

MINUTES, FLOOD CONTROL DISTRICT BOARD

MAY 12, 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, May 12, 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. **RIPARIAN HABITAT MITIGATION PLAN**

Staff requests approval of the Riparian Habitat Mitigation Plan which includes a financial contribution in the amount of \$1,841.74 to a mitigation bank for the construction of a proposed pool and block/wrought iron wall for property located at 3870 N. Homestead Avenue. (District 4)

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

2. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 10:15 a.m.

MINUTES, BOARD OF SUPERVISORS' MEETING

MAY 12, 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, May 12, 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 Reverend Robin Hoover of First 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.

4. **PRESENTATION/PROCLAMATION**

Presentation of a proclamation to Employee Council representatives Ellen Sexton, Carlos Rodriguez and Chase Waddell, proclaiming the week of May 17 through May 23, 2009, to be:

“PIMA COUNTY PUBLIC WORKS WEEK”

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

Supervisor Day read and presented the proclamation to Employee Council representatives Ellen Sexton, Carlos Rodriguez and Chase Waddell. They accepted the proclamation and expressed their gratitude for the Boards' support.

5 **PRESENTATION/PROCLAMATION**

Presentation of a proclamation to Jeffrey Scott Brown with the AIDS Ribbon Tucson, proclaiming May 17, 2009, to be:

“INTERNATIONAL AIDS CANDLELIGHT MEMORIAL DAY”

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

Chairman Elías read and presented the proclamation to Jeffrey Scott Brown. He accepted the proclamation and expressed his gratitude for the Board’s support.

6. CONSENT CALENDAR

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

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

CONSENT CALENDAR ITEMS ARE AS FOLLOWS:

1. CONTRACTS AND AWARDS

A. Community Development and Neighborhood Conservation

1. RESOLUTION NO. 2009- 81, approving an Intergovernmental Agreement with the Pascua Yaqui Tribe, to provide for the Animals Facilitating Adolescents and Children Program, contract amount \$95,000.00 revenue (01-70-P-141920-0509)
2. RESOLUTION NO. 2009- 82, approving an Intergovernmental Agreement with the City of South Tucson, to provide for management and implementation of the Community Development Block Grant Demolition Program, HUD Fund, contract amount \$28,323.88 (01-70-S-141921-0209)
3. RESOLUTION NO. 2009- 83, approving an Intergovernmental Agreement with the City of South Tucson, to provide for management and implementation of the Community Development Block Grant Demolition Program, HUD Fund, contract amount \$3,159.05 (01-70-S-141922-0209)

B. Community Services Employment and Training

4. Chris Nybakken, d.b.a. The Nybakken Group, L.L.C., Amendment No. 1, to provide consultant services to develop policies, strategies and programs to ensure compliance with all Federal and State requirements for clients eligible for special education services, extend contract term to 3/31/10 and amend contractual language, Arizona Department of Education Grant Fund, contract amount \$40,000.00 (07-67-N-140798-0408)

C. Facilities Management

5. 33 North Stone Partners, Inc., and C-Cubed Unlimited, Inc., d.b.a. Quik Print, Amendment No. 5, to provide an Office Lease Agreement for office space in the Bank of America Building, extend contract term to 2/28/14 and amend contractual language, contract amount \$297,843.00 revenue (04-13-P-141917-0392)

D. Natural Resources, Parks and Recreation

6. RESOLUTION NO. 2009-84, approving an Intergovernmental Agreement with the City of Tucson, to provide for the Juhan Park Expansion Project, 1997 Bond Fund, contract amount \$99,912.00 (01-05-T-141911-0509)
7. City of Tucson, Amendment No. 1, to provide improvements to the Joaquin Murrieta Metro Park ball fields and amend contractual language, 1997 Bond Fund, contract amount \$99,912.00 decrease (01-05-T-139569-0607)

E. Pima Accommodation District

8. Arizona Supreme Court - Administrative Office of the Courts, Amendment No. 1, to provide for the No Child Left Behind Educational Services Program for detainees at the Pima County Juvenile Detention Facility and amend contractual language, AOC Fund, contract amount \$189,059.25 revenue (01-38-A-140897-0608)

F. Pima Health System

9. Alvernon Optical, Inc., Amendment No. 2, to provide vision care services and extend contract term to 6/30/10, PHCS Enterprise Fund, contract amount \$100,000.00 (18-15-A-139632-0707)
10. Arizona Health Care Cost Containment System, Amendment No. 3, to provide acute care services and amend contractual language, PHCS Enterprise Fund, no cost (02-15-A-141668-1008)
11. East Tucson IM and Geriatric, Inc., to provide internal medicine services, PHCS Enterprise Fund, contract amount not to exceed \$300,000.00/2 year term (18-15-E-141905-0709)

G. Procurement

12. Employers Dental Services, Amendment No. 4, to provide a group pre-paid dental plan, extend contract term to 6/30/10 and amend contractual language, General Fund, contract amount \$576,000.00 (07-43-E-136083-0605) Human Resources
13. CompuSys, Inc., of Arizona, Amendment No. 4, to provide third-party dental plan administration services, extend contract term to 6/30/10 and amend contractual language, General Fund, no cost (07-43-C-136096-0605) Human Resources
14. Minnesota Life Insurance Company, Amendment No. 4, to provide a life insurance benefits program, extend contract term to 6/30/10 and amend contractual language, General Fund, contract amount \$1,200,000.00 (07-43-M-136138-0605) Human Resources
15. Application Software, Inc., Amendment No. 3, to provide flexible spending account administration services, extend contract term to 6/30/10 and amend contractual language, General Fund, contract amount \$50,000.00 (11-43-A-137845-0706) Human Resources
16. ARAG Insurance Company, Amendment No. 3, to provide a pre-paid legal services plan, extend contract term to 6/30/10 and amend contractual language, General Fund, no cost (11-43-A-137846-0706) Human Resources

Award

17. Amendment of Award: American Cadastre, L.L.C. "AmCad," B504940, Rev. 002 to provide film and microfiche conversion to digital media and confidential information redaction services and extend contract term to 6/30/10. Funding Source: Other Special Revenue Fund. Administering Department: Recorder's Office.

H. Transportation

18. Vail Valley Joint Venture, Amendment No. 3, to provide for the Vail Valley Ranch (Rancho Del Lago) Development Agreement and amend contractual language, Impact Fee Fund, contract amount \$20,000.00 (03-04-V-132991-1202)

2. RECORDER

Pursuant to Resolution No. 1993-200, ratification of the Document Storage and Retrieval Fund for the month of March, 2009.

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

- A. Lance Richard Hurst, American Legion Post 109, 15921 S. Houghton Road, Vail, May 16, 2009.
- B. Steven A. Kornman, Beaudry RV Center, 3200 E. Irvington Rd., Tucson, May 9, 2009.

REGULAR AGENDA/ADDENDUM ITEMS

7. **REGIONAL WASTEWATER RECLAMATION: PRETREATMENT SETTLEMENT AGREEMENT**

Staff recommends approval of the following proposed Pretreatment Settlement Agreement, RWRD Enterprise Fund.

Cracker Barrel Old Country Store, Inc., d.b.a. Cracker Barrel Old Country Store No. 344, 2008-13. Proposed settlement amount is \$2,229.35.

Without objection, this item was removed from the agenda.

8 **FRANCHISE/LICENSE/PERMIT: FIREWORKS PERMIT**

Alan Raso, Westward Look Resort, 245 E. Ina Rd., Tucson, May 24, 2009 at 9:00 p.m.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Day, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and approve the request.

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

Albert S. Hall, Jr., Acacia at St. Philips, 4340 N. Campbell Ave., No. 103, Tucson, Temporary Extension of Premises for May 17, 2009.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Day, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and approve the request.

10. **DEVELOPMENT SERVICES: REZONING**

The Board of Supervisors' on 4/7/09, continued the following:

Co9-07-10, CARDINAL IRVINGTON HOMES, L.L.C., – CARDINAL AVENUE REZONING

Request of Cardinal Irvington Homes, L.L.C., represented by Laidlaw Consulting, L.L.C., for a rezoning of approximately 14.42 acres from SH (Suburban Homestead) and TDR-RA (Transfer of Development Rights Receiving Area) to CR-4 (Mixed Dwelling Type) and TDR-RA (Transfer of Development Rights Receiving Area), on property located on the southwest corner of Cardinal Avenue and Irvington Road. The proposed rezoning conforms to the Pima County Comprehensive Plan Co7-00-20. On motion, the Planning and Zoning Commission voted 8-1 (Commissioner Membrila voted Nay; Commissioner Richey abstained; Commissioner Smith was absent) to recommend DENIAL. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 5)

“Staff recommended rezoning conditions as amended during staff presentation to the Commission are as follows:

Completion of the following requirements within five years from the date the rezoning request is approved by the Board of Supervisors:

1. Submittal of a 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. The Landscape Plan submitted for subdivision plat approval shall reflect variances approved by the Board of Adjustment in the Native Plant Preservation site inventory and mitigation chart sections of the Landscape Plan.
8. Transportation conditions:
 - A. No access shall be allowed directly onto Irvington Road.
 - B. Improvements shall be provided by the property owner/developer as determined necessary by the Department of Transportation.
 - C. Provision of pedestrian and bicycle access to adjacent properties, trails, streets and pedestrian ways, whenever possible.
9. Regional Flood Control conditions:
 - A. A drainage study shall be submitted for review and approval with the Tentative Plat that addresses the impacts of development to the federally mapped floodplain and local area drainage. This report shall include an encroachment analysis. A reduction in number or reconfiguration of lots and/or reconfiguration of the project entrance shall be required to reduce encroachment to the level allowed by the Floodplain Ordinance effective at the time of submittal of the Tentative Plat, as determined to be necessary by the Flood Control District.
 - B. This development shall meet Critical Basin detention and retention requirements, as determined to be necessary by the Flood Control District.
 - C. Bank protection shall be required along the southern bank wherever bank protection is proposed along the northern bank of the Dakota Wash as determined to be necessary by the Flood Control District.
 - D. The property owner(s) shall dedicate right-of-way or easements (onsite and offsite) for drainage purposes to the Flood Control District, as determined necessary during the development plan/subdivision plat review.
 - E. 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, as determined to be necessary by the Flood Control District. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.
 - F. A Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) are required due to changes to and development within a FEMA 100-year floodplain. Approval by PCRFC and FEMA of the CLOMR shall be required prior to approval of grading permits.

- G. A riparian mitigation plan shall be required for development in designated riparian areas.
10. 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 current and 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 following shall be incorporated into the recorded Private Subdivision Covenants, Conditions, and Restrictions (CC&Rs) that govern the Homeowners' Associations (HOAs) and the actions of private property owners within the Subdivision:
1. Maintenance of Common Area by Association: The HOA shall be responsible for the removal of buffelgrass from Common Areas.
 2. Maintenance of Lots by Owners: Lot Owners shall keep private lots free of buffelgrass.
11. Wastewater Management conditions:
- 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 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.
12. Natural Resources, Parks, and Recreation Conditions
- A. The developer shall provide a 15-foot easement for the Dakota Wash Trail #103, as shown on the Eastern Pima County Trail System Master Plan (EPCTSMP). This easement shall be labeled as "Public Non-Motorized Trail Easement" and include a legal description of the easement, a location map, and a description of the materials proposed for the trail. Staff will prepare and record the easement
- B. The recreational facilities, including the trail, shall be constructed by the developer and completed by the release of assurances for 75% or the lots.
- C. The developer shall adhere to the Design Review Committee conditions as stated in the C020-07-20:
1. The developer shall obtain the appropriate permit from the Arizona Department of Agriculture prior to transporting any saguaro.
 2. Saguaros shall be transplanted and transported at the expense of the developer.
 3. Saguaros shall be salvaged and transplanted by hand.
 4. Saguaros may need to have shade provided; the type and amount of shade will be determined at the time of transplanting.
 5. All saguaros shall be transplanted with the same sun orientation as their original location.

6. A landscape contractor licensed in the State of Arizona shall perform all salvage and transplanting operations.
 7. Final location shall be as determined by Natural Resources, Parks & Recreation.
13. Cultural Resources Condition:
A caution must be noted concerning human burials. Archaeological clearance recommendations do not exempt any development from compliance State burial protection laws. 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.
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(I)."
17. The owner/developer 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."

Tom Hudson, Zoning Administrator, provided a report and recommended approval with standard and special conditions. He stated that the Flood Control District had expressed concerns about encroachment in the existing flood plan created by the development of the westerly lots, site drainage issues and bank protection along the Dakota Wash. A detailed hydrological analysis and drainage report to address these issues would be required prior to final plat approval. In order to cover the issue concerning the additional hydrology studies and drainage reports, staff recommended an additional condition.

The following additional condition was recommended:

- "18. Prior to the approval of the tentative plat, the applicant(s)/owner(s) shall provide, at applicant(s)/owner(s) expense, a third party hydrologic analysis of the rezoning site prepared by a certified hydrologist not associated with the preparation of the original rezoning site analysis. The purpose of the analysis is to verify whether or not the site can accommodate the number (34) and configuration of lots being proposed while meeting all floodplain ordinance requirements. The analysis must be reviewed and if acceptable approved by the flood control district. If the number of lots proposed cannot be accommodated, a reduction in the number or reconfiguration of lots will be required, substantially in conformance with the preliminary development plan, as shown at the Board of Supervisors public hearing."

Tom Hudson stated staff had received 25 letters of protest from existing residents with 1 withdrawal. They expressed concerns with increases in traffic, noise, crime and loss of habitat. They were also concerned about duplexes or a higher density housing that could possibly be constructed on the site. In order to make it clear that the applicant would not be building duplexes or higher density units within the project, staff recommended an additional condition.

The following additional condition was recommended:

“19. This project is limited to single family detached residences and associated recreational facilities only.”

The following speaker addressed the Board:

Elizabeth Valenzuela

She provided the following comments:

- A. She expressed opposition of the development. She felt it would be a huge detriment to the neighborhood.
- B. Her main concern was overpopulation. She stated the elementary school in the area was already over capacity.
- C. She felt there was a possibility of an increase in crime.
- D. She also expressed concerns with loss of habitat, disruption of families and increases in dust, traffic and noise.

Don Laidlaw, representing Cardinal Irvington Homes, L.L.C., provided a report. He stated that this was the first time anyone from the neighborhood had come forward expressing opposition. No one had come to meet with him on any of the 3 meeting dates.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearing and approve Co9-07-10 with standard and special conditions, including additional conditions 18 and 19, as recommended by staff.

11. **PROCUREMENT**

A. **Pima County Code Text Amendment**

ORDINANCE NO. 2009-47, of the Board of Supervisors, amending the Pima County Code, Title 20, Minority and Woman Owned Business Enterprise Code.

B. **Board of Supervisors Policy Revision**

Staff requests approval of the revision to Board of Supervisors Policy No. D 29.8, Minority/Woman and Small Business Enterprise.

On consideration, it was moved by Supervisor Valadez, seconded by Chairman Elías and unanimously carried by a 5-0 vote, to continue this item to the Board of Supervisors' Meeting of July 7, 2009.

12. **TRANSPORTATION: ROADWAY DEVELOPMENT IMPACT FEES**

- A. Pursuant to A.R.S. §11-1102, conduct a public hearing regarding the establishment of the Southwest Benefit Area and amendments to existing development impact fees.

B. Direct staff to:

1. Prepare an ordinance to amend Title 19 of the Pima County Code to establish the Southwest Benefit Area, fee schedules and policies and to redefine San Xavier and Avra Valley Benefit Areas as recommended;
2. Amend Pima County Ordinance No. 2009-02, to provide a new project list for the Southwest Benefit Area and revised lists for the Avra Valley and San Xavier Benefit Areas;
3. Prepare an ordinance to modify the Major Street and Scenic Routes Plan to be consistent with the SWIP (Southwest Infrastructure Plan);
4. Prepare and release a public report documenting the need to increase impact fee county-wide and to prepare an ordinance amendment for adoption in no less than 120 days. Contained in the ordinance will be a delayed effective date of six months based on local economic conditions. This effective date will be reevaluated at the end of the six month period for possible extension.
5. Undertake infrastructure studies in the remaining benefit areas to better define future growth, needed projects, project costs, and required impact fees.

Without objection, this item was continued to the Board of Supervisors' Meeting of June 2, 2009.

13. TRANSPORTATION: ABANDONMENT RESOLUTION

RESOLUTION NO. 2009- 85, of the Board of Supervisors, abandoning to the City of Tucson all portions of Valencia Road lying within Sections 10, 11, 14 and 15, T15S, R13E, of the incorporated limits of the City of Tucson.

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 Resolution No. 2009- 85.

14. TRANSPORTATION: TRAFFIC RESOLUTION

RESOLUTION NO. 2009- 86, of the Board of Supervisors, temporarily closing Mount Lemmon Highway in Pima County, Arizona, for the Mount Lemmon Women's Club 4th of July Parade. Staff recommends APPROVAL. (District 4)

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and adopt Resolution No. 2009- 86.

15. **BOARD OF SUPERVISORS**

RESOLUTION NO. 2009- 87, of the Pima County Board of Supervisors, supporting the application by the Altar Valley School District to the Pascua Yaqui Tribe for a portion of the Tribe’s annual contribution to cities, towns and counties. (District 3)

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- 87.

16. **COUNTY ADMINISTRATOR**

Revision to Pima County Zoning Code Related to Communication Towers

Staff requests direction to initiate a text amendment to the Pima County Zoning Code and direct Planning and Zoning staff in the Development Services Department, working with the County Attorney’s Office, to bring forward modifications to the conditional use permit process for communication towers to more directly address community necessity and the effect of property values to the extent allowed by Federal and State law.

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

Supervisor Bronson stated that documentation should be submitted providing proof that co-location had been attempted by the applicant, should another request come forward before a Code text amendment was approved. Direction was given to staff to do more research to determine dead zone areas when requests are made for communication towers.

17. **COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CONSERVATION**

A. RESOLUTION NO. 2009- 88, of the Board of Supervisors of Pima County, Arizona, amending the U.S. Department of Housing and Urban Development Annual Action Plan, 2008-2009 in order to receive an additional \$1,063,430.00 for the Homeless Prevention and Rapid Re-Housing Program under the American Recovery and Reinvestment Act of 2009.

B. The Pima County Neighborhood Reinvestment Oversight Committee recommends approval of the following Neighborhood Reinvestment Projects and authorization for staff to negotiate future intergovernmental agreements, if applicable:

<u>Neighborhood</u>	<u>Project</u>	<u>Estimated Budget</u>
Barrio Centro	Street Lighting and Water Harvesting	\$463,690.00
Wakefield	Skate Park	\$500,000.00
Amphi	Street Lighting	\$108,648.00

On consideration, it was moved by Supervisor Valadez, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to approve the contracts and to adopt Resolution No. 2009- 88.

Supervisor Bronson stated that she was alarmed that the City of Tucson was charging 20% in overhead charges in regards to the Amphi Neighborhood Reinvestment Project. She asked staff in Community Services and Neighborhood Development to communicate with the City of Tucson concerning the overhead charges. She stated the overhead charges were unacceptable and were not good for the community or the neighborhood.

18. **REGIONAL WASTEWATER RECLAMATION**

Pretreatment Settlement Agreement

Staff recommends approval of the following proposed Pretreatment Settlement Agreement, RWRD Enterprise Fund.

Cracker Barrel Old Country Store, Inc., d.b.a. Cracker Barrel Old Country Store No. 344, 2008-13. Proposed settlement amount is \$1,229.35.

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

19. **CONTRACTS**

A. Community Development and Neighborhood Conservation

1. Animals Facilitating Adolescents and Children, to provide for therapeutic animal training services, Pascua Yaqui Tribe Grant Fund, contract amount \$95,000.00 (32-70-A-141949-0509)

B. Community Services, Employment And Training

2. Portable Practical Education Preparation, Inc., to provide work experience and basic education services, U.S. Department of Labor and Arizona Department of Economic Security Grant Funds, contract amount \$136,564.00 (07-69-P-141953-0509)
3. Tucson Urban League, to provide work experience and basic education services, U.S. Department of Labor and Arizona Department of Economic Security Grant Funds, contract amount not to exceed \$318,830.00 (07-69-T-141954-0509)

C. Regional Wastewater Reclamation

4. Sundt/Kiewit Joint Venture, Amendment No. 1, to provide construction manager at-risk services for the Roger Road Wastewater Treatment Plant to Ina Road Water Pollution Control Facility Plant Interconnect,

correct contract term to 12/31/10 and amend contractual language, 60% 2004 Bond and 40% WIFA/ARRA Funds, contract amount \$55,369.00 (03-03-S-141878-0309)

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

20. **BOARD, COMMISSION AND/OR COMMITTEE**

State Board of Equalization

Reappointment of Victor C. Thornton. Term expiration: 12/31/12. (District 5)

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

21. **CALL TO THE PUBLIC**

The Chairman inquired whether anyone wished to be heard.

The following addressed the Board:

1. Julia Whetten
2. David J. Garcia
3. Reverend Robin Hoover
4. Kara Egbert
5. Linda Cooper
6. Mike Wilson

They provided the following comments:

- A. They expressed opposition for the proposed detention center to be built on the Tohono O'odham Nation in Sahuarita.
- B. They stated that adequate notification or information of the proposal was not given to the residents and many residents did not know a detention center was in consideration in their area.
- C. Many residents had actively supported the opposition of the detention center by informing neighbors, collecting signatures and writing letters to State and Federal representatives.
- D. They expressed concerns about the agencies and Federal departments that would be instrumental with the detention center should the proposal be approved.
- E. They believed more consideration needed to be taken before a decision is made concerning the proposal.
- F. Concern was expressed about the proposed detention center being built within Tohono O'odham Nation. If built on Tohono O'odham Nation land, it would be out of the jurisdiction of the County and the State.

G. They requested Board of Supervisors' support in opposing the location of this proposed detention center.

22. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 10:15 a.m.