

## MINUTES, STADIUM DISTRICT BOARD

FEBRUARY 16, 2010

The Pima County Stadium District Board met in 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, February 16, 2010. Upon roll call, those present and absent were as follows:

All Present:            Ramón Valadez, Chairman  
                             Sharon Bronson, Vice Chair  
                             Ray Carroll, Member  
                             Ann Day, Member  
                             Richard Elías, Member  
                             Lori Godoshian, Clerk

### 1. **REQUEST FOR RECONSIDERATION (DISTRICT 4)**

- A. On January 5, 2010, the Board of Supervisors and the Stadium District Board approved the following item:

Staff and the Pima County Sports and Tourism Authority recommend acceptance of the payment in the amount of \$50,000.00 from the Chicago White Sox in lieu of the 2010 Chicago White Sox – Arizona Diamondbacks Charity Baseball Game and authorization to execute the Letter of Agreement.

“Supervisor Elías suggested that the \$50,000.00 payment be added to the Outside Agency Fund next fiscal year.

Supervisor Day disagreed and stated that she felt the \$50,000.00 payment should be given to the Southern Arizona Sports Foundation.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and carried by a 4-1 vote, Supervisor Day voting “Nay,” to approve the acceptance of payment and add it to the Outside Agency Fund for next fiscal year.”

- B. Request to reconsider and suspend the Board of Supervisors’ (a.k.a. the Stadium District Board) Rules and Regulations, Rule H. (1) and (2).

On consideration, it was moved by Supervisor Day to reconsider the item and suspend the Board of Supervisors (a.k.a. the Stadium District Board) Rules and Regulations, Rule H. (1) and (2). Supervisor Day withdrew her motion as she had not been on the prevailing side of the original vote.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to reconsider the item and suspend the Board of Supervisors (a.k.a. the Stadium District Board) Rules and Regulations, Rule H. (1) and (2).

- C. If request to reconsider and suspend the Board of Supervisors' (a.k.a. Stadium District Board) Rules and Regulations are approved, proceed with reconsideration on the following item:

Staff and the Pima County Sports and Tourism Authority recommend acceptance of the payment in the amount of \$50,000.00 from the Chicago White Sox in lieu of the 2010 Chicago White Sox – Arizona Diamondbacks Charity Baseball Game and authorization to execute the Letter of Agreement.

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The following speaker addressed the Board:

Don Haskell, President of the Southern Arizona Sports Foundation (SASF)

He provided the following comments:

1. This item was not about whether or not to accept the money, but who received the \$50,000.00 and how it was to be used.
2. SASF's 2002 Articles of Incorporation, 2002 Bylaws and General Service Agreement with Pima County stated the charity game monies would be given to SASF.
3. Since spring training was over, the SASF was in the process of disbanding but would be disbursing approximately \$200,000.00 to local charities and non-profits this year.
4. He requested the Board reverse their decision to award this money to the Outside Agency Fund and award it to the SASF.

Chairman Valadez and Supervisor Elías expressed appreciation for the work SASF had provided over the years and indicated they planned to correct the award.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to approve the acceptance of payment in the amount of \$50,000.00 from the Chicago White Sox in lieu of the 2010 Chicago White Sox – Arizona Diamondbacks Charity Baseball Game, authorize staff to execute the Letter of Agreement and award the monies to the SASF.

2. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 10:50 a.m.

MINUTES, BOARD OF SUPERVISORS' MEETING

FEBRUARY 16, 2010

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, February 16, 2010. Upon roll call, those present and absent were as follows:

All Present:            Ramón Valadez, Chairman  
                             Sharon Bronson, Vice Chair  
                             Ray Carroll, Member  
                             Ann Day, Member  
                             Richard Elías, Member  
                             Lori Godoshian, Clerk

1.    **INVOCATION**

The invocation was given by Pastor Eddie Young, First Free Will Baptist 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 Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, that the Board convene to Executive Session at 9:07 a.m.

4.    **RECONVENE**

The meeting reconvened at 9:55 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**

The Board of Supervisors' on 2/9/10 continued the following:

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a request that Pima County waive a conflict of interest to allow Snell & Wilmer to represent EPCOR and ~~PCL Construction Co.~~ **United Water Services Projects, L.L.C.** on the Roger Road Wastewater Treatment Plant matter.

Chris Straub, Chief Civil Deputy County Attorney, advised that the approval of a request for a waiver of a conflict of interest was entirely at the discretion of the Board of Supervisors.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to waive the conflict of interest.

7. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding approval of the tax appeal settlement recommendation for Shega, et. al., v. Pima County, Tax Parcel No. 114-30-0210, Arizona Tax Court Case No. ST2009-000774.

Chris Straub, Chief Civil Deputy County Attorney, stated this was a proposed settlement that involved a valuation appeal for tax year 2010. The proposed settlement would result in a decrease of the full cash value from \$720,237.00 to \$600,000.00. The Pima County Attorney's Office and Assessor recommended approval of the settlement.

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

8. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding approval of the tax appeal settlement recommendation Knox v. Pima County, Tax Parcel Nos. 219-31-001A and 219-31-001B, Arizona Tax Court Case No. ST2009-000634.

Chris Straub, Chief Civil Deputy County Attorney, stated this was a proposed settlement that involved a valuation appeal for tax year 2009. The proposed settlement would result in a decrease of the full cash value from \$480,000.00 to \$250,000.00. The Pima County Attorney's Office and Assessor recommended approval of the settlement.

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

9. **LITIGATION**

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

- A. Civano Shipley, L.L.C., v. Pima County  
Tax Parcel No. 141-01-8940, Arizona Tax Court Case  
No. ST2009-001789

Chris Straub, Chief Civil Deputy County Attorney, stated this was a proposed settlement that involved a valuation appeal for tax year 2009. The proposed settlement would result in a decrease of the full cash value from \$895,280.00 to \$189,987.00. The Pima County Attorney's Office and Assessor recommended approval of the settlement.

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

- B. Civano Shipley, L.L.C., v. Pima County  
Tax Parcel No. 141-01-8970, Arizona Tax Court Case  
No. ST2009-001795

Chris Straub, Chief Civil Deputy County Attorney, stated this was a proposed settlement that involved a valuation appeal for tax year 2009. The proposed settlement would result in a decrease of the full cash value from \$553,470.00 to \$117,452.00. The Pima County Attorney's Office and Assessor recommended approval of the settlement.

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

- C. Civano Shipley, L.L.C., v. Pima County  
Tax Parcel No. 141-01-8950, Arizona Tax Court Case  
No. ST2009-001750 **97**

Chris Straub, Chief Civil Deputy County Attorney, stated this was a proposed settlement that involved a valuation appeal for tax year 2009. The proposed settlement would result in a decrease of the full cash value from \$557,018.00 to \$145,837.00. The Pima County Attorney's Office and Assessor recommended approval of the settlement.

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

- D. Civano Shipley, L.L.C., v. Pima County  
Tax Parcel No. 141-01-8960, Arizona Tax Court Case  
No. ST2009-001798

Chris Straub, Chief Civil Deputy County Attorney, stated this was a proposed settlement that involved a valuation appeal for tax year 2009. The proposed settlement would result in a decrease of the full cash value from \$509,010.00 to \$108,017.00. The Pima County Attorney's Office and Assessor recommended approval of the settlement.

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

10. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding approval of the tax appeal settlement recommendation Frey v. Pima County, Tax Parcel No. 205-92-0040, Arizona Tax Court Case No. ST2009-000669.

Chris Straub, Chief Civil Deputy County Attorney, stated this was a proposed settlement that involved a valuation appeal for tax year 2010. The proposed settlement would result in a decrease of the full cash value from \$400,000.00 to \$363,600.00. The Pima County Attorney's Office and Assessor recommended approval of the settlement.

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

11. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding approval of the tax appeal settlement recommendation Woody v. Pima County, Tax Parcel No. 209-24-009F, Arizona Tax Court Case No. ST2009-000818.

Chris Straub, Chief Civil Deputy County Attorney, stated this was a proposed settlement that involved a valuation appeal for tax year 2010. The proposed settlement would result in a decrease of the full cash value from \$142,063.00 to \$73,365.00. The Pima County Attorney's Office and Assessor recommended approval of the settlement.

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

12. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding the Award of Contract, Requisition No. 1000882, concerning the ROMP Water Reclamation Campus Central Laboratory Complex Site Civil Engineering Project, to Stantec Consulting, Inc., and possible claims by other ranked firms.

Without objection, this item was continued to the Board of Supervisors' Meeting of March 2, 2010.

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

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 Supervisor Elías, seconded by Supervisor Bronson to approve the consent calendar as presented. No vote was taken at this time.

PULLED FOR SEPARATE ACTION BY SUPERVISOR CARROLL:

1. **CONTRACTS AND AWARDS**

D. **Procurement**

**Awards**

12. Award of Contract, Requisition No. 1000829, to CPE Consultants, L.L.C. (Headquarters: Tucson, AZ), the respondent submitting the highest scoring proposal for Infrastructure Survey Program for growth and capacity planning in the amount not to exceed \$500,000.00. In the event that a fee agreement cannot be reached with the highest ranked firm, request authorization to negotiate with the next highest ranked firms on the final list in the following order: PSOMAS, RBF Consulting, until a contract is executed. Funding Source: Wastewater Management Enterprise Fund. Administering Department: Regional Wastewater Reclamation Department.

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

C. **Pima County Wireless Integrated Network**

Appointment of Mike Hein, Office of Emergency Management and Homeland Security Director, to replace Dennis Douglas. No Term Expiration. (Jurisdictional recommendation)

Supervisor Carroll offered a friendly amendment to remove Consent Calendar Item Nos. 1-D.12 and 3C for discussion. The amendment died for lack of a second.

A substitute motion was made by Supervisor Carroll, seconded Supervisor Day to remove Consent Calendar Item Nos. 1-D.12 and 3C from the original motion. The motion was withdrawn.

On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Day to continue Consent Calendar Item Nos. 1-D.12 and 3C for at least 30 days to receive more information. Upon the vote being taken, the motion carried by a 3-2 vote, Chairman Valadez and Supervisor Bronson voting "Nay".

On consideration, it was moved by Supervisor Elias, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to approve the Consent Calendar as amended.

**CONSENT CALENDAR ITEMS ARE AS FOLLOWS:**

1. **CONTRACTS AND AWARDS**

A. **Community Development and Neighborhood Conservation**

1. Jose Gabriel Loyola, Amendment No. 3, to provide consultation, facilitation, coordination, marketing services and extend contract term to 2/27/11, General Fund, contract amount \$9,500.00 (07-70-L-140715-0308)

B. **Health Department**

2. RESOLUTION NO. 2010 - 35, approving an Intergovernmental Agreement with the Sunnyside Unified School District, to provide administration of childhood immunization services, no cost (01-01-S-142728-0210)
3. Arizona Department of Health Services, Amendment No. 4, to provide sexually transmitted disease prevention services

and amend contractual language for the term 1/1/10 to 12/31/10, Federal Grant Fund, contract amount \$5,915.00 decrease (01-01-A-140955-0108)

4. Arizona Department of Homeland Security, to provide for the Emergency Operating Center Computers Project for the term 11/16/09 to 3/31/10, Federal Grant Fund, contract amount \$27,355.00 revenue (02-01-A-142719-1109)
5. Arizona Department of Homeland Security, to provide for the Citizen Corps-Pima Safe Program for the term 10/1/09 to 9/30/10, Federal Grant Fund, contract amount \$30,400.00 revenue (02-01-A-142720-1009)

**C. Office of Court Appointed Counsel**

6. Brick P. Storts III, Amendment No. 3, to provide felony attorney panel services, General Fund, contract amount \$150,000.00 (17-74-S-136422-0705)

**D. Procurement**

7. M. Anderson Construction Corporation, Amendment No. 5, to provide a job order contract for park development services, amend contractual language and extend contract term to 2/5/11, 1997 Bond (68%); 2004 Bond (20%); General (11%); and Special Revenue (1%) Funds, contract amount \$830,000.00 (26-05-M-139409-0207)

**Awards**

8. Award of Revenue Contract, to the highest scoring proposal submitted by Sexton Energy L.L.C., (Headquarters: Hillside, IL) for Solicitation No. 1000341, for landfill gas utilization at the Tangerine Landfill. In the event a contract cannot be negotiated, request authorization to negotiate with the next highest ranked firm, Blue Source, L.L.C. Administering Department: Environmental Quality
9. Award of Contract, Requisition No. 1000712, in the amount of \$2,600,000.00 to the lowest cost, highest ranked respondent, Humana Insurance Company (Headquarters: De Pere, WI) for life insurance benefits. Contract is for a one-year term and includes four one-year renewal periods. Funding Source: General Fund (12%) and Employee Contributions (88%). Administering Department: Human Resources.

10. Award of Contract, Requisition No. 0901095, in an amount not to exceed \$726,760.00 to the highest ranked, most qualified respondent, New Dawn Technologies (Headquarters: Logan, UT) for a case management system and as needed professional services. The license agreement term shall be perpetual and the maintenance and professional service contract term shall be for a five year period. Funding Source: State Aid to Indigent Defense Fund. Administering Departments: Information Technology and Public Defender.
11. Cooperative Procurement: Award of Contract, Requisition No. 1001159, in the amount of \$756,000.00 to Qwest Communications Corporation, Inc. (Headquarters: Denver, CO), to provide PBX dial voice tone services and products. Initial contract term is for a one-year period with four (4) one-year renewal options. Funding Source: General Fund. Administering Department: Information Technology.
12. Award of Contract, Requisition No. 1000829, to CPE Consultants, L.L.C. (Headquarters: Tucson, AZ), (PULLED FOR SEPARATE ACTION.)
13. Low Bid: Award of Contract, Requisition No. 1000735, in the amount of \$1,015,888.00, to the lowest responsive bidder, Granite Construction Company, Inc. (Headquarters: Watsonville, CA), for pavement preservation along segments of Ina Road. The contract term is twelve months with the ability to extend for contract completion. Construction is to be complete within 60 working days from the Notice to Proceed. Funding Source: American Recovery and Reinvestment Act of 2009. Administering Department: Transportation.
14. Low Bid: Award of Contract, Requisition No. 1000740, in the amount of \$711,711.00, to the lowest responsive bidder, Sunland, Inc., Asphalt & Sealcoating (Headquarters: Tempe, AZ) for pavement preservation along a segment of La Canada Boulevard. The contract term is twelve months with the ability to extend for contract completion. Construction is to be complete within 45 working days from the Notice to Proceed. Funding Source: American Recovery and Reinvestment Act of 2009. Administering Department: Transportation.

**E. REAL PROPERTY**

- 15. Sycamore Vista Master Homeowners' Association, to provide a License for Right-of-Way Encroachment on West Camino del Toro for the purpose of installing and maintaining fence panels, contract amount \$8,000.00 revenue (12-04-S-142722-0210)

**2. 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>
Janssen, Frances H.	080	DEM
Grossman, Maurice K.	213	DEM
Showalter, Jon L.	213	DEM
Chewning, Gene M.	233	REP
Cody, Thomas S.	388	DEM

<u>APPOINTMENTS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Duncan, Cynthia F.	074	GRN
Kress, Jonathan H.	078	DEM
Goldstein, Brad W.	260	DEM
Cozad, Robert J.	406	DEM

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

**A. Environmental Quality Advisory Council**

Reappointment of Daniel G. Rowe, Automotive Business/Industry. Term expiration: 2/16/13. (Staff recommendation)

**B. Metropolitan Education Commission**

Appointment of Jo Ann Sayre, Regionally Accredited Private Institution Representative, to replace Sister Rosa Maria Ruiz. Term expiration: 9/15/12. (Commission recommendation)

**C. Pima County Wireless Integrated Network**

Appointment of Mike Hein, Office of Emergency Management and Homeland Security Director, to replace Dennis Douglas. (PULLED FOR SEPARATE ACTION.)

**D. Workforce Investment Board**

Appointments: Paul Roughton, Business, to replace Mark Trommer; Jonathan Peck, Community Based Organization, to replace Kelly Langford; Joshua Wright, Town of Marana, to replace Jim DeGroot; and Paul Lyons, Business, to replace Michael Lupien. Term expirations: 9/30/12. (Staff recommendations)

**4. SPECIAL EVENT LIQUOR LICENSE APPROVED PURSUANT TO RESOLUTION NO. 2002-273**

Pamela Sue Clark-Raines, StrengthBuilding Partners, 4280 N. Campbell Avenue, Tucson, April 23, 2010.

**REGULAR AGENDA/ADDENDUM ITEMS**

**14. 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	5 Neighborhoods: Alvernon Heights, Julia Keen, Naylor, Meyers and Roberts	29th Street Weed and Seed Coalition Park Improvements	\$500,000.00

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

**15. HEALTH DEPARTMENT**

RESOLUTION NO. 2010 – 36 accepting the Arizona Emergency Response Commission Award in the amount of \$14,415.00, for the support of the Pima County Office of Emergency Management.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to adopt Resolution No. 2010-36.

**16. TRANSPORTATION: ERIC MARCUS MUNICIPAL AIRPORT MASTER PLAN**

Staff recommends approval of the Eric Marcus Municipal Airport Master Plan. (District 3)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to approve the Eric Marcus Municipal Airport Master Plan.

17. **FRANCHISE/LICENSE/PERMIT: LIQUOR LICENSE**

10-01-9013, Donald Jack Campbell, Jr., Delta Air Lines, Inc., 7250 S. Tucson Boulevard, Tucson, Series 8, Conveyance, New License.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to close the public hearing, approve the liquor license request and forward the recommendation to the Arizona State Liquor Licenses and Control.

18. **DEVELOPMENT SERVICES: REZONING CLOSURE/REZONING TIME EXTENSION**

Co9-92-26, COLLINS – COLOSSAL CAVE ROAD NO. 2 REZONING

- A. Proposal to close a rezoning from RH (Rural Homestead) to CB-1 (Local Business) of approximately 3.25 acres located on the west side of Colossal Cave Road, immediately south of the Union Pacific Railroad tracks. The rezoning was first approved in January 1993, received four time extensions and expired in September 2009. Staff recommends AGAINST CLOSURE. (District 4)
- B. Request of Circle K Stores and TNS, L.L.C., represented by David Cisiewski, for a five year time extension for a rezoning of approximately 3.25 acres from RH (Rural Homestead) to CB-1 (Local Business) located on the west side of Colossal Cave Road, immediately south of the Union Pacific Railroad tracks. The rezoning was first approved in January 1993, received four time extensions and expired in September 2009. The proposed rezoning does not conform to the Pima County Comprehensive Plan, Co7-00-20. Staff recommends APPROVAL OF A THREE YEAR TIME EXTENSION WITH MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 4)

Without objection, these items were continued to the Board of Supervisors' Meeting of March 16, 2010.

19. **DEVELOPMENT SERVICES: REZONING TIME EXTENSION**

Co9-99-15, GATZIONIS BROTHERS FAMILY PARTNERSHIP/ CAB PRODUCE COMPANY – ORANGE GROVE ROAD NO. 2 REZONING

Request of Constantino and Nelida Panousopoulos, represented by Robert M. Conant, Jr., for a five year time extension for the above-referenced rezoning from

SR (Suburban Ranch) to TR (Transitional). The subject site was rezoned in 1999 and expired on November 9, 2009. The site is 10.15 acres located on the southwest corner of Orange Grove Road and La Canada Drive. Staff recommends APPROVAL OF A FIVE YEAR TIME EXTENSION WITH MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 1)

"IF THE DECISION IS MADE TO APPROVE THE TIME EXTENSION, THE FOLLOWING STANDARD AND SPECIAL CONDITIONS SHOULD BE CONSIDERED:

1. Submittal of a development plan as 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 Department of Transportation, Real Property Division.
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. Property owner(s) shall provide any necessary access improvements to Orange Grove Road and La Canada Drive. These improvements may include the construction of left-turn facilities and/or a right-turn deceleration lane adjacent to the subject property.
  - B. Property owner(s) shall dedicate 70 feet of additional right-of-way for Orange Grove Road adjacent to the subject property within 90 days of Board of Supervisors time extension approval. All buildings shall be setback a minimum of 130 feet from the centerline of Orange Grove Road right-of-way.
  - C. Only one access on Orange Grove Road and one access on La Canada Drive shall be allowed. Locations of access on both roads shall be coordinated with and shall require Department of Transportation approval.
  - D. The property owner/developer shall dedicate right-of-way for a 25 foot radius corner spandrel at the corner of Orange Grove Road and La Canada Drive within 90 days of Board of Supervisors time extension approval.
8. Flood Control conditions:
  - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
  - B. All internal drainage improvements and any external drainage improvements required to mitigate drainage impacts caused by the proposed development shall be constructed at no cost to Pima County.
  - C. The property owner(s) shall grant flowage easements for drainage purposes to Pima County, as determined necessary by the Flood Control District during the plan review process.
  - D. A drainage study shall be submitted for review and approval that addresses the impacts of development to the local area drainage.
  - E. This development shall meet Critical Basin detention and retention requirements.
  - F. A riparian mitigation plan shall be required for development in designated riparian areas.
9. Wastewater Management conditions:

~~The property owner must connect to the public sewer system at the location and in the manner specified by Wastewater Management at the time of review of the tentative plat, development plan or request for building permit.~~

  - 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 PCRWRD 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 connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD 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.
- ~~40.~~ The site shall be surveyed for the presence or absence of the cactus ferruginous pygmy owl by a qualified biological consultant who has a permit from the U.S. Fish and Wildlife Service.
- ~~44~~ 10. Prior to ground modification activities, an on-the-ground archaeological survey and appropriate mitigation measures shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological sites on the subject property, shall be submitted at the time of, or prior to the submittal of any tentative plat or development plan. The mitigation plan shall be prepared and reviewed as described in the Pima County Site Analysis Requirements.
- ~~42~~ 11. Building heights are restricted to 24 feet and two stories, except for the two northernmost buildings shown on the preliminary development plan, which are restricted to a height of 18 feet and one story.
- ~~43~~ 12. Adherence to the preliminary development plan as approved at public hearing. Uses are restricted to professional and semi-professional offices.
- ~~44~~ 13. A. The property owner(s) shall enter into the voluntary Neighborhood Covenants with property owners residing within 1,000 feet as presented at the June 19, 2007 public hearing.
- B. Prior to the issuance of a Certificate of Compliance, the applicant shall obtain approval from the Design Review Committee as it relates to the design elements contained within the Neighborhood Covenants. These elements include, but are not limited to, site design, screening, architectural styles, building colors/materials, and signage.
- ~~45~~ 14. The following exotic plant species shall not be planted anywhere on the project site:  
 Fountain grass (*Pennisetum setaceum*)  
 Buffelgrass (*Pennisetum ciliare*)  
 Johnson grass (*Sorghum halapense*)  
 Giant reed (*Arundo donax*)  
 Common crabgrass (*Digitaria sanguinalis*)  
 Pampas grass (*Cortaderia selloana*)  
 Red brome (*Bromus rubens*)  
 Mediterranean grass (*Schismus spp.*)  
 Tree of heaven (*Ailanthus altissima*)  
 African sumac (*Rhus lancea*)  
 Russian olive (*Eleagnus angustifolia*)  
 Salt cedar/Tamarisk (*Tamarix pertandra* & *T. ramosissima*)  
 Bermuda grass (*Cynodon dactylon*) excluding sod hybrid Bermuda  
 Lovegrasses (*Eragrostis spp.*) excluding Plains lovegrass (*Eragrostis intermedia*)  
 African rue (*Peganum harmala*)  
 Iceplant (*Mesembryanthemem crystallinum*)  
 Arabian Grass (*Schismus arabicus*)  
 Natal Grass (*Melinis repens* (= *Rhynchelythrum repens*))  
 Aquatics  
 Eurasian Watermilfoil (*Myriophyllum spicatum*)  
 Giant Salvinia (*Salvinia molesta*)  
 Hydrilla (*Hydrilla verticillata*)  
 Water hyacinth (*Eichhornia crassipes*)
- ~~46~~ 15. In the event the subject property is annexed ~~into the City of Tucson~~, the property owner(s)/developer(s) shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
- ~~47~~ 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)."
17. All proposed development within the entire rezoning site shall be shown on a development plan(s).

18. A Letter of Intent to serve from a Water Service Provider shall be submitted as part of any subsequent actions.
19. Low Intensity Development (LID) water harvesting shall be incorporated into landscaping, paving, and parking lot designs to encourage use of storm water to irrigate exterior areas and conserve use of groundwater.”

Tom Hudson, Zoning Administrator, provided a staff report and explained the owner of the property intended to continue the development when the current economic conditions improved. He recommended approval of a five year time extension with modified standard and special conditions.

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

On consideration, it was moved by Supervisor Day, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and approve the five year time extension with modified standard and special conditions.

**20. DEVELOPMENT SERVICES: REZONING ORDINANCES**

- A. ORDINANCE NO. 2010 - 8, Co9-08-04, GDV Pension Plan, L.L.C., et. al. - Placita Provida Rezoning (Catalina Foothills Zoning Plan). Owner: GDV Pension Plan, L.L.C., et. al. (District 1)
- B. ORDINANCE NO. 2010 - 9, Co9-09-04, Goeke-Noyes Street Easement Rezoning. Owner: Jon and Karen Goeke. (District 4)
- C. ORDINANCE NO. 2010 - 10, Co23-08-03, Sendero Pass Specific Plan. Owner: Tucson 738 - Montecito Communities, L.L.C. (District 3)

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

On consideration, it was moved by Supervisor Elias, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearings and adopt Ordinance Nos. 2010 - 8, 9 and 10.

**21. BOARD OF SUPERVISORS: REQUEST FOR RECONSIDERATION (DISTRICT 4)**

- A. On January 5, 2010, the Board of Supervisors and the Stadium District Board approved the following item:

Staff and the Pima County Sports and Tourism Authority recommend acceptance of the payment in the amount of \$50,000.00 from the Chicago White Sox in lieu of the 2010 Chicago White Sox – Arizona Diamondbacks Charity Baseball Game and authorization to execute the Letter of Agreement.

“Supervisor Elías suggested that the \$50,000.00 payment be added to the Outside Agency Fund next fiscal year.

Supervisor Day disagreed and stated that she felt the \$50,000.00 payment should be given to the Southern Arizona Sports Foundation.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and carried by a 4-1 vote, Supervisor Day voting “Nay,” to approve the acceptance of payment and add it to the Outside Agency Fund for next fiscal year.”

- B. Request to reconsider and suspend the Board of Supervisors’ (a.k.a. the Stadium District Board) Rules and Regulations, Rule H. (1) and (2).

On consideration, it was moved by Supervisor Day to reconsider the item and suspend the Board of Supervisors (a.k.a. the Stadium District Board) Rules and Regulations, Rule H. (1) and (2). Supervisor Day withdrew her motion as she had not been on the prevailing side of the original vote.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to reconsider the item and suspend the Board of Supervisors (a.k.a. the Stadium District Board) Rules and Regulations, Rule H. (1) and (2).

- C. If request to reconsider and suspend the Board of Supervisors’ (a.k.a. Stadium District Board) Rules and Regulations are approved, proceed with reconsideration on the following item:

Staff and the Pima County Sports and Tourism Authority recommend acceptance of the payment in the amount of \$50,000.00 from the Chicago White Sox in lieu of the 2010 Chicago White Sox – Arizona Diamondbacks Charity Baseball Game and authorization to execute the Letter of Agreement.

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The following speaker addressed the Board:

Don Haskell, President of the Southern Arizona Sports Foundation (SASF)

He provided the following comments:

1. This item was not about whether or not to accept the money, but who received the \$50,000.00 and how it was to be used.
2. SASF’s 2002 Articles of Incorporation, 2002 Bylaws and General Service Agreement with Pima County stated the charity game monies would be given to SASF.
3. Since spring training was over, the SASF was in the process of disbanding but would be disbursing approximately \$200,000.00 to local charities and non-profits this year.

4. He requested the Board reverse their decision to award this money to the Outside Agency Fund and award it to the SASF.

Chairman Valadez and Supervisor Elías expressed appreciation for the work SASF had provided over the years and indicated they planned to correct the award.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to approve the acceptance of payment in the amount of \$50,000.00 from the Chicago White Sox in lieu of the 2010 Chicago White Sox – Arizona Diamondbacks Charity Baseball Game, authorize staff to execute the Letter of Agreement and award the monies to the SASF.

## 22. **CALL TO THE PUBLIC**

The following speakers addressed the Board regarding the proposed Marana landfill:

1. Robin Meissner
2. Frank and Joan Triumph
3. Jens T. Hill
4. Pam Ruppelius
5. Steve Storzer

The speakers provided the following comments:

- A. Concern was expressed regarding the lack of transparency in the development of the project and how it would be regulated if the property was successfully annexed.
- B. They could not get copies of the reports referred to by the developer at a public meeting because the information was not in a report form.
- C. The approximately 1,200 trucks a day going to the site would create many dangerous traffic issues in the area.
- D. The City of Tucson recharges the aquifer in the upper Santa Cruz and Avra Basin to assure Tucson residents have an accessible source of drinking water.
- E. Concern was expressed regarding noxious bi-products created by a landfill seeping into the aquifer and current plans on how to dispose of them.

- F. Pima County Regional Flood Control District recommended the property be designated to a 500 year floodplain, due to serious environmental problems if the landfill flooded and because of the large volume of water flow from the Brawley Wash located on the site.
- G. The landfill may conflict with the ability to preserve natural open space and riparian habitat.
- H. The Board was requested to slow down the annexation process to provide more time for studies on the environmental impacts of a landfill in this area and asked to place it on their next agenda for consideration.

Chairman Valadez recognized all of the people in the audience for the landfill issue.

Supervisor Bronson directed staff to attend the Town of Marana's Meeting scheduled on February 24, 2010.

Joe Sweeney addressed the Board concerning recent events on the Mexican border and also addressed immigration issues.

23. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 10:50 a.m.