

MINUTES, FLOOD CONTROL DISTRICT BOARD

NOVEMBER 17, 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, November 17, 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. **CONTRACTS AND AWARDS**

- A. RESOLUTION NO. 2009 – FC 9, of the Board of Directors of the Pima County Regional Flood Control District, authorizing additional funding in the amount of \$100,000.00 for the Tres Rios del Norte Santa Cruz River Ecosystem Restoration Project Feasibility Phase Study, Tax Levy Fund.
- B. RESOLUTION NO. 2009 – FC 10, approving an Intergovernmental Agreement with the Town of Oro Valley, to provide for the Lomas de Oro Wash Channelization Project and the Oro Valley Estates Drainage Improvement Project, Phase II, Flood Control Tax Levy Fund, contract amount \$485,000.00 (01-59-O-142465-1109)
- C. RESOLUTION NO. 2009 – FC 11, approving an Intergovernmental Agreement with the City of Tucson, to provide for repairs to damaged sections of the Pantano Wash, Flood Control Tax Levy Fund, contract amount \$4,000,000.00 (01-59-T-142466-1109)
- D. Town of Marana, to provide an Acquisition Agreement and Special Warranty Deed for the sale of 2.999 acres for the I-10 traffic interchange at Twin Peaks, Flood Control Tax Levy Fund, contract amount not to exceed \$182,371.00 revenue (22-59-M-142467-1109)

Award

- E. Low Bid: Award of Contract, Requisition No. 1000352, in the amount of \$2,979,929.25 to the lowest responsive bidder, The Ashton Company, Inc., (Headquarters: Tucson, AZ), for construction of soil cement bank protection along a segment of the Pantano Wash between Speedway Boulevard and Tanque Verde Road. The contract term is thirty-six months with the ability to extend the term for contract completion. Construction is to be complete within

175 working days from Notice to Proceed. Funding Source: Flood Control Tax Levy Fund. Administering Department: Regional Flood Control District.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to approve the contracts and awards and to adopt Resolution No's. 2009 – FC 9 , 10 and 11.

2. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:10 a.m.

MINUTES, STADIUM DISTRICT BOARD

NOVEMBER 17, 2009

The Pima County Stadium District Board met in its regular session at 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, November 17, 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 settlement with SK Baseball, owner of the former Tucson Sidewinders.

Chris Straub, Chief Civil Deputy County Attorney, stated this was a final settlement offer in the amount of \$47,911.67 that pertained to the Facility Use Agreement with Pima County. The County Administrator, Director of the Stadium District and the County Attorney's Office agreed with the amount and the terms proposed.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to accept the recommended settlement of \$47,911.67.

2. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:10 a.m.

MINUTES, BOARD OF SUPERVISORS' MEETING

NOVEMBER 17, 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, November 17, 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 Kevin Prahar of Park Avenue Christian 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.

... **EXECUTIVE SESSION**

On consideration, it was moved by Supervisor Valadez, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, that the Board convene to Executive Session at 9:10 a.m.

4. **CONVENE**

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

5. **CALL TO THE PUBLIC (for Executive Session items only)**

The Chairman inquired whether anyone wished to be heard on any items listed under Executive Session. No one appeared.

6. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) (4) and (7), for legal advice and direction regarding bidding at a public auction of the property known as the Valencia Archaeological Site scheduled for November 24, 2009.

Chris Straub, Chief Civil Deputy County Attorney, explained this item concerned the County's possible acquisition of the Valencia Archaeological Site. On July 7, 2009, the Board authorized staff to apply for a Growing Smarter Grant to assist with the purchase. The grant had been awarded. The County Attorney's Office sought direction from the Board on whether to move forward with the acquisition of the property as discussed in Executive Session.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to instruct staff to bid at the auction as discussed in Executive Session.

7. **LITIGATION**

Pursuant to A.R.S §38-431.03(A) (3) and (4), for legal advice and direction regarding the settlement with SK Baseball, owner of the former Tucson Sidewinders.

Chris Straub, Chief Civil Deputy County Attorney, stated this was a final settlement offer in the amount of \$47,911.67 that pertained to the Facility Use Agreement with Pima County. The County Administrator, Director of the Stadium District and the County Attorney's Office agreed with the amount and the terms proposed.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to accept the recommended settlement of \$47,911.67.

8. **LITIGATION**

Pursuant to A.R.S §38-431.03(A) (3) and (4), for legal advice and direction regarding the amendment of the contract for the expert witness supporting the County's position in Seaboard Surety v. Pima County, Maricopa County Superior Court Case No. CV2008-009136.

Chris Straub, Chief Civil Deputy County Attorney, explained the item concerned an amendment to the scope of an existing contract. The County Attorney's Office recommended approval of the contract amendment as discussed in Executive Session.

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

9. **LITIGATION**

Pursuant to A.R.S §38-431.03(A) (3) and (4), for legal advice and direction regarding approval of tax appeal settlement recommendations for the following:

- A. Turner v. Pima County
Tax Parcel No. 219-41-008D
Arizona Tax Court Case No. ST2009-000273

Chris Straub, Chief Civil Deputy County Attorney, stated this was a proposed settlement that involved a valuation appeal. The proposed settlement would decrease the full cash value of the property from \$412,643.00 to \$160,000.00 for tax year 2009, and to decrease the full cash value from \$355,151.00 to \$160,000.00 for tax year 2010. The classification would change from class 4 (rental) to class 3 (residential) for both years. The Pima County Assessor and Attorney's Office recommended approval of the settlement.

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

- B. Drake v. Pima County
Tax Parcel No. 213-14-008G
Arizona Tax Court Case No. ST2009-000328

Chris Straub, Chief Civil Deputy County Attorney, explained this was a proposed settlement that involved a valuation appeal for tax year 2010. The proposed settlement would decrease the full cash value from \$328,543.00 to \$230,000.00. The Pima County Assessor and Attorney's Office recommended approval of the settlement.

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

10. **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.

- 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 Resources

1. Sunnyside School District, Amendment No. 2, to provide before/after school and summer recreation program for elementary school-age children, amend contractual language and extend contract term from 8/1/09 to 7/31/10, General Fund, contract amount \$71,250.00 (01-67-S-140424-0807)

B. Community Services, Employment and Training

2. Rise, L.L.C., d.b.a. Rise Equipment Recycling Center, Amendment No. 2, to provide computer skill training workshops for the One Stop Program, amend scope of work and extend contract term from 7/1/09 to 6/30/10, DOL, DES and WIA Grant Funds, contract amount \$30,900.00 (11-69-P-141079-0708)
3. Amendment No. 1, to provide staff assistance and workforce development services for the One Stop Program, amend scope of work and extend contract term from 1/1/09 to 6/30/10, DOL, DES and WIA Grant Funds:

<u>Vendor</u>	<u>Contract No.</u>	<u>Contract Amount</u>
Tucson Youth Development, Inc.	07-69-T-141721-0109	\$21,153.00
SER - Jobs for Progress of Southern Arizona, Inc.	07-69-S-141722-0109	\$25,857.00
Portable Practical Education Preparation, Inc.	07-69-P-141723-0109	\$21,278.00
Catholic Community Services	07-69-C-141724-0109	\$25,295.00
Tucson Urban League, Inc.	07-69-T-141725-0109	\$25,413.00

C. Facilities Management

4. Daveck Properties, L.L.C., to provide a Lease Agreement for Adult Probation Westside as landlord, General Fund, contract amount not to exceed \$700,000.00/7 year term (04-13-D-142477-1109)

D. Health Department

5. Marana Unified School District, Amendment No. 4, to provide childhood immunization services and extend contract term to 12/4/10, no cost (01-01-M-138892-1206)

6. Southern Arizona AIDS Foundation, to provide medical services for the Points of Health Project, SAAF Grant Fund, contract amount \$20,080.00 revenue (02-01-S-142476-1009)

E. Justice Courts

7. Arizona Superior Court, Pima County Consolidated Justice Court and City of Tucson Court, Amendment No. 2, to provide for the provision of twice-a-day initial appearances and extend contract term from 7/1/09 to 6/30/10, contract amount \$148,000.00 (01-18-T-140195-0707)

F. Natural Resources, Parks and Recreation

8. RESOLUTION NO. 2009 – 414 298, approving an Intergovernmental Agreement with the Arizona Superior Court, Juvenile Court Center, to provide for juvenile work crew services for the term 6/30/09 to 6/30/10, General Fund, contract amount \$100,000.00 (01-05-A-142479-0609)

G. Office of Court Appointed Counsel

9. Brick P. Storts, III, Amendment No. 4, to provide first degree murder panel attorney services, General Fund, contract amount \$200,000.00 (17-74-S-136414-0705)

H. Pima Health System

10. Cornerstone Hospital of Southeast Arizona, L.L.C., to provide hospital services to Pima Health System members for the term 10/1/09 to 8/31/11, PHCS Enterprise Fund, contract amount not to exceed \$10,000,000.00 (18-15-C-142485-1009)

I. Procurement

11. Hunter Contracting Company, Amendment No. 7, to provide Construction Manager-at-Risk services for the Craycroft Road/River Road to Sunrise Drive Project, 1997 HURF Revenue Bond Fund, contract amount \$380,687.41 (03-04-H-136246-0505) Transportation

J. Real Property

12. Town of Marana, to provide an Acquisition Agreement and Special Warranty Deed for the sale of 2.999 acres for the I-10 traffic interchange at Twin Peaks, contract amount not to exceed \$23,493.00 revenue (22-59-M-142468-1109)

13. RESOLUTION NO. 2009 - ~~112~~ 299, of the Board of Supervisors, authorizing the execution of an Acquisition Agreement for the Terra Rancho Grande property of approximately 72.3 acres at the intersection of Speedway Blvd. and Houghton Road, 2004 Open Space Bond Fund, contract amount \$1,380,000.00 (22-64-T-142469-1109)
14. To provide title and escrow services, General Fund, contract amount \$250,000.00 each:

<u>Vendor</u>	<u>Contract Number</u>
Landmark Title Assurance Agency	07-64-L-142470-1209
Fidelity National Title Agency	07-64-F-142471-1209
Stewart Title and Trust of Tucson	07-64-S-142472-1209

K. Sheriff

15. RESOLUTION NO. 2009 - ~~113~~ 300, approving an Intergovernmental Agreement with the Arizona Attorney General's Office, to provide for implementation of the Victims' Rights Program, State Grant Fund for the term 7/1/09 to 6/30/10, contract amount \$54,375.00 revenue (01-11-A-142464-0709)
16. Arizona Department of Homeland Security, Amendment No. 2, to provide for equipment under the Operation Stonegarden Grant Program, amend contractual language and extend contract term from 11/1/09 to 10/31/10, Federal Grant Fund, contract amount \$43,000.00 revenue (01-11-A-141637-1108)
17. Arizona Department of Homeland Security, Amendment No. 1, to provide for the Urban Area Security Initiative Grant Program and extend contract term from 10/1/09 to 9/30/10, no cost (01-11-A-141638-1008)

2. TREASURER'S OFFICE

Annual Certification: Fill-The-Gap

Staff requests approval of the annual certification, as directed by A.R.S. §41-2421, that the five (5) percent set-aside "Fill-the-Gap" Funds in the amount of \$1,176,768.74 be transferred to the Local Courts Assistance Fund for supplemental aid to the Superior Court and Justice Court for processing of criminal cases.

3. **DIVISION OF ELECTIONS**

Pursuant to A.R.S. §16-821B, approval of Precinct Committeemen resignations and appointments:

<u>RESIGNATIONS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Macinnes, Darlene R.	109	REP
Ekstrom, Kevin M.	391	REP

<u>APPOINTMENTS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Abrams, Pegge	175	REP
Lawson, Donovan	333	REP
King, Tracey D.	340	REP
McGlocklin, Judy M.	355	REP
McGlocklin, Richard J.	355	REP
Burtzloff, Sue E.	383	REP
Chamberlain, Debra	407	REP

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

A. **Arizona Municipal Property Corporation**

Reappointments of Bernhardt Wm. Collins, Cecilia Cruz, Frank Y. Valenzuela, Stanley Lehman and Virginia L. Yrun. Term expiration: 11/19/10. (Corporation recommendations)

B. **Metropolitan Education Commission**

1. Appointment of Jay St. John, Ed.D, School Superintendents Representative. Term expiration: 6/30/10. (Commission recommendation)
2. Reappointments of Louis Albert, Ph.D., Pima Community College Representative; Joe Riester and Patricia Wiedhopf, At-Large Commission Appointees. Term expiration: 12/31/12. (Commission recommendations)

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

- A. Linda E. Jallad, Tohono Chul Park, 7366 N. Paseo del Norte, Tucson, November 5, 2009.
- B. Jodi Lynn Hubbard, Sun Riders M/C Inc., 3200 E. Irvington, Tucson, December 13, 2009.

REGULAR AGENDA/ADDENDUM ITEMS

11. COUNTY ADMINISTRATOR

RESOLUTION NO. 2009 - ~~144~~ **301**, of the Board of Supervisors, adopting the Pima County Legislative Program for 2010.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to adopt Resolution No. 2009 – 301.

12. COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CONSERVATION

The Pima County Neighborhood Reinvestment Oversight Committee recommends approval of the following Neighborhood Reinvestment Project and authorization for staff to negotiate a future Intergovernmental Agreement, if applicable:

<u>District</u>	<u>Community Group</u>	<u>Project</u>	<u>Estimated Budget</u>
D2	South Tucson Youth	Recreational Improvements	\$425,000.00

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

13. CULTURAL RESOURCES AND HISTORIC PRESERVATION: FORT LOWELL MASTER PLAN AND PRESERVATION PLAN

Staff recommends approval of the historic Fort Lowell Master Plan and Preservation Plan for the Adkins Parcel at Fort Lowell Park. (District 4)

Corkey Poster, Poster-Frost Associates, explained the criteria used to develop the plan and provided a video presentation.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to approve the Fort Lowell Master Plan and Preservation Plan as presented.

14. FINANCE AND RISK MANAGEMENT

RESOLUTION NO. 2009 – ~~115~~ **302**, providing for the issuance and sale of Pima County, Arizona, Street and Highway Revenue Bonds, Series 2009; providing for the payment of the bonds; providing terms, covenants and conditions concerning the bonds; accepting a bid for the purchase of the bonds; authorizing and directing the refunding of certain outstanding bonds and the execution and delivery of documents and further actions relating to the issuance of the bonds; appointing an initial bond registrar and paying agent for the bonds; and declaring an emergency.

The bidders were as follows:

<u>Bidder</u>	<u>True Interest Cost</u>
Citigroup Global Markets Inc.	3.726688%
Merrill Lynch & Co.	3.757486
Robert W. Baird & Co., Inc.	3.766327
Morgan Stanley & Co., Inc.	3.770773
Wells Fargo Advisors	3.801786
Hutchinson, Shockey, Erley & Co.	3.853654
UBS Financial Services Inc.	4.008852
Stone & Youngberg L.L.C.	4.032999

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 - 302, (Resolution No. corrected) and approve \$23,420,000.00 of Street and Highway Revenue, Series 2009 Bonds, to the low bidder, Citigroup Global Market Inc., at a true interest cost of 3.726688%.

15. **FINANCE AND RISK MANAGEMENT**

RESOLUTION NO. 2009 – ~~116~~ 303, providing for issuance and sale of Pima County, Arizona, General Obligation Bonds, Series 2009A; providing for the annual levy of a tax for the payment of the bonds; providing terms, covenants and conditions concerning the bonds and the refunding of certain outstanding bonds of the County; accepting a bid for the purchase of the bonds; appointing an initial registrar and paying agent for the bonds; and declaring an emergency.

The bidders were as follows:

<u>Bidder</u>	<u>True Interest Cost</u>
Merrill Lynch & Co.	3.367261%
Stone & Youngberg, L.L.C.	3.368484
Morgan Stanley & Co., Inc.	3.387173
Barclays Capital Inc.	3.412150
Citigroup Global Markets Inc.	3.418523
Robert W. Baird & Co., Inc.	3.473205

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by 5-0 vote, to adopt Resolution No. 2009 - 303, (Resolution No. corrected) and approve \$113,535,000.00 of General Obligation Bonds, Series 2009A, to the low bidder, Merrill Lynch & Co., at a true interest cost of 3.367261%.

16. **FIRE DISTRICT: MOUNTAIN VISTA FIRE DISTRICT**

Pursuant to A.R.S. §48-262.A.12, validation of the petitions presented from the Mountain Vista Fire District for the proposed Suffolk Hills Annexation. (District 1)

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

17. **PROCUREMENT: AWARD**

The Board of Supervisors' on 11/3/09, continued the following:

Highest Scoring Proposals: Award of Contracts, Requisition No. 1000133, Urban Engineering, (Headquarters: Tucson, AZ), Ashby Surveying & Drafting, Inc. (Headquarters: Tucson, AZ), Precision Land Surveying, Inc. (Headquarters: Tucson, AZ), Stantec Consulting, Inc. (Headquarters: Phoenix, AZ), Amerson Surveying, Inc. (Headquarters: Tucson, AZ) and PSOMAS (Headquarters: Los Angeles, CA) for construction survey services for transportation capital improvement projects. The estimated total cost shall not exceed \$2,000,000.00 for each contract. The term of each contract shall be three years. Funding Source: Transportation Special Revenue Fund. Administering Department: Transportation.

Chuck Huckelberry, County Administrator, provided a report. He explained that information on this matter had been provided to the Board. His recommendation was to proceed, and approve the contracts to the six original recommended firms.

The following speakers addressed the Board:

- A. Dinkar Gangwa, citizen
- B. Mary Darling, citizen

They provided the following comments:

1. Not enough local minority or small businesses in the area were being awarded contracts during these challenging economic times.
2. Sometimes the Department of Transportation (DOT) was not objective towards minority firms.
3. They requested that the Board increase the number of contracts awarded among minority and small businesses in the area.

George Widugiris, Procurement Director, explained that one of the final lists of proposed vendors that were being recommended for the award included a certified Minority and Women-Owned Business vendor.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Carroll to approve the recommendation of the Procurement Director.

Supervisor Valadez indicated that he wanted to add a friendly amendment to the motion that included a review by staff that showed the entire procurement structure as it related to contract awards.

Supervisor Day and Supervisor Carroll accepted the amendment and the motion carried by a 4-1 vote, Chairman Elías voting "Nay."

18. **REAL PROPERTY: RELEASE OF PUBLIC INGRESS/EGRESS EASEMENT**

The Board of Supervisors' on 10/6/09 and 10/20/09, continued the following:

Leadstar, L.L.C., representing the Gates Pass Condominium Project, requests the release of an unneeded 25-foot public ingress/egress easement as reserved in Docket 8450 at Page 1623 and dedicated in Docket 8516 at Page 591 and Docket 9233 at Page 676, Section 15, T15S, R13E, G&SRM. No revenue. (District 5)

On consideration, it was moved by Chairman Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to continue this item to the Board of Supervisors' Meeting of December 15, 2009.

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

A. Benji Lyons, USA Raceway, 4300 E. Los Reales, Tucson, November 21 and 28, 2009 at approximately 8:30 p.m.

B. Lori McGee, Caterpillar Inc., 5000 W. Caterpillar Trail, Green Valley, November 18, 2009 at approximately 8:00 p.m.

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

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

20. **FRANCHISE/LICENSE/PERMIT: EXTENSION OF PREMISES/PATIO PERMIT**

Scott A. Busse, Territorial, 3727 S. Palo Verde Road, Tucson, Temporary Extension for November 21, 2009 and December 13, 2009.

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

21. **DEVELOPMENT SERVICES: REZONING**

Co9-08-16, KELLEY – COLOSSAL CAVE ROAD REZONING

Request of Patricia and Jonathan Kelley, represented by MJM Consulting, for a rezoning of approximately 4.85 acres from RH (Rural Homestead) to CB-2 (General Business) on property located at the southwest corner of the intersection of Colossal Cave and Old Vail Roads. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co20-00-20. On motion, the Planning and Zoning Commission voted 10-0 to recommend APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 4)

"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. Transportation Conditions:
 - A. Offsite improvements to Old Vail Road shall be provided by the property owner, as determined necessary by the Department of Transportation.
 - B. The property owner shall grant an easement and shall construct a temporary turnaround at the western edge of the subject property if determined necessary by the Department of Transportation.
 - C. Provision of offsite improvements to the Old Vail Road and Colossal Cave Road intersection as determined necessary by the Department of Transportation.
 - D. Provision of offsite improvements to Colossal Cave Road shall be provided by the property owner, as determined necessary by the Department of Transportation.
 - E. Dedication of appropriate right-of-way for Colossal Cave Road and Old Vail Road as depicted on the approved Preliminary Development Plan and or as amended and approved by the Department of Transportations.
7. Flood Control conditions:
 - 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 balanced basin.
 - B. The property owner(s) shall provide all necessary on-site and off-site drainage related improvements at no cost to Pima County that are needed as a result of the proposed development of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.
8. Environmental Quality conditions:
 - A. As a condition of approval, the property owner(s) must connect to the public sewer system at the location and in the manner as specified by the Regional Wastewater Reclamation Department at the time of review of the development plan. If public sewer is not available the applicant shall demonstrate that the site is suitable for the placement of on-site wastewater treatment system(s) at the time of review of the development plan.
 - B. Approval of on-site wastewater treatment for the proposed development is not granted, nor implied, by approval of this rezoning. The property owner(s) assume full responsibility if on-site wastewater treatment system(s) cannot be constructed. Furthermore, Pima County and its representatives shall be held harmless in the event the property cannot be developed as planned.
 - C. If public sewer with available capacity becomes available within 200 feet of the property line after construction 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.
 - D. 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.
9. Wastewater Management conditions:
 - A. The owner/developer shall not construe any 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.
10. Cultural Resources conditions:
- A. The property owner shall provide for the preservation, protection, and rehabilitation of the National Register of Historic Places-eligible Old Vail Post Office following the Secretary of the Interior's Standards for the Treatment of Historic Properties (1995) through adaptive reuse of the building for commercial purposes.
 - B. The design and construction documents developed for the rehabilitation and reuse of the Old Vail Post Office building shall be reviewed and approved by the Office of Cultural Resources & Historic Preservation and subsequently forwarded to the State Historic Preservation Office for review and concurrence. The plan for rehabilitation may also be reviewed by the Tucson Pima County Historical Commission.
 - C. 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. Following rezoning approval, and prior to any on-site demolition or other ground-disturbing activities, OCRHP will consult with the State Historic Preservation Office (SHPO) regarding the historic adobe house (Building #8 on the aerial photograph submitted with the site analysis) to determine Building 8's eligibility for listing on the National Register and its subsequent treatment.
 - D. The rehabilitation of the Old Vail Post Office should be integrated with the overall development construction schedule and plan. The approved plan for the rehabilitation of the Old Vail Post Office may be implemented sooner than, but no later than, any development associated with the related project construction. In order to avoid negative impacts on the historic property, rehabilitation should proceed concurrently with development construction. The plan for rehabilitation must be submitted along with the overall construction plan for the development property, including development related infrastructure.
11. Environmental Planning Condition: 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.
12. Any proposed development plan is subject to County and State Historic Preservation Office review to ensure that the development provides for preservation of sufficient integrity of setting of National Register-eligible historic properties within the site. New development or redevelopment shall not negatively impact the National Register of Historic Places-eligible Old Vail Post Office within the site or the eligible Santa Rita Shrine on the east side of Colossal Cave Road. Any new development or redevelopment shall adequately provide for historic and archeological discovery, preservation, conservation, protection, mitigation, rehabilitation and adaptive reuse within the site as may be necessary. The visual effect of new construction, to include architectural style and building materials and colors, shall be in context with the historic structures.
13. Residential uses shall not be allowed.
14. Plans for development shall be submitted to the Cultural Resources Office for review with the grading plan, tentative plat, final plat and/or any development plan submitted for the subject parcel.

15. The following conditions shall be required in support of County Sustainability Initiatives:
 - A. Water harvesting techniques shall be employed with internal roadway design. Roof runoff shall be directed into landscaped areas, using swales and micro basins, to irrigate vegetation. Alternatively to using the former techniques, water conservation techniques of the Pima County Green Building Program shall be used. In either case, the techniques shall be included in the water conservation plan which will be required at the time of tentative plat submittal.
 - B. Any 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.
16. The amenities shown on the Courtyard Exhibit supplement to the Preliminary Development Plan, labeled P&Z 9/30/09, shall be provided as shown, unless Pima County Development Services staff determines during the development plan review process that the amenities may be provided with an equivalent or better design.
17. Adherence to the preliminary development plan, as approved at public hearing.
18. 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.
19. 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)."
20. Building height for the two new buildings located along the Colossal Cave Road frontage shall be limited to one-story and no greater than 16 feet as measured by the definition of Building Height as found in Pima County Zoning Code Section 18.03.020. All other buildings shall comply with the CB-2 height restrictions.
21. The outdoor display and sales area in the 15 feet in front of the two new buildings along Colossal Cave Road shall be used only during business hours or the time when outdoor events take place. During non-business hours this area shall not be used for merchandise storage. Additionally no chain link fencing or other barrier shall be erected around this area.
22. The uses allowed in the project shall be limited to those permitted in the CB-1 zone plus the CB-2 uses of outdoor merchandise display and sales and outdoor gatherings such as a farmers market or an arts shows or a community event."

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

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 Co9-08-16 with standard and special conditions.

22. DEVELOPMENT SERVICES: REZONING TIME EXTENSION

Co9-04-06, FIDELITY NATIONAL TITLE, TRUST NO. 30226 – CAMINO VERDE REZONING

Request of Fidelity National Title, Trust No. 30226, for a five-year time extension of a rezoning from SR (Suburban Ranch) to CR-4 (Mixed Dwelling Type) Small Lot Option for approximately 29.09 acres located on the east side of Camino Verde approximately one half mile south of Ajo Highway. The subject site was rezoned in 2004 and expires in 2009. Staff recommends APPROVAL OF A FIVE-YEAR TIME EXTENSION WITH ADDITIONAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 3)

Without objection, this item was continued to the Board of Supervisors' Meeting of December 15, 2009, at the applicant's request.

23. DEVELOPMENT SERVICES: COMPREHENSIVE PLAN AMENDMENT

Co7-09-04, GATEWAY HACIENDA, L.L.C. - E. RIVER ROAD PLAN AMENDMENT

Request of Gateway Hacienda, L.L.C., represented by Tom Meehan, et. al., to amend the Pima County Comprehensive Plan from Low Intensity Urban 1.2 (LIU 1.2) to Neighborhood Activity Center (NAC) for approximately 7.24 acres located at the southeast corner of East River Road and Hacienda del Sol Road, in Section 20, T13S, R14E, in the Catalina Foothills Subregion. On motion, the Planning and Zoning Commission voted 7-3 (Commissioners Membrila, Spendiarian and Smith voted NAY) to recommend DENIAL. Staff recommends APPROVAL SUBJECT TO REZONING POLICIES. (District 1)

Without objection, this item was continued to the Board of Supervisors' Meeting of December 15, 2009, at the applicant's request.

24. DEVELOPMENT SERVICES: COMPREHENSIVE PLAN AMENDMENT

Co7-09-05, DOMINGUEZ – S. CRAYCROFT ROAD PLAN AMENDMENT

Request of Leonardo and Peggy Dominguez to amend the Pima County Comprehensive Plan from Medium Intensity Urban (MIU) to Multifunctional Corridor (MFC) for approximately 0.5 acres located on the northeast corner of South Craycroft Road and Rex Stravenue in Section 13, T15S, R14E, in the Rincon Southeast/Santa Rita Subregion. On motion, the Planning and Zoning Commission voted 7-3 (Commissioners Holdridge, Spendiarian and Richey voted NAY) to recommend DENIAL. Staff recommends MODIFIED APPROVAL SUBJECT TO REZONING POLICIES. (District 2)

Sherry Ruther, Environmental Planning Manager, provided a report and recommended modified approval subject to rezoning policies. Staff received twenty-two letters of objection and two individuals addressed the Planning and Zoning Commission in objection to the amendment.

The following speakers addressed the Board:

- A. Jim Jutry, Attorney with the DeConcini Law Firm representing Tucson Truck Terminal, Inc.
- B. Jerry Laney, Attorney representing Leonardo and Peggy Dominguez

They provided the following comments:

1. They felt there was a significant traffic problem in the area with large semi-trucks and approval of the amendment would increase the problem.
2. Semi-trucks frequented the Dominguez property, and there was a food vendor on the Dominguez property that was believed to be in violation of Zoning Ordinances.

3. The Board was asked to uphold the Planning and Zoning Commission's recommendation.
4. The food vendor was on the property for a short period time and has now been removed.
5. The goal of the Dominguezs' is to start a beauty salon on the vacant lot and they do not want to do anything to upset the neighborhood. Mrs. Dominguez has been a member of the neighborhood for twenty years.
6. For twenty years she has leased space at the Tucson Truck Terminal, Inc., for her barber shop business and, due to health conditions, has recently stopped working there but continues to lease the space.
7. The property was purchased because it was a commercial property.
8. If approved, the neighborhood would get a new entranceway of a nice looking commercial building with a paved parking lot that included fencing along the lot.
9. Eleven signed letters were collected from neighbors of the neighborhood that were in agreement of the proposal.

Supervisor Valadez asked staff what were the objections centered on from the neighbors that objected to the proposal.

Sherry Ruther explained the objections were characterized as concerns for intrusion into an existing subdivided plat and the increase of traffic. She stated that staff's position was there likely would not be an increase in traffic due to the location of the property.

On consideration, it was moved by Supervisor Valadez, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and approve Co7-09-05 with staff recommendation of modified approval subject to rezoning policies.

25. DEVELOPMENT SERVICES: COMPREHENSIVE PLAN AMENDMENT

Co7-09-01, 4341 W. AJO, L.L.C. - W. AJO HIGHWAY PLAN AMENDMENT

Request of 4341 W. Ajo, L.L.C., represented by The Planning Center, to amend the Pima County Comprehensive Plan from Medium Intensity Urban (MIU) to Regional Activity Center (REAC) for approximately 2.54 acres located on the south side of West Ajo Highway, approximately 1,320 feet east of S. Camino de Oeste, in Section 31, T14S, R13E, in the Southwest Subregion. (District 5)

Without objection, this item was withdrawn by the applicant.

26. DEVELOPMENT SERVICES: COMPREHENSIVE PLAN AMENDMENT

Co7-09-07, HSL RIO CACION PROPERTIES, L.L.C. – N. LA CHOLLA BLVD PLAN AMENDMENT

Request of HSL Rio Cancion Properties, L.L.C., represented by The Planning Center, to amend the Pima County Comprehensive Plan from Medium Intensity Urban (MIU) to Neighborhood Activity Center (NAC) for approximately 17.92 acres

located on the west side of La Cholla Blvd. south of the Hardy Road alignment in Section 28, T12S, R13E, in the Northwest Subregion. (District 1)

Without objection, this item was removed from the agenda and will be readvertised for a later date.

27. **DIVISION OF ELECTIONS**

The Board of Supervisors' on 11/10/09, continued the following:

Pursuant to A.R.S. §16-642 and §15-493, canvass of the election results for the November 3, 2009, Election for Tucson Unified School District 1, Amphitheater Unified School District 10, Tanque Verde Unified School District 13, Catalina Foothills Unified School District 16, Vail Unified School District 20, Sahuarita Unified School District 30, and Indian Oasis-Baboquivari Unified School District 40 Elections.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to approve the canvass of the November 3, 2009 Elections.

(CLERK'S NOTE: See attached Election Summary Report.)

28. **CONTRACTS AND AWARDS**

A. **Institutional Health**

Conmed, Inc., Amendment No. 3, to provide healthcare services to inmates at the Pima County Adult Detention Complex, psychological evaluation services to the Sheriff's Department, amend contractual language and extend contract term from 6/30/10 to 6/30/12, General Fund, contract amount not to exceed \$19,110,979.00 (07-65-C-141126-0808)

B. **Regional Wastewater Reclamation: Procurement - Awards**

1. MWH Constructors, Inc., Amendment No. 5, to provide construction manager-at-risk services for the Ina Road Water Pollution Control Facility Capacity and Effluent Quality Upgrade Project and amend contractual language, 2004 Sewer Revenue Bond Fund, no cost (03-03-M-141162-0808)
2. MWH Constructors, Inc., Amendment No. 6, to provide construction manager-at-risk services for the Ina Road Water Pollution Control Facility Capacity and Effluent Quality Upgrade Project and construction of the Interim Biosolids Digester Facility, System Development Fund, contract amount \$20,406,428.00 (03-03-M-141162-0808)

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

29. **CONTRACTS AND AWARDS: PROCUREMENT - AWARD**

The Board of Supervisors' on 11/10/09, continued the following:

Low Bid: Award of Contract, Requisition No. 1000245, in the annual amount of \$310,000.00 for pump repair and service to Phoenix Pumps, Inc. (Headquarters: Phoenix, AZ). Contract is for a one-year term and includes four one-year renewal periods. Funding Source: Enterprise Fund. Administering Department: PCRWRD.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to approve the award of contract.

30. **CONTRACTS AND AWARDS: PROCUREMENT - AWARD**

Award of Contract, Requisition No. 0902199R, in the total revenue amount of \$320,833.37 to the highest ranked/most qualified respondents; Championship Sports, L.L.C. (Headquarters: Tucson, AZ) for League and Tournament Coordinator Services, \$183,333.37 revenue; Pinnacle Concessions (Headquarters: Tucson, AZ) for Concession Coordinator Services, \$137,500.00 revenue. Each contract is for a one-year term and includes four one-year term renewal periods. Funding Source: Revenue. Administering Department: Natural Resources, Parks and Recreation.

The following speakers addressed the Board:

- A. Tom Carle, Recreational Services
- B. Lou Ciorca, Championship Sports, L.L.C.

They provided the following comments:

1. Concern was expressed for the proposed recommended vendor on becoming the next manager of the facility.
2. The Board was asked to table the contract, consider the answers regarding the final cost to the participants and render a fully informed decision.
3. Championship Sports, L.L.C., showed that they provided the best opportunity for the County to make revenue at Sports Park. They explained their proposal to the Board.
4. A request was made to the Board to move forward and award the contract as recommended by the Procurement Department.

Supervisor Bronson asked if an appeal had been filed with the Procurement Department concerning this contract.

George Widugiris, Procurement Director, responded no.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to approve the award of contract as recommended by the Procurement Department.

31. **REAL PROPERTY**

RESOLUTION NO. 2009 - ~~117~~ **304**, of the Board of Supervisors, approving the Notice of Intent to Exercise Option and amended closing date for acquisition of Phase II of the Clyne Ranch Property.

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 – 304.

32. **SUPERIOR COURT**

Appointment of Jose Robles as a permanent Judge Pro Tempore of Superior Court to replace Frank Dawley.

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

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

A. **State Board of Equalization**

Appointment of Matthew E. Smith to fill unexpired term of Victor Thornton. Term expiration: 12/31/12. (District 5)

B. **Planning and Zoning Commission**

Appointment of D'Laine Steinbrenner to fill unexpired term of Christine Creasy-Klein. Term expiration: 6/19/12. (District 3)

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

34. **CALL TO THE PUBLIC**

The Chairman inquired whether anyone wished to address the Board.

Joe Sweeney addressed the Board concerning immigration issues.

35. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:10 a.m.