

MINUTES, FLOOD CONTROL DISTRICT BOARD

OCTOBER 13, 2009

The Pima County Flood Control District Board met in its regular session in the regular meeting place of the Pima County Board of Supervisors (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, October 13, 2009. 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. **CONTRACT**

RESOLUTION 2009 – FC8, of the Board of Directors of the Pima County Flood Control District, approving and authorizing the execution of a pipeline crossing agreement with the Union Pacific Railroad, Tax Levy Fund, contract amount \$316,833.00 (03-59-U-142368-1009)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to approve the contract and adopt Resolution No. 2009 – FC8.

2. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 9:30 a.m.

MINUTES, ZONING ENFORCEMENT BOARD OF APPEALS

OCTOBER 13, 2009

The Pima County Zoning Enforcement Board of Appeals met in regular session in its regular meeting place at Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, October 13, 2009. 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. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding the appeal of the decision of the Hearing Officer in Case Nos. P08ZV00529, 1 and 3, James Hessler. The Board may also during the course of the hearing and upon motion, enter into executive session.

Without objection, this item was continued to the Board of Supervisors' Meeting of 1/19/10.

2. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding the appeal of the decision of the Hearing Officer in Case No. P08ZV00676, Michelle and Morgan Bakarich. The Board may also during the course of the hearing and upon motion, enter into executive session.

Without objection, this item was continued to the Board of Supervisors' Meeting of 11/10/09.

3. **APPEAL OF HEARING OFFICER'S DECISION**

P08ZV00529-1 and 3, James Hessler

In accordance with the Pima County Zoning Code Section 18.95.030C, James Hessler, appeals the decision of the Hearing Officer in Case No. P08ZV00529-1, for a violation of the Zoning Code, Sections 18.07.030C and 18.09.020Q, open storage of used materials, debris and inoperable vehicles; and Case No. P08ZV00529-3, for a violation of the Zoning Code, Sections 18.21.010 and 18.21.020, contractor's yard not a permitted or conditional use in CR-1, on property located at 340 N. Hilton Road, Vail, AZ. (District 4)

Without objection, this item was continued to the Board of Supervisors' Meeting of 1/19/10.

4 APPEAL OF HEARING OFFICER'S DECISION

P08ZV00676 – Michelle and Morgan Bakarich

In accordance with the Pima County Zoning Code Section 18.95.030C, Michelle and Morgan Bakarich appeal the decision of the Hearing Officer in Case No. P08ZV00676, regarding violation of the Zoning Code, Section 18.01.030.E.1, structure/accessory building without a permit, on property located at 2331 N. Tanque Verde Place, Tucson, AZ. (District 4)

Without objection, this item was continued to the Board of Supervisors' Meeting of 11/10/09.

5. ADJOURNMENT

As there was no further business to come before the Board, the meeting was adjourned at 9:30 a.m.

MINUTES, BOARD OF SUPERVISORS' MEETING

OCTOBER 13, 2009

The Pima County Board of Supervisors met in regular session in its regular meeting place at Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, October 13, 2009. 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 Jimmy Miller of Oro Valley Church of the Nazarene.

2. **PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

3. **PAUSE 4 PAWS**

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

4. **CONSENT CALENDAR**

A. **CALL TO THE PUBLIC**

The Chairman inquired whether anyone wished to be heard on any item listed for action on the Consent Calendar. No one appeared.

PULLED FOR SEPARATE ACTION

1. **CONTRACTS AND AWARDS**

E. **Procurement**

Award

16. Low Bid: Award of contract, Requisition No. 902420, in the amount of \$13,199,885.00 to the lowest responsive bidder, KE&G Construction, Inc., (Headquarters:

Tucson, AZ) for the construction of the La Cañada Drive: Ina Road to Calle Concordia Project. The contract term is forty-two months with the ability to extend for project completion. Construction is to be complete within 440 working days from Notice to Proceed. The Department of Transportation requests that the Procurement Director's Change Order authority be increased to up to \$500,000.00 per change order, not to exceed a cumulative total of \$1.5 million. Funding Source: 1997 HURF Bond Fund (2%); HURF Fund 12.6% (20%); RTA Fund (70%); CDO Impact Fee Fund (8%). Administering Department: Transportation.

Without objection, this item was continued to the Board of Supervisors' Meeting of 10/20/09.

B. APPROVAL OF CONSENT CALENDAR

On consideration, it was moved by Chairman Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, that the Consent Calendar be approved as amended.

CONSENT CALENDAR ITEMS ARE AS FOLLOWS:

1. CONTRACTS AND AWARDS

A. Community Services, Employment and Training

1. Santa Cruz County, Amendment No. 4, to provide for the WIRED Program and amend scope of work, no cost (01-69-S-140387-0707)

B. Health Department

2. Drexel Heights Fire District, Amendment No. 4, to provide childhood immunizations and extend contract term to 9/5/10, no cost (01-01-D-136935-0905)
3. Animal Welfare Alliance of Southern Arizona, Inc. (AWASA), Amendment No. 4, to provide spay/neuter clinics, Health Fund, contract amount \$115,000.00 (07-01-A-140625-1207)

C. Office of Court Appointed Counsel

Award

4. Award of contract, Requisition No. 0901254, in the amount of \$300,000.00 for (1) responsive and responsible applicant,

Lawrence Y. Gee (Headquarters: Tucson, AZ) for court appointed attorney services on the Superior Court Felony Panel. This contract is for a three-year period and provides one renewal for an additional three-year period. Funding Source: General Fund. Administering Department: Office of Court Appointed Counsel.

D. Pima Health System

5. To provide nursing facility services and extend contract term to 10/31/10, PHCS Enterprise Fund:

| <u>Vendor</u> | <u>Amd No.</u> | <u>Amount</u> | <u>Contract No.</u> |
|---|----------------|----------------|---------------------|
| Kindred Nursing Centers, L.L.C., dba Villa Campana | 8 | 0.00 | 18-15-K-137034-1005 |
| Santa Rita Care Center | 7 | \$2,000,000.00 | 18-15-S-137035-1005 |
| Ensign Sabino L.L.C. dba Sabino Canyon Rehab and Care Ctr | 4 | \$2,000,000.00 | 18-15-E-137038-1005 |
| Villa Maria Care Center, L.L.C. | 6 | \$2,000,000.00 | 18-15-V-137039-1005 |
| SRCV-Rose, L.L.C., Santa Rosa Care Center | 10 | \$3,000,000.00 | 18-15-S-137045-1005 |
| Kindred Nursing Centers West, L.L.C., Valley Heath Care and Rehab Ctr | 7 | \$4,000,000.00 | 18-15-K-137062-1005 |
| Handmaker Jewish Services for the Aging | 4 | \$500,000.00 | 18-15-H-137063-1005 |
| Park Waverly Healthcare, L.L.C., dba Park Ave. Health and Rehab | 7 | \$1,500,000.00 | 18-15-P-137077-1005 |
| SLO Ridgecrest, L.L.C., dba Ridgecrest Healthcare | 3 | \$500,000.00 | 18-15-S-139267-0307 |

6. Intermountain Centers for Human Development, Inc., Amendment No. 4, to provide behavioral health residential and outpatient services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-I-139040-0207)

7. Easter Seals Blake Foundation, Amendment No. 4, to provide habilitative residential services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-B-139072-0207)

8. Dialysis Clinic, Inc., Amendment No. 3, to provide dialysis and laboratory services, and amend contractual language, PHCS Enterprise Fund, no cost (18-15-D-140018-1007)
9. Melissa G. Grijalva Vazquez, d.b.a. Betania Care Home, Amendment No. 4, to provide assisted living home services, PHCS Enterprise Fund, no cost (07-15-R-140105-0907)
10. Catalina Village Assisted Living, L.P., Amendment No. 5, to provide assisted living center services, PHCS Enterprise Fund, no cost (18-15-C-140510-1007)
11. Amendment No. 3, to provide assisted living home services and amend contractual language, PHCS Enterprise Fund, no cost:

| <u>Vendor</u> | <u>Contract No.</u> |
|--|---------------------|
| Casa De Dios, Inc. | 07-15-C-140094-0907 |
| Four Star Enterprises, Inc., d.b.a. Crossroads Adult Care Home II | 07-15-F-140096-0907 |
| Four Star Enterprises, Inc., d.b.a. Crossroads Adult Care Home | 07-15-F-140097-0907 |
| Emmanuel Care Home, Inc., d.b.a. Emmanuel Care Home II | 07-15-E-140099-0907 |
| Emmanuel Care Home, Inc., d.b.a. Emmanuel Care Home | 07-15-E-140100-0907 |
| Ubalдина R. Trejo, d.b.a. Care Haven | 07-15-T-140102-0907 |
| Leonor Arroyo, d.b.a. Autumn House | 07-15-A-140107-0907 |
| Sher-Lan, L.L.C., d.b.a. Elder Care & More | 07-15-S-140112-0907 |
| A Blissful Care Home, L.L.C., d.b.a. A Blissful Care Home | 07-15-A-140119-0907 |
| Emmanuel Care Home, Inc., d.b.a. Emmanuel Care Home III | 07-15-E-140120-0907 |
| House of Psalms, L.L.C | 07-15-H-140138-0907 |
| Spring Days Adult Care Home, L.L.C., d.b.a. Springs Days Adult Care Home | 07-15-S-140145-0907 |
| Cherie Hackman, d.b.a. Saguaro Horizons Adult Care | 07-15-H-140150-0907 |
| Sierra Adult Care, L.L.C. | 07-15-S-140154-0907 |

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|---|---------------------|
| Tommy T. Pallanes, d.b.a. The Pallanes Assisted Living Home | 07-15-P-140156-0907 |
| Whispering Hills Care Homes, L.L.C | 07-15-W-140210-0907 |
| Espinosa Care L.L.C., d.b.a. Heatherwood | 07-15-E-140213-0907 |
| Juanita & Paul Hernandez, d.b.a. Ridgecrest I | 07-15-H-140262-0907 |
| Devon Gables Health Care Center, Inc | 18-15-D-140511-1007 |
| Hundred Palms Tucson, L.L.C., d.b.a. Hundred Palms Tucson | 18-15-H-140512-1007 |
| Marshall Home For Man, Inc., d.b.a. Marshall Home for Men | 18-15-M-140513-1007 |
| Handmaker Jewish Services for the Aging, d.b.a. The Rubin Community for Senior Living Elder Care Reside | 18-15-H-140514-1007 |
| The Oasis Assisted Living Center, L.L.C., d.b.a. The Oasis at El Corral Assisted Living Center | 18-15-O-140515-1007 |
| Villa Maria Care Center, L.L.C., | 18-15-V-140516-1007 |

12. Arizona Health Care Cost Containment System, Amendment No. 7, to provide acute care medical services, revenue based on services (02-15-A-141668-1008)

13. To provide homecare services and amend contractual language, PHCS Enterprise Fund, no cost:

| <u>Vendor</u> | <u>Amd No.</u> | <u>Contract No.</u> |
|---|----------------|---------------------|
| Dependable Home Health, Inc. | 2 | 07-15-D-142063-0709 |
| United Cerebral Palsy of Southern Arizona, Inc | 2 | 07-15-U-142061-0709 |
| NSI - Nursing Service, Inc. | 1 | 07-15-N-142065-0709 |
| Arcadia Health Services, Inc., d.b.a. Arcadia Health Care | 2 | 07-15-A-142069-0709 |
| My House, L.L.C. | 2 | 07-15-M-142070-0709 |
| Lutheran Social Services of the Southwest | 2 | 07-15-L-142111-0709 |
| Jelodon Corp., d.b.a. Health Care Nursing | 2 | 07-15-J-142112-0709 |

| | | |
|---|---|---------------------|
| NurseCore Management Services, L.L.C., d.b.a. Nursecore | 2 | 07-15-N-142113-0709 |
| Caregiver Connection of Arizona, L.L.C., d.b.a. Aristocare Home Health Services | 2 | 07-15-C-142116-0709 |
| Soreo In Home Support Services, L.L.C. | 2 | 07-15-S-142117-0709 |
| Arizona Consumer Direct Personnel Care, L.L.C. | 2 | 07-15-A-142119-0709 |
| Caregiver Connection of Arizona, L.L.C., d.b.a. Aristocare Home Health Services | 1 | 07-15-C-142120-0709 |
| Bayada Nurses, Inc., | 2 | 07-15-B-142128-0709 |
| Bayada Nurses, Inc., | 1 | 07-15-B-142129-0709 |
| Gentiva Health Services (USA), Inc. and Gentiva Certified Healthcare Corp., d.b.a. Gentiva Health Service | 1 | 07-15-G-142147-0709 |

E. Procurement

14. B.C. Construction, Inc., Amendment No. 3, to provide job order contract for remodeling and construction services, General Fund, contract amount \$500,000.00 (26-13-B-139686-0507) Facilities Management
15. Brown and Caldwell, Amendment No. 4, to provide for the Roger Road WWTP to Ina Road WPCF Plant Interconnect Gravity Sewer Design Project and amend scope of work, RWRD Enterprise Fund, contract amount \$349,284.75 (16-03-B-140342-0607) RWRD

Awards

16. Low Bid: Award of contract, Requisition No. 902420 (PULLED FOR SEPARATE ACTION)
17. Highest Scoring Proposals: Award of Contracts, Requisition No. 1000094, to Consultant Engineering, Inc. (Headquarters: Phoenix, AZ); Parsons Brinckerhoff (Headquarters: New York, NY); PSOMAS (Headquarters: Los Angeles, CA); and URS Corporation (Headquarters: San Francisco, CA) for construction surveillance services for transportation capital improvement projects. The term of each contract will be for a period of one year with the ability to renew for two additional one-year terms. The total cost shall not exceed \$1,500,000.00

in the first year of each contract. Funding Source: Transportation Special Revenue Fund. Administering Department: Transportation.

F. Recorder

18. RESOLUTION NO. 2009 – 258, of the Board of Supervisors, authorizing an Intergovernmental Agreement with the Town of Oro Valley, to provide election services, revenue based on services (01-31-O-142365-0210)
19. RESOLUTION NO. 2009 – 259, of the Board of Supervisors, authorizing an IGA with the City of Tucson, to provide election services, revenue based on services (01-31-T-142366-1009)

2. BOARDS, COMMISSIONS AND/OR COMMITTEES

A. Pima County Wireless Integrated Network Committee

Appointment of Jeff Guthrie, 1st alternate of the Pima County Office of Emergency Management and Homeland Security, to fill the vacancy created by Kim James. No term expiration. (Jurisdictional recommendation)

B. Small Business Commission

RESOLUTION NO. 2009 – 260, of the Board of Supervisors, relating to Pima County Boards, Commissions or Committees; expanding the reporting authority of the Pima County Small Business Commission.

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

- A. Laurie S. Buckelew, VFW Post 10254, 17000 W. Ajo Way, Tucson, October 9, 10 and 11, 2009.
- B. Laurie S. Buckelew, Three Points Fire Local 3504 Union, 17000 W. Ajo Way, Tucson, October 16, 17 and 18, 2009.
- C. Laurie S. Buckelew, Three Points Fire Local 3504 Union, 17000 W. Ajo Way, Tucson, October 23, 24 and 25, 2009.
- D. Laurie S. Buckelew, Three Points Fire Local 3504 Union, 17000 W. Ajo Way, Tucson, October 29, 30 and 31, 2009.
- E. Jill R. Rodriguez, El Rio Health Center Foundation, 3800 E. Sunrise, Tucson, October 29, 2009.

F. Karen L. Harkson, Equine Voices Rescue and Sanctuary, 5601 N. Hacienda Del Sol, Tucson, November 1, 2009.

4. **TREASURER'S OFFICE**

Certificate of Removal and Abatement

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

| | |
|---|---------------------|
| Real Property Abatement Nos. 400168-400172 | \$ 5,388.14 |
| Personal Property Abatement Nos. 500352-500429 | \$ 93,747.97 |
| TOTAL | <u>\$ 99,136.11</u> |

5. **REAL PROPERTY**

Consent to Assignment of Pima County Public Utility License Agreement

Assignment of the public utility from the Why Utility Company, Inc., to the Why Domestic Water Improvement District.

6. **RATIFY AND/OR APPROVE**

Minutes: August 17, 2009

REGULAR AGENDA/ADDENDUM ITEMS

5. **COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CONSERVATION**

RESOLUTION NO. 2009 – 261, of the Board of Supervisors authorizing Pima County to support the Tucson Unified School District's Application for a \$62,000.00 grant for the purchase of electronic marquees for the Johnson Primary School and the Lawrence Intermediate School from the 12% Local Revenue-Sharing Contribution of the Pascua Yaqui Tribe.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to adopt Resolution No. 2009 – 261.

6. **HEALTH DEPARTMENT**

RESOLUTION NO. 2009 – 262, of the Board of Supervisors accepting the Arizona Early Childhood Development and Health Board Award for the support of the Pima County Health Department Oral Health Program in the amount of \$224,998.00.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to adopt Resolution No. 2009 - 262.

7. **FIRE DISTRICT: RINCON VALLEY FIRE DISTRICT**

Pursuant to A.R.S. §48-262.A.12, validation of the petitions presented from the Rincon Valley Fire District for the proposed JD Ranch Annexation. (District 4)

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

8. **DEVELOPMENT SERVICES: REZONING**

Co9-07-24, ARBER, L.L.C. – TWIN LAKES DRIVE REZONING WITH CLUSTER DEVELOPMENT OPTION

Request of Arber, L.L.C. represented by Fleorchinger, Sadler, Steele, Baker., Inc., for a rezoning of approximately 10.5 acres from GR-1 (Rural Residential), approximately 7.51 acres from GR-1 (GZ) (Gateway Zone), and approximately 2.49 acres from TR (GZ) (Transitional) (Gateway Zone) to approximately 10.5 acres CR-3 (Single Residence) (cluster development option), approximately 2.86 acres CR-3 (Single Residence) (GZ) (Gateway Zone) (cluster development option) and approximately 7.14 acres CR-4 (GZ) (Mixed Dwelling Type) (Gateway Zone), on property located on the west side of Twin Lakes Drive, approximately 1/2 mile north of Golder Ranch Drive. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. (District 1)

Without objection, this item was continued until further notice.

9. **DEVELOPMENT SERVICES: REZONING**

Co9-08-21, HOT RODS INVESTMENTS, L.L.C. – OLD VAIL ROAD REZONING

Request of Hot Rods Investments, L.L.C., represented by Rick Engineering, for a rezoning of 19.03 acres from GR-1 (Rural Residential) (AE) (Airport Environs and Facilities) to CB-2 (General Business) (AE) (Airport Environs and Facilities), on property located on the south side of Old Vail Road, approximately 1,200 feet south of the intersection of Old Vail and Houghton Roads. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Gungle, Cook, and Membrilla were absent) to recommend APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 4)

"Rezoning conditions were approved as follows.

IF THE DECISION IS MADE TO APPROVE THE REZONING, THE FOLLOWING STANDARD AND SPECIAL REQUIREMENTS SHOULD BE CONSIDERED:

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 and/or subdivision plat 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. Written certification from the City of Tucson stating satisfactory compliance with all its requirements shall be submitted to the Pima County Development Review Section prior to the approval of the final plat.
 - B. No access shall be allowed on Houghton Road from the subject property.
 - C. The property owner/developer shall dedicate 15 feet right-of-way for Old Vail Road.
 - D. Owner/developer shall improve Old Vail Road from Houghton Road to the development site. Said improvements shall include pavement (minimum 24 feet width) and all weather access drainage improvements and shall require approval of the Tucson Department of Transportation and Pima County Department of Transportation.
 - E. Owner/developer shall install necessary improvements at the Houghton Road/ Old Vail Road intersection as required by the Traffic Impact Study prepared for the project.
 - F. Owner/ developers shall dedicate right-of-way for Houghton Road per the City of Tucson Major Streets and Routes Plan.
 - G. Provision of cross access to offsite parcels the northwest and southeast may be required.
8. Flood Control conditions:
 - A. A drainage report shall be submitted during the platting process for Flood Control District to determine 100-year water surface elevations for all lots and to analyze detention /retention requirements. Channel and drainage design shall be addressed including any landscaping and/or riparian mitigation within drainage facilities.
 - B. The property owner shall comply with detention/retention conditions and restrictions, as stated in the Floodplain Management Ordinance since the property lies within a balanced basin.
 - C. A riparian mitigation plan shall be required for development in designated riparian areas and on-site mitigation shall be required.
 - D. Water Resources Conditions:
 - ~~i. A letter of intent to serve from a water service provider shall be submitted as part of any platting, plat waiver, or development plan approval actions.~~
 - ii. The applicant shall submit a water conservation plan in conjunction with the platting, plat waiver, or development plan. Development Services and Regional Flood Control District must approve the water conservation plan prior to approval. The plan shall include indoor and outdoor conservation measures and, if turf areas are allowed, indicate the maximum allowed turf area. The maximum turf area shall be included in any subdivision's recorded CC&R's.
 - iii. Low Intensity Development (LID) water harvesting should be incorporated into landscaping, paving, and parking lot designs to encourage use of stormwater to irrigate exterior areas and conserve use of groundwater.
9. Environmental Quality conditions:
 - A. As a condition of rezoning, the applicant shall demonstrate that the sites are suitable for the placement of on-site wastewater disposal systems, including the primary and reserve disposal areas, to serve the proposed development while meeting all minimum design criteria, including all setbacks. The size of the primary and reserve areas shall be determined by on-site soil evaluations and/or percolation testing. This demonstration shall be made prior to issuance of the Certificate of Compliance.
 - B. As a condition of rezoning, if a public sewer with available capacity becomes available within 200 feet of the property line of the proposed development all development within the rezoning area shall connect to the public sewer system at the location and in the manner as specified by the Regional Wastewater Reclamation Department.

- C. 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.
10. Wastewater Management conditions:
Should the project connect to the public sewer at any time in the future, the following conditions shall apply.
- A. The owner / developer 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 / developer 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 / developer 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 / developer 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 / developer 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 / developer 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 / developer shall also design and construct any necessary off-site sewers to accommodate the anticipated wastewater flow from any properties down-gradient from the rezoning area that can reasonably be served by those sewers, in the manner specified at the time of review of the tentative plat, development plan, sewer construction plan or request for building permit.
- G. The owner / developer 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.
- H. A 20' Buffer-yard "D" has been proposed around the rezoning area with the exception of the southern boundary. A public sewer line may cross this buffer-yard, only if adequate vehicular access is provided to the manholes on each side of the buffer-yard. No public sewer manholes will be allowed within this buffer-yard, and no public sewer lines may be run within this buffer-yard, due to vehicular access concerns. Consequently the owner / developer shall provide all weather, unrestricted vehicular access to all new, existing and/or relocated public sewer manholes within the rezoning area.
- I. All public sewer easements must be a minimum of twice the proposed depth of the sewer line, rounded off to the next 5' increment, or 20' if the proposed sewer will be less than 10' deep. The owner / developer shall provide all weather, unrestricted vehicular access to all new, existing and/or relocated public sewer manholes within the rezoning area.
- J. If public sewer easements are to cross the detention basin, the applicant will need to demonstrate that a minimum of 4' of cover will be maintained over the proposed sewer lines. The owner / developer shall provide all weather, unrestricted vehicular access to all new, existing and/or relocated public sewer manholes within the rezoning area.
11. Cultural Resources conditions:
- A. Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted 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.

- B. A caution must be noted concerning human burials. 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/or ARS 41-844 require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. 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. Environmental Planning Conditions:
 - A. 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 the 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 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.
 13. The following conditions shall be required in support of County Sustainability Initiatives:
 - A. Employ water harvesting techniques with subdivision roadway design and individual grading on each individual lot. Direct roof runoff into landscaped areas using swales and micro basins to irrigate vegetation. Alternatively, use the water conservation techniques of the Pima County Green Building Program. In either case, the techniques shall be included in the water conservation plan required by Condition 8D.
 - B. The recorded private subdivision Covenants, Conditions, and Restrictions (CC&Rs) shall not prohibit and shall encourage the use of solar energy and other alternative energy sources shall be encouraged and not be prohibited by the CC&R's.
 - C. Each building shall be oriented for optimal solar orientation, to the maximum extent possible.
 14. Adherence to the preliminary development plan, as approved at public hearing.
 15. 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.
 16. 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(l)."

The Chairman inquired whether anyone wished to address the Board. No one appeared.

Tom Hudson, Zoning Administrator, explained that there were technical corrections on condition 8D.

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 Co9-08-21 with standard and special conditions, as amended.

10. **DEVELOPMENT SERVICES: ZONING CODE TEXT AMENDMENT**

Co8-08-02, SAFE ROUTES

An ordinance of the Board of Supervisors of Pima County, Arizona; relating to zoning; amending the Pima County Zoning Code Title 18 by amending Section 18.03.020 (Definitions) to add a definition of Safe Routes and amending Sections 18.09.020 (General Requirements and Exceptions), Section 18.69.040 (General Performance and Design Standards), Section 18.69.090 (Residential Recreation Areas), Section 18.73.040 (Screening and Bufferyard Requirements) to remove barriers to, encourage creation of and provide guidelines for Safe Routes. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Gungle, Cook and Membrila were absent) to recommend APPROVAL. Staff recommends APPROVAL. (All Districts)

If approved, pass and adopt:

ORDINANCE NO. 2009 – 98

The Chairman inquired whether anyone wished to address the Board. No one appeared.

Supervisor Bronson stated that she understood the Planning and Zoning Commission had adopted different language than staff's version, pertaining to Section 18-69-040(G)(5) and Section 18-69-090(C)(2). She asked for clarification concerning these matters.

Chris Poirier, Administrative Project Manager, stated that there were two recommendations for the Board. He said both were similar with the exception that staff recommended an alternative version than the Planning and Zoning Commission. He confirmed that the Planning and Zoning Commission adopted their version unanimously. He explained that the areas where staff and the Planning and Zoning Commission differed had to do with the overall requirements for promoting connectivity. He stated that both recognized the necessity to also include the requirement for subdivisions that shall provide private streets. In Section 18-69-090(C)(2), he believed the most recent correspondence received from SAHBA was to change the word "identified" to "dedicated." He said the intent of the change was to establish the requirement based around a real funding source.

Supervisor Bronson acknowledged that in Section 18-69-090(C)(2), she would like to see the word "identified" replaced with "dedicated."

Supervisor Day said that she supported the staff recommendation that stated, "you shall have safe routes" and opposed the Planning and Zoning Commission recommendation that stated, "you should have safe routes."

On consideration, it was moved by Supervisor Valadez, seconded by Supervisor Carroll and carried by a 4-1 vote, Supervisor Day voting "Nay," to close the public hearing, approve Co-8-08-02 with the Planning and Zoning Commission recommendation, change the word "identified" to "dedicated" in Section 18-69-090(C)(2) and adopt Ordinance No. 2009 - 98.

11. **DEVELOPMENT SERVICES: REZONING RESOLUTIONS**

- A. RESOLUTION NO. 2009 – 263, Co9-00-59, SWC River/ Craycroft, L.L.C.– River Road Rezoning. Owners: Grupo Rio, L.L.C. (District 1)
- B. RESOLUTION NO. 2009 – 264, Co9-01-25, Miller – Oracle Road Rezoning. Owners: MJM Ventures Two, L.L.C. (District 1)

The Chairman inquired whether anyone wished to address the Board. No one appeared.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearings and adopt Resolution No's. 2009 - 263 and 264.

12. **TRANSPORTATION: TRAFFIC ORDINANCES**

- A. ORDINANCE NO. 2009 – 99, of the Board of Supervisors, establishing an abutting school crosswalk on Littletown Road and Lantana Vista Drive in Pima County, Arizona. Staff recommends APPROVAL. (District 2)
- B. ORDINANCE NO. 2009 – 100, of the Board of Supervisors, regulating parking on Littletown Road in Pima County, Arizona. Staff recommends APPROVAL. (District 2)

The Chairman inquired whether anyone wished to address the Board. No one appeared.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearings and adopt Ordinance No's. 2009 - 99 and 100.

13. **CONTRACTS AND AWARDS**

A. **Community Development and Neighborhood Conservation**

- 1. Southern Arizona Legal Aid, Inc., to provide for the Tenant/Landlord Resolution Program, Homeless Prevention and Rapid Re-Housing Program Fund, contract amount \$60,000.00 (02-70-S-142389-1009)

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

- 2. Greater Littletown Area Human Resource Group, Inc., to provide emergency assistance services, Community Services Block Grant Fund, contract amount \$50,000.00 (07-69-G-142399-0709)

3. Arivaca Coordinating Council Human Resource Group, Inc., to provide emergency assistance services, Community Services Block Grant Fund, contract amount \$50,000.00 (07-69-A-142400-0709)

C. Economic Development and Tourism

4. Metropolitan Tucson Convention and Visitors Bureau, to promote and enhance tourism, business travel, film production, youth sports development and marketing, General Fund, contract amount \$3,279,750.00 (11-71-M-142386-0709)

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

14. BOARDS, COMMISSIONS AND/OR COMMITTEES: BOND ADVISORY COMMITTEE

Ratification of appointment for City of South Tucson Representative: Brian Flagg, to fill unexpired term of Paul Diaz. Term expiration: 4/30/10. (Jurisdictional recommendation)

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

15. BOARDS, COMMISSIONS AND/OR COMMITTEES: COMMUNITY ACTION AGENCY BOARD

Appointment of Dianna Gonzales to replace Sally Slosser. Term expiration: 12/31/12. (District 4)

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

16. DEVELOPMENT SERVICES: FINAL PLAT WITH ASSURANCES

P1206-089, Bluff Creek, Lots 1-40, Common Areas A and B. (District 1)

On consideration, it was moved by Chairman Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to approve the final plat with assurances.

17. COUNTY ADMINISTRATOR: ATTENDANCE POLICY DURING PANDEMIC INFLUENZA OUTBREAK

Staff requests approval of Board of Supervisors Policy D 23.20, Attendance Policy During Pandemic Influenza Outbreak.

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

18. **CALL TO THE PUBLIC**

The Chairman inquired whether anyone wished to be heard. No one appeared.

19. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 9:30 a.m.