood Control conditions:
 - A. A drainage report shall be submitted during the platting process for Flood Control District to analyze detention/retention requirements.
 - B. The property owner(s)/developer(s) shall comply with detention/retention conditions and restrictions, or provide an in-lieu fee, as stated in the Floodplain Management Ordinance since the property lies within a balanced or critical basin.
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 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.
 - D. 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.

- E. 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. Environmental Quality condition:
- A. 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.
- B. No new roads, other than a private driveway, shall be constructed unless paving specifications are those defined by, or equivalent to those of, the planning department and/or highway department of the jurisdictional agency.
11. Environmental Planning conditions:
- A. The site shall be inspected for the presence of the western burrowing owl by a qualified resource specialist. A report which contains survey results and dates shall be provided to Pima County immediately upon completion of the inspection. This report must be received prior to approval of a development plan or tentative plat. If any western burrowing owls are found to be present on the project site, a copy of the report shall be sent to the Arizona Game and Fish Department's Heritage Data Management System.
- B. The developer shall submit an Invasive Plant Eradication Plan as part of the Landscape Plan for the Development Plan, for the annual inspection and removal of invasive non-native plant species on the site, including but not limited to those listed below.
- Invasive Non-Native Plant Species Subject to Control:
- | | | | |
|-------------------------------|--------------------|------------------------------|----------------------|
| <i>Ailanthus altissima</i> | Tree of Heaven | <i>Eragrostis</i> spp. | Lovegrass (excluding |
| <i>Alhagi pseudalhagi</i> | Camelthorn | <i>E. intermedia</i> , | plains lovegrass) |
| <i>Arundo donax</i> | Giant reed | <i>Melinis repens</i> | Natal grass |
| <i>Brassica tournefortii</i> | Sahara mustard | <i>Mesembryanthemum</i> spp. | Iceplant |
| <i>Bromus rubens</i> | Red brome | <i>Peganum harmala</i> | African rue |
| <i>Bromus tectorum</i> | Cheatgrass | <i>Pennisetum ciliare</i> | Buffelgrass |
| <i>Centaurea melitensis</i> | Malta starthistle | <i>Pennisetum setaceum</i> | Fountain grass |
| <i>Centaurea solstitialis</i> | Yellow starthistle | <i>Rhus lancea</i> | African sumac |
| <i>Cortaderia</i> spp. | Pampas grass | <i>Salsola</i> spp. | Russian thistle |
| <i>Cynodon dactylon</i> | Bermuda grass | <i>Schismus arabicus</i> | Arabian grass |
| (excluding sod hybrid) | | <i>Schismus barbatus</i> | Mediterranean grass |
| <i>Digitaria</i> spp. | Crabgrass | <i>Sorghum halepense</i> | Johnson grass |
| <i>Elaeagnus angustifolia</i> | Russian olive | <i>Tamarix</i> spp. | Tamarisk |
- Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against any future property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.
12. 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.
13. The property owner(s)/developer(s) 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)."
14. The owner(s)/developer(s) shall adhere to the site plan as approved at public hearing limiting the site to office uses only.
15. The owner(s)/developer(s) should provide an eight-foot wall along the northern boundary of the property.

Tom Hudson, Zoning Administrator, stated the use would change from residential to office. The site was outside the Conservation Lands System. All concurrency criteria were met. The project was Phase II of River Park Village Center. Garbage trucks used Keyv Place and came down to the south. A neighbor adjacent to the north was concerned about the need for a turnaround place after pickup. Neighbors requested a turnaround area within the area, subject to rezoning, so

trucks can make the turnaround and also exit. A neighbor expressed concern about dust and noise and requested an 8 foot wall along the northern boundary instead of a 6 foot wall with landscaping. If a new sewer was extended, a stub-out from the line was desired.

Linda Morales, applicant's representative from The Planning Center, addressed the turnaround area, the wall issue and other concerns.

The Chairman inquired whether anyone wished to be heard.

The following speakers addressed the Board:

1. Dale McClanahan, neighbor
2. Michael Toney
3. Dale Roose

Comments included the following:

- A. Agreement had been reached for a 15 foot easement.
- B. An 8 foot wall instead of a 6 foot wall was strongly desired.
- C. An 8 foot wall should not cost that much more than a 6 foot wall.
- D. An 8 foot wall would detract from the aesthetic element.
- E. Concern was raised about disabled people's access from River Road.
- F. Much of the wall has trees in front of it, so little would be visible.
- G. Support was expressed for the shopping center.
- H. The only way to control roadway sound is with a wall at the roadway.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearing and approve the rezoning, subject to standard and special conditions, amending Condition Nos. 7 and 11 plus adding Condition No. 15.

26. **DEVELOPMENT SERVICES: REZONING**

Co9-08-08, RIVERSIDE ASSOCIATES, ET. AL.-RIVER ROAD NO. 2 REZONING
Request of Riverview Associates and Pima County, represented by The Planning Center, for a rezoning of approximately 14.79 acres from SH (Suburban Homestead) to approximately 8.71 acres of TR (Transitional), approximately 4.11 acres of CB-2 (General Business) and approximately 1.97 acres of SH® (Suburban Homestead) (Restricted), on property located on the east and west sides of River Road at Roller Coaster Road, approximately 2,000 feet east of La Cholla Boulevard. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 9-0 (Commissioner Richey was absent) to recommend **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. Staff recommends **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. (District 1)

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

27. **DEVELOPMENT SERVICES: MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITIONS**

Co9-88-25, WETMORE NO. 2-7198–FAIRVIEW AVENUE REZONING

Request of Dobbs Motors of Arizona, represented by The Planning Center, for a modification (substantial change) of Rezoning Condition No. 12, which states, "The Development Plan, when submitted per Chapter 18.71 the Zoning Code (Development Standards), shall adhere to the revised preliminary development plan as presented at the public hearing." The subject property is approximately 6.0 acres, is conditionally zoned CB-2 (General Business Zone), and is located on the southeast corner of Fairview Avenue and Wetmore Road. On motion, the Planning and Zoning Commission voted 9-0 (Commissioner Richey was absent) to recommend **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. Staff recommends **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. (District 3)

"Completion of the following requirements within five years

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording a covenant holding Pima County harmless in the event of flooding.
3. Recording 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, Document Services.
6. There shall be no further subdividing or lot splitting without the written approval of the Board of Supervisors.
7. Transportation conditions:
 - A. Proposed access to the subject property shall need the approval of the Subdivision Engineer, Pima County Department of Transportation, prior to the submittal of a development plan or subdivision plat for any portion of the subject property. Proposed access may require that safety improvements be provided to Fairview Avenue such that the accesses are deemed safe by the Department of Transportation.
 - B. The property owner(s) shall provide for future internal site access to the adjacent properties to the east along Wetmore Road frontage.
 - C. Written approval from the City of Tucson for access and necessary improvements to Wetmore Road shall be required prior to approval of the Development Plan.
8. Flood Control conditions:

Prior to issuance of permits a drainage report must be submitted to and approved by Pima County Regional Flood Control District.

 - ~~A. Drainage shall not be altered, disturbed, or obstructed without the written approval of the Flood Control District.~~
 - ~~B. The property owners(s)/developers(s) shall submit all required drainage reports and plans, and receive approval by the Flood Control District prior to the issuance of the Certificate of Compliance. In developing the reports and plans, the requirements and regulations incorporated in the following reports shall be satisfied:
 - ~~1) Floodplain Management Ordinance~~
 - ~~2) Drainage and Channel Design Standards~~
 - ~~3) Flood Control Policies~~
 - ~~4) Stormwater Detention/Retention Manual~~~~
 - ~~C. The property owner(s)/developer(s) shall comply with the detention/retention conditions and restrictions as stated in the Floodplain Management Ordinance since the property lies within a Critical Basin.~~
 - ~~D. The property owner(s)/developer(s) shall provide all necessary on-site and off-site drainage-related improvements that are needed as a result of the proposed development of the subject property. The locations, design and construction of said improvements shall be subject to the approval of the Flood Control District.~~
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. Environmental Quality conditions:
- A. The property owner(s)/developer(s) shall 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.
 - B. This development may be required to obtain coverage under the Arizona Pollution Discharge Elimination System (AZPDES) Multi-Sector General Permit program for the commercial activity that is proposed on the property. To obtain coverage a Notice of Intent to Discharge shall be filed with Arizona DEQ that demonstrates that steps have been taken to minimize the transport of pollutants off of the property during a storm event Steps include both structural devices (e.g. impoundments) and work practices. Prior to Certificate of Compliance issuance, the applicant shall demonstrate that coverage has been obtained or demonstrate that coverage is not necessary.
 - C. Prior to the commencement of construction of any project that results in the disturbance of one or more acres of land or that results in the disturbance of less than one acre of land, but that is part of a larger common plan of development or sale that disturbs one or more acres of land, a Notice of Intent (NOI) shall be submitted to ADEQ and Pima County DEQ, and the required Storm Water Pollution Prevention Plan (SWPPP) shall be developed, implemented throughout, and retained on- site during the execution of these construction activities.
11. Planning Department conditions:
- A. Landscaping to consist of low-water use and low-pollen producing vegetation.
 - B. Adherence to Chapter 18.73 (Landscaping, Buffering, and Screening Standards) of the Zoning Code.
 - C. No lighting structures shall be permitted within the bufferyard.
 - D. The Buffer on the east side of the property shall be a minimum of 10 feet wide except on the east side where it abuts CB-2 where only a 6-foot wall shall be required.
 - E. The subject property shall be reseeded through hydro seeding or other appropriate method with low water use grass, accents and/or low-growing shrub seed mix to provide 85% vegetative cover within 90 days of Board approval of the time extension, for the purposes of dust control and to improve the aesthetic appearance of the neighborhood.
12. The Development Plan, when submitted per Chapter 18.71 of the Zoning Code (Development Standards), shall adhere to the revised preliminary development plan as presented at the public hearing which depicts the building size of 50,050 sq. ft.
13. Outdoor lighting shall be hooded and controlled such that the source of light is not visible from adjoining residential areas beyond the boundary of the site.
14. Uses restricted to new and used car vehicle sales and leasing, parts sales, repair.
15. Height of the back buildings (body shop and service shop) shall be limited to a maximum of 25 feet.
16. Cultural Resources condition.
- Prior to ground modifying activities, an on the ground archaeological and historic sites survey shall be conducted on the subject property, and submitted to Pima County for review. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate. Following rezoning approval, any subsequent development

requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.

17. No outside public address system shall be allowed on this property.

18. Environmental Planning conditions:

A. ~~Under no circumstances shall the following exotic plant species be planted anywhere on the site:~~

Fountain grass (<i>Pennisetum setaceum</i>)	Russian olive (<i>Elaeagnus angustifolia</i>)
Buffelgrass (<i>Pennisetum ciliare</i>)	Salt cedar/Tamarisk (<i>Tamarix portandra</i> & <i>T. ramosissima</i>)
Johnson grass (<i>Sorghum halepense</i>)	Bermuda grass (<i>Cynodon dactylon</i>) excluding sod hybrid
Giant reed (<i>Arundo donax</i>)	—Bermuda
Common crabgrass (<i>Digitaria sanguinalis</i>)	Lovegrasses (<i>Eragrostis</i> spp.) excluding Plains
Pampas grass (<i>Cortaderia selloana</i>)	—lovegrass (<i>Eragrostis intermedia</i>)
Red brome (<i>Bromus rubens</i>)	African rue (<i>Peganum harmala</i>)
Mediterranean grass (<i>Schismus</i> spp.)	Iceplant (<i>Mesembryanthemum crystallinum</i>)
Tree of heaven (<i>Ailanthus altissima</i>)	Arabian Grass (<i>Schismus arabicus</i>)
African sumac (<i>Rhus lancea</i>)	Natal Grass (<i>Melinis repens</i> (<i>Rhynchelythrum repens</i>))

The developer shall draft an Invasive Plant Control Plan as part of the Landscape Plan for the Development Plan, for the annual inspection and removal of invasive non-native plant species on the site, including but not limited to those listed below.

Invasive Non-Native Plant Species Subject to Control:

<u>Ailanthus altissima</u>	<u>Tree of Heaven</u>	<u>Eragrostis spp.</u>	<u>Lovegrass (excluding</u>
<u>Alhagi pseudalhagi</u>	<u>Camelthorn</u>	<u>E. intermedia, plains lovegrass)</u>	
<u>Arundo donax</u>	<u>Giant reed</u>	<u>Melinis repens</u>	<u>Natal grass</u>
<u>Brassica tournefortii</u>	<u>Sahara mustard</u>	<u>Mesembryanthemum spp.</u>	<u>Iceplant</u>
<u>Bromus rubens</u>	<u>Red brome</u>	<u>Peganum harmala</u>	<u>African rue</u>
<u>Bromus tectorum</u>	<u>Cheatgrass</u>	<u>Pennisetum ciliare</u>	<u>Buffelgrass</u>
<u>Centaurea melitensis</u>	<u>Malta starthistle</u>	<u>Pennisetum setaceum</u>	<u>Fountain grass</u>
<u>Centaurea solstitialis</u>	<u>Yellow starthistle</u>	<u>Rhus lancea</u>	<u>African sumac</u>
<u>Cortaderia spp.</u>	<u>Pampas grass</u>	<u>Salsola spp.</u>	<u>Russian thistle</u>
<u>Cynodon dactylon</u>	<u>Bermuda</u>	<u>Schismus arabicus</u>	<u>Arabian grass</u>
<u>grass (excluding sod hybrid)</u>		<u>Schismus barbatus</u>	<u>Mediterranean grass</u>
<u>Digitaria spp.</u>	<u>Crabgrass</u>	<u>Sorghum halepense</u>	<u>Johnson grass</u>
<u>Elaeagnus angustifolia</u>	<u>Russian olive</u>	<u>Tamarix spp.</u>	<u>Tamarisk</u>

Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against any future property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.

B. The site shall be inspected for the presence of the Western burrowing owl by a qualified resource specialist. A report which contains inspection results and dates on which inspections were conducted shall be provided to Pima County immediately upon completion of the inspection. This report must be received prior to approval of a tentative plat or development plan. If any Western burrowing owls are found to be present on the project site, a copy of the report shall be sent to the Arizona Game & Fish Department's Heritage Data Management System.

19. No car carriers or wreckers shall deliver vehicles or remove vehicles from the car lot storage area between the hours of 8:00 pm and 8:00 am.

20. Car alarms shall be disabled on site.

21. The property shall be fenced and policed prior to development.

22. In the event the subject property is annexed into another jurisdiction, the property owner(s)/developer(s) shall adhere to all applicable zoning 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.

23. The property owner(s)/developer(s) shall execute and record a disclaimer regarding Proposition 207 rights. The language is as follows:

The property owner(s)/developer(s) acknowledges that neither the rezoning of the property nor the conditions of rezoning give the property owner(s)/developer(s) 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 the property owner(s)/developer(s) any rights or claims under the Private Property Rights Protection Act. The property owner(s)/developer(s) hereby waive any and all such rights and/or claims pursuant to A.R.S. § 12-11340."

Tom Hudson, Zoning Administrator, stated the building size would increase from 7,440 sq. ft. to 50,050 sq. ft. The same auto dealership use would apply. The site

was outside the Conservation Lands System. All concurrency requirements were met. There were no public comments

The Chairman inquired whether anyone wished to be heard.

The following speakers addressed the Board:

1. Jerry Harris, neighbor
2. Bob Connor, The Planning Center, applicant's representative

Comments included the following:

- A. A neighbor did not oppose land being used for a car dealership
- B. All concerns the neighbor addressed were in the conditions.
- C. Concern was expressed that 1988 restrictions including those involving noise and light pollution would not be continued.
- D. County-owned adjoining property has become a dumping zone. The neighbor would like the County to fence the property, clean it or allow neighbors access to clean it.
- E. Water diversion was a major concern. The original plan showed the property's catch basin drained into an existing water system. That location was fine.

Marc Fink, Senior Planner, stated that the dumping problem would be referred to the Department of Environmental Quality.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearing and approve the modification, subject to standard and special conditions plus amending Condition Nos. 8, 12 and 18.

28 **DEVELOPMENT SERVICES: ZONING CODE TEXT AMENDMENT**

Co8-08-03, OFF-STREET PARKING AND LOADING STANDARDS TEXT AMENDMENT

An ordinance of the Board of Supervisors relating to zoning; amending the Pima County Zoning Code, Title 18 by amending Chapter 18.75, Off-Street Parking and Loading Standards; amending Section 18.75.030, Off-Street Parking Standards; amending Section 18.75.040, Development Standards; amending Table 18.75-1: Parking Spaces Required; and amending Section 18.75.050, Modification or Waiver of Requirements. On motion, the Planning and Zoning Commission voted 6-2 (Commissioners Poulos and Membrila voted **NAY**, Commissioners Smith and Richey were absent) to recommend **APPROVAL**. Staff recommends **APPROVAL**. (All Districts)

If approved, pass and adopt:

ORDINANCE NO. 2008-93

Arlan Colton, Planning Official, stated this review was done by Mark Fink, Senior Planner, and Chris Poirer, Development Services Manager. It focused on smart growth and implementation of the Board's sustainability Resolution. The changes did not lower requirements but deleted excessive ones. It modernized traditional suburban Code standards for restaurants and retail and added retail categories not addressed, e.g., home improvement stores. Ways to reduce parking requirements

were addressed that were unique to property, e.g., moving more definitively on parking reduction plans and shared parking. Restrictions were eliminated on covered parking to encourage more. Landscaping and trees were unaffected. Owners of approved plans had the option of the new standards.

Supervisor Bronson stated that there was concern about no bicycle parking in many new retail developments. She inquired about requiring or developing alternate parking. Mr. Poirer stated that the Code required provision of specific parking for bicycles. He suggested that the next revision phase consider if bicycle parking could be more meaningful and describe the locations.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Bronson and unanimously carried by a 4-0 vote, Supervisor Carroll not present for the vote, to close the public hearing and adopt Ordinance No. 2008-93.

29. **DEVELOPMENT SERVICES: WAIVER OF PLATTING REQUIREMENTS**

Co9-08-13, SMITHSON-PINTO LANE REZONING

Request of Ted and Peggy Smithson, represented by Matthew Maynard, for a waiver of the platting requirement of the Lago Del Oro Zoning Plan. The applicant requests a rezoning of 1.49 acres from GR-1 (Rural Residential) to SH (Suburban Homestead) on property located on the east side of the Bowman Road Alignment, approximately 300 feet south of Pinto Lane in Catalina. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Richey and Membrila were absent) to recommend **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. Staff recommends **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. (District 1)

"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 condition:
Access to the site that serves more than one dwelling unit shall be paved (chip sealed) within 6 months of the final building permit issuance.
8. Flood Control conditions:
A note shall be added to the plat and all future splits indicating that all weather access to the site does not exist and that emergency services may not be available during times of flooding. Furthermore the note shall state that: "Pima County shall be held harmless in the event of flooding."
9. Wastewater Management condition:
The owner(s)/developer(s) must secure approval from the Pima County Department of Environmental Quality to use on-site wastewater treatment facilities within the rezoning area at the time a tentative plat, development plan or request for a building permit is submitted for review.
10. Environmental Quality Conditions:
 - A. The owner(s)/applicant(s) shall demonstrate that the existing on-site disposal system is in good repair and functioning properly. This demonstration shall be made through the use of the Pima County Report of Inspection and recertification process. This demonstration shall be made prior to issuance of the Certificate of Compliance.
 - B. The owner(s)/applicant(s) shall demonstrate that the lot, as proposed, can accommodate the existing on-site disposal system, primary and 100% reserve disposal areas, and an additional

home site, including primary and reserve on-site wastewater disposal areas, while meeting all required setbacks. The size of the new primary and reserve areas shall be determined by on-site soil evaluations and/or percolation testing and shall be designed to accommodate a hypothetical four (4) bedroom home, unless the applicant requests limiting the size of the proposed new residence. This demonstration shall be made prior to issuance of the Certificate of Compliance.

11. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ART 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
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 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 owner 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 site plan as approved at public hearing limiting the site to two residential dwellings on one parcel."

Tom Hudson, Zoning Administrator, stated that the change would allow a second residence on the site for the applicant's parents. The proposal was generally compatible with other area uses. The site was outside the Conservation Lands System. All concurrency requirements were met. There were no public comments.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve the waiver, subject to standard and special conditions.

30. DEVELOPMENT SERVICES: REZONING ORDINANCES

- A. ORDINANCE NO. 2008-94, Co9-07-15, Bowers Trust–La Cholla Boulevard Rezoning. Owner: Thomas A. Bowers Revocable Trust. (District 1)
- B. ORDINANCE NO. 2008-95, Co23-07-01, Avra Valley Gateway Specific Plan. Owners: Lewis Holding, L.L.C. and I-10 Avra Valley Mining and Development, L.L.C. (District 3)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to close the public hearing and adopt Ordinance Nos. 2008-94 and 95.

31. TRANSPORTATION: ABANDONMENT RESOLUTION

RESOLUTION NO. 2008-266, of the Board of Supervisors of Pima County, Arizona, abandoning to the Town of Oro Valley that section of La Canada Drive between Rancho Feliz Drive and Lambert Lane, a County highway located within the incorporated limits of the Town of Oro Valley. (District 1)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to close the public hearing and adopt Resolution No. 2008-266.

32. **TRANSPORTATION: TRAFFIC ORDINANCES**

- A. ORDINANCE NO. 2008-96, of the Board of Supervisors, regulating traffic at the intersection of Northern Hills Drive and Bonita Drive/Las Palmas Drive, in Pima County, Arizona. Staff recommends APPROVAL. (District 1)
- B. ORDINANCE NO. 2008-97, of the Board of Supervisors, regulating parking on Ajo Well No. 1 Road, in Pima County, Arizona. Staff recommends APPROVAL. (District 3)
- C. ORDINANCE NO. 2008-98, of the Board of Supervisors, regulating traffic on Alvernon Way in Pima County, Arizona. Staff recommends APPROVAL. (Districts 1, 2, 3 and 5)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearing and adopt Ordinance Nos. 96, 97 and 98.

33. **HEALTH DEPARTMENT**

RESOLUTION NO. 2008-268, of the Pima County Board of Supervisors, accepting the State of Arizona Department of Homeland Security Awards in the amount of \$1,851,200.00 for the support of the Pima County Office of Emergency Management.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Valadez not present for the vote, to adopt Resolution No. 2008-268.

34. **CONTRACTS**

A. **Community Services**

- 1. Goodwill Industries of Southern Arizona, Amendment No. 2, to provide workforce development services, extend contract term to 10/31/08 and amend scope of work, U. S. Department of Labor and DES WIA Funds, contract amount \$1,500.00 (11-69-G-139644-0707)
- 2. City of South Tucson, Amendment No. 1, to provide youth work skill activities to maintain and repair worn public art work and amend contractual language, City of South Tucson Grant Fund, contract amount \$7,824.92 revenue (01-69-S-140917-0208)
- 3. SER Jobs for Progress, Inc., Amendment No. 1, to provide basic education to youth attending the Las Artes Program and amend contractual language, WIA Grant Fund, contract amount \$40,200.00 (07-69-S-141085-0708)

4. Cochise Private Industry Council, to provide employment and training services, U.S. Department of Labor and DES WIA Grant Funds, (expenditure determined by client eligibility); General Fund, contract amount \$5,000.00; total contract amount \$24,000.00 (07-69-C-141401-0908)

B. Health Department

5. RESOLUTION NO. 2008-269, approving an Intergovernmental Agreement with the Northwest Fire District, to provide for training, Federal and State Homeland Security Grant Funds, contract amount \$85,000.00 (01-01-N-141404-1008)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and carried by a 4-0 vote, Supervisor Valadez not present for the vote, to approve the contracts and adopt Resolution No. 2008-269.

35. BOARDS, COMMISSIONS AND/OR COMMITTEES

A. Board of Adjustment No. 4

Appointment of Suzanne Blodgett, to replace Chet Davis. Term expiration: 10/31/12. (District 4)

B. Board of Adjustment No. 5

Appointment of Roger C. Wolf, to fill the unexpired term of Michael Addis. Term expiration: 8/31/09. (District 5)

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Valadez not present for the vote, to approve the appointments.

C. Pima County Election Integrity Commission

Appointment of Benny White, Pima County Republican Party representative. Term expiration: 10/31/10. (Pima County Republican Party)

On consideration, it was moved by Supervisor Bronson, seconded by Chairman Elías and carried by a 4-0 vote, Supervisors Valadez and Day not present for the vote, to approve the appointment.

36. CALL TO THE PUBLIC

Nancy Freeman gave an overview of the Sahuarita flooding problem of 1,000 acres. Thirty complaints were filed with County Flood Control to no avail. She stated that Supervisor Valadez was not present to hear from the residents.

Phyllis Sirrine stated Sahuarita Road acted as a dam and kept water from draining from properties. The ditch barely has a dip, compared to its proper depth in 1983.

Charlie Alegria stated the arroyo near his Sahuarita home needed regular cleaning because each year since 1997, when it was last cleaned out, the flooding has gotten worse. In 2006, it was made wider and some cleaning was done.

Bonnie Weyrauch stated all Sahuarita culverts needed cleaning, especially parallel to Gossam Road. Its depth decreased from higher than a truck cab to 3 feet. During rains her home was inaccessible.

Jesse Villarea stated Sahuarita flood water increased from 6 inches to 3 feet. It shifted his trailer. His children's safety was a concern.

Angel Delgado stated the Sahuarita washes overflow. Water up to 2 feet rushed through his property.

Gabriel Delgado described how Sahuarita water ran increasingly high through yards and streets over the past 10 years. The sewer flooded into the street. Livestock was lost. He and his father, both heavy equipment operators, could repair the wash themselves if the County could help them with access to equipment.

Martha Aguilar stated Sahuarita flood water collapsed her fence, washed away all dirt, left stinking debris and high standing water. A mosquito problem was created. Her children's health was a concern. County Flood Control was no help. She and her son could do something if equipment was available. She requested assistance.

Rudy Lopez stated the wash caused Davis Road in Sahuarita to become a wash itself. Telephone pole lines on the ground and the water created danger to children. He called Tucson Electric Power and County Flood Control to no avail.

James T. Gibson stated that County Flood Control did not help Sahuarita residents.

Dale Roose requested that Parks and Recreation post signs to prohibit dog park users from letting their dogs destroy other people's property.

Elizabeth Nichals provided the Board with a CD of pictures showing that the flooding literally made Sahuarita Road an impassable lake. She requested the County make good use of the water instead.

Elton Ongley stated that each year since 1975, the culvert became more blocked and flooded his Sahuarita home. Three of the 4 culvert exits were blocked.

James March stated there was a crisis in County Election management with widespread problems.

John Brakey stated people were in the warehouse before the ballot hand count audit for the last election. Many irregularities occurred.

Edward Sirrine stated there was too much water, not enough ditch. He requested County assistance in resolving Sahuarita's problem.

Michael Toney spoke about floodplains.

37. **ADJOURNMENT**

The meeting adjourned at 1:25 p.m.