

MINUTES, FLOOD CONTROL DISTRICT BOARD

JUNE 1, 2010

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, June 1, 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. **MANAGEMENT STUDY**

RESOLUTION NO. 2010 – FC 6, of the Pima County Flood Control District Board of Directors, adopting the Lee Moore Wash Basin Management Study. (Districts 2 and 4)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías to adopt Resolution No. 2010- FC 6. No vote was taken at this time.

Chairman Valadez offered a friendly amendment to direct staff to develop and implement a solution for the Old Vail Road and Franco Wash crossing. The amendment was accepted by the maker and second.

Upon the vote being taken, the motion carried unanimously by a 5-0 vote.

2. **AWARD**

Direct Select Award of Contract, Requisition No. 1001891 in an amount not to exceed \$227,833.00 to PSOMAS, (Headquarters: Los Angeles, CA) for engineering services on Phase 2 of the Pantano Wash Permanent Bank Stabilization Project: Speedway Boulevard to Tanque Verde Road. Funding Source: Flood Control District Tax Levy Fund Administering Department: Regional Flood Control District.

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

3. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 10:40 a.m.

MINUTES, ZONING ENFORCEMENT BOARD OF APPEALS

JUNE 1, 2010

The Pima County Zoning Enforcement Board of Appeals met in regular session in its regular meeting place at Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, June 1, 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. **CALL TO THE PUBLIC: (for Executive Session items only)**

The Chairman inquired whether anyone wished to be heard.

The following individuals addressed the Board:

- A. David E. Hill
- B. David Hamra
- C. Troy Hollar
- D. Fred Parker
- E. Laura Gibson
- F. Thomas W. Pew, Jr.
- G. Will Pew, President, Catalina Foothills Association

Their comments were:

- 1. Running a business at the end of a cul-de-sac on a dirt road was not an appropriate use of a residential property in the CR-1 zone.
- 2. They indicated this business had been an ongoing problem for over a year and had completely changed the character of the neighborhood.
- 3. An adult living home permit was obtained by the operator, but they still had more employees and clients than legally permitted.
- 4. An unofficial count by the neighborhood found there were in excess of 20 vehicles, traveling at a high rate of speed, in and out of this property daily.
- 5. Neighborhood children could no longer walk safely to the school bus because of the dust pollution, roadside trash and safety issues this traffic caused.
- 6. Neighbors stated this business was the largest source of air pollution in the foothills area due to all of the dust it created.

7. Nearby neighbors no longer enjoyed their quiet desert living because of people yelling obscenities from this business.
8. The Board was asked not to grant the continuance and to uphold the HO decision.

2. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding the appeal of the decision of the Hearing Officer in Case No. P010CV00021, Via Celeste Investments, L.L.C. - Steven Fenton. The Board may also during the course of the hearing and upon motion, enter into executive session.

This item was informational only, no Board action was taken.

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

P010CV00021, Via Celeste Investments, L.L.C. - Steven Fenton

In accordance with the Pima County Zoning Code, Section 18.95.030C, Steven Fenton appeals the decision of the Hearing Officer in Case No. P010CV00021, for a violation of the Zoning Code, Sections 18.21.010 and 18.21.020, assisted living center not a permitted or conditional use in CR1. This citation affects activities on the property under the defendants ownership and located at 5320 N. Via Celeste. (District 1)

Rick Bruster, Land Use Unit Supervisor, provided a staff report on this case. He stated several letters opposing the continuance and the appeal had been received. Staff recommended the Board uphold the Hearing Officer's decision which gave the appellant 45 days, from Board action, to come into compliance to avoid any additional fees.

Chairman Valadez inquired if the appellant or their representative was in the audience to address the Board. No one appeared.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to deny the request for continuance, close the hearing and uphold the Hearing Officer's Decision.

4. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 10:40 a.m.

MINUTES, BOARD OF SUPERVISORS' MEETING

JUNE 1, 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, June 1, 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 Michelle Magee, San Juan Bautista Lutheran Church.

2. **PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

3. **PAUSE 4 PAWS**

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

4. **PRESENTATION**

Presentation of Certificates of Appreciation to the Pima County Employees Combined Appeal Program (ECAP) Steering Committee for their service and outstanding efforts during the 2009-2010 Campaign.

Shelley Rose, Committee Chair
Chris Campbell, Co-Vice Chair
Lorraine Simon, Co-Vice Chair
Lisa-Kay Caswell, Secretary
Audrey Rogers
Angelita Flores

Eileen Priest
Rick Lintner
Rachel Affield
Debra Rodriguez
Margo Chavez

Supervisor Carroll thanked the Steering Committee and presented the Certificates of Appreciation.

... **EXECUTIVE SESSION**

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, that the Board convene to Executive Session at 9:17 a.m.

5. **RECONVENE**

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

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

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

7. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3), for legal advice regarding the Subdivision Plat Waiver for PPW-10-01, Avery, et. al. - Old Sonoita Highway.

This item was informational only, no Board action was taken.

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

A. **CALL TO THE PUBLIC (for Consent Calendar items only)**

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

PULLED FOR SEPARATE ACTION

1. **CONSOLIDATED JUSTICE COURTS**

Judge Pro Tempore

The Pima County Consolidated Justice Court requests the appointment of the following as Judge Pro Tempore for the period July 1, 2010 through June 30, 2011:

Adam Watters

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 4-0 vote, Supervisor Day recused herself due to a potential conflict of interest, to approve the appointment.

B. APPROVAL OF CONSENT CALENDAR

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

CONSENT CALENDAR ITEMS ARE AS FOLLOWS:

2. CONTRACTS AND AWARDS

A. Assessor

1. Marshall and Swift, Amendment No. 7, to provide software to calculate replacement cost for new individual construction components and amend contractual language, General Fund, contract amount \$52,500.00 (07-28-M-139032-0107)

B. Community Services, Employment and Training

2. Chris Nybakken, d.b.a. The Nybakken Group, L.L.C., Amendment No. 2, to provide consultant services for special needs participants, extend contract term to 3/31/11 and amend contractual language, State Grant Fund, contract amount \$40,000.00 (07-67-N-140798-0408)
3. Heinfeld, Meech and Co., P.C., Amendment No. 3, to provide financial accounting and reporting services for Pima Vocational High School, extend contract term to 5/30/11 and amend contractual language, State Grant Fund, contract amount \$40,000.00 (07-67-H-140971-0608)

C. Community Services

4. Arizona Department of Economic Security, Rehabilitation Services Administration, Amendment No. 1, to provide for Disability Program Navigators at the Pima County One Stop Career Center and amend contract term to 6/30/10, no cost (01-69-A-142255-0709)
5. Open Inn, Inc., to provide workforce development and support services to homeless for the term 5/1/10 to 4/30/11, HUD Grant Fund, contract amount \$98,824.00 (07-69-O-142974-0510)

D. Health Department

6. Arizona Department of Health Services, Amendment No. 1, to provide for the Arizona Dental Sealant Program and

amend contractual language, Federal Grant Fund, revenue based on services (01-01-A-141683-1208)

E. Human Resources

7. American Indian Association, d.b.a. Tucson Indian Center, Amendment No. 3, to provide recruitment and retention services for Native American employment and extend contract term to 6/30/11, General Fund, contract amount \$20,000.00 (07-43-A-140857-0708)

F. Information Technology

8. New Cingular Wireless, PCS, L.L.C., Amendment No. 2, to provide a Non-Exclusive Right-of-Way Use License Agreement for wireless communication facilities, services and amend contractual language for the term 9/24/10 to 9/23/15, General Fund, contract amount \$66,307.58 revenue/5 year term (12-14-A-142715-0900)
9. Verizon Wireless, L.L.C., to provide a Non-Exclusive Right-of-Way Use License for wireless communication facilities on property located at 6420 North Craycroft Road, General Fund, contract amount \$33,153.79 revenue/5 year term (12-14-V-142983-0610)
10. SSI Group, Inc., Amendment No. 1, to provide electronic data interchange services, amend contractual language and extend contract term to 6/30/11, General Fund, no cost (07-15-S-141536-0708)

G. Office of Emergency Management and Homeland Security

11. RESOLUTION NO. 2010 – 110, an agreement with the Arizona Department of Homeland Security, to provide for the TUSAI Regional Planning Cooperative Project, contract amount \$100,000.00 revenue (02-79-A-142978-1009)

H. Pima Health System

12. Kindred Nursing Centers West, L.L.C., d.b.a. Desert Life Rehabilitation and Care Center, Amendment No. 11, to provide nursing facility services and amend contractual language, PHCS Enterprise Fund, contract amount \$2,000,000.00 (18-15-K-137036-1005)

13. SLO Ridgecrest, L.L.C., d.b.a. Ridgecrest Healthcare, Amendment No. 6, to provide nursing facility services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-S-139267-0307)
14. Alvernon Optical, Inc., Amendment No. 3, to provide vision care services, extend contract term to 6/30/11 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-A-139632-0707)
15. Sher-Lan, L.L.C., d.b.a. Elder Care and More II, Amendment No. 4, to provide assisted living home services and amend contractual language, PHCS Enterprise Fund, contract amount \$75,000.00 (07-15-S-140111-0907)
16. Northwest Allied Physicians, L.L.C., Amendment No. 3, to provide primary care physician and specialty services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-N-140176-1007)
17. Pima Council on Aging, Inc., Amendment No. 2, to provide home and community based services, extend contract term to 6/30/11 and amend contractual language, PHCS Enterprise Fund, contract amount \$300,000.00 (07-15-P-141041-0708)
18. Neurological Associates of Tucson, P.C., d.b.a. Center for Neurosciences, Amendment No. 2, to provide neurology, neurosurgery, magnetic resonance imaging and digital x-ray, extend contract term to 5/31/11 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-N-141104-0608)
19. Catholic Community Services of Southern Arizona, Inc., d.b.a. Catholic Social Services, Amendment No. 2, to provide case management services, extend contract term to 6/30/11 and amend contractual language, PHCS Enterprise Fund, contract amount \$650,000.00 (07-15-C-141131-0708)
20. Lutheran Social Services of the Southwest, Amendment No. 3, to provide homecare services and amend contractual language, PHCS Enterprise Fund, contract amount \$1,000,000.00 (07-15-L-142111-0709)
21. Arizona Consumer Direct Personal Care, L.L.C., Amendment No. 3, to provide homecare services and amend

contractual language, PHCS Enterprise Fund, contract amount \$3,000,000.00 (07-15-A-142119-0709)

22. Northwest Hospital, L.L.C., d.b.a. Northwest Medical Center, Amendment No. 1, to provide hospital services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-N-142645-0509)
23. Oro Valley Hospital, L.L.C., Amendment No. 1, to provide hospital services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-O-142664-0509)

I. **Procurement**

24. KE&G Construction, Inc., Amendment No. 4, to provide a job order contract for wastewater conveyance repair, rehabilitation and construction services-small pipe contract and extend contract term to 6/30/11, System Development Fund, contract amount \$1,500,000.00 (26-03-K-139133-0107) Regional Wastewater Reclamation
25. KE&G Construction, Inc., Amendment No. 4, to provide a job order contract for wastewater conveyance repair, rehabilitation and construction services-large pipe contract and extend contract term to 6/30/11, RWRD Obligations, contract amount \$5,000,000.00 (26-03-K-139134-0107) Regional Wastewater Reclamation

Award

26. Cooperative Procurement: Award of Contract, Requisition No. 1001926, in the amount of \$405,000.00 for Cisco SmartNet maintenance service to Insight (Headquarters: Tempe, AZ). Contract is for a one year term and includes four one year renewal periods. The Award includes the authority for the Procurement Director to approve future amendments without further action by the Board of Supervisors for reasons other than increases in funding. Funding Source: General Fund. Administering Department: Information Technology.

J. **Sheriff**

27. RESOLUTION NO. 2010 – 111, approving an Intergovernmental Agreement with the Governor's Office of Highway Safety, to provide for personnel services (overtime) and related expenses to conduct educational and

enforcement activities targeting minors, Federal Grant Fund, contract amount \$15,050.00 revenue (01-11-G-142966-0610)

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

A. **Animal Care Advisory Committee (Pima County)**

Appointment of Jaymie Jacobs, Public Educator to replace Judith Pishva, Term expiration: 3/31/11. (Organizational recommendation)

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

Reappointment of Larry Robinson. Term expiration: 6/30/12. (District 1)

C. **State Board of Equalization**

Appointment of Jyl C. Maratea. Term expiration: 12/31/12. (District 2)

D. **Joint County/City Mechanical/Plumbing Code Committee**

Appointment of Robert Dinius to fill unexpired term of Jay Casey. Term expiration: 5/1/12. (Staff recommendation)

E. **Planning and Zoning Commission**

Appointment of Jenny Neeley to replace Bruce Gungle. Term: 8/2/10 – 6/19/14. (District 5)

4. **CLERK OF THE BOARD**

Staff requests approval of the revised Fireworks notification process.

5. **CONSOLIDATED JUSTICE COURTS**

Judge Pro Tempore

The Pima County Consolidated Justice Court requests the appointment of the following as Judges Pro Tempore for the period July 1, 2010 through June 30, 2011:

Richard Augur	David Dingledine	Cecilia Monroe
Thomas Benavidez	Roger Duncan	Alfonso Ramirez
Sallie Blake	Martin Green	Greg Solares
John Casey	Thomas Johnson	William Scott
Angelo Daniels	Paul Julien	Anne Ward
Ben E. Davis	Richard Keefe	Hortencia Delgadillo
Fred Klein	Walter Weber	Russell Dillow
Joe Machado		

6. **DIVISION OF ELECTIONS**

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

<u>APPOINTMENTS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Herran, Peter B.	052	DEM
Hunter, Cecilia Aros	097	DEM
Tucker, Michael D.	109	DEM
Bergen, Patricia C.	199	DEM
Mathis, Christopher H.	237	DEM
Knepp, Elizabeth A.	249	DEM
McBride, Dewaine R.	362	REP

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

- A. Kathleen Marie Campbell, Orchards Homeowners Association, 12901 N. Sabino Canyon Parkway, Mount Lemmon, August 8, 15, 22, 29 and September 5, 2010.
- B. Lance Richard Hurst, American Legion Post No. 109, 15921 S. Houghton Road, Vail, June 12, 2010.

8. **FINANCE AND RISK MANAGEMENT**

Duplicate Warrants – For Ratification

Linda Erian	\$17.80
Pablo Guerrero	\$14.08

9. **REAL PROPERTY**

Abandonment and Transfer of Sewer Facilities

Abandonment of sewer facilities and transfer to Unisource Energy Corporation of a 46 foot segment of public sewer line located on East Broadway Blvd. RUE-10-05. No revenue. (District 2)

10. **RATIFY AND/OR APPROVE**

Minutes: April 6, 2010
April 13, 2010

Warrants: May, 2010

REGULAR AGENDA/ADDENDUM ITEMS

9. COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CONSERVATION

- A. RESOLUTION NO. 2010 - 112, of the Board of Supervisors, amending the Community Development Block Grant 2008-2009 Annual Action Plan, to reallocate as follows:

Reduce: South Tucson Fire Safety Equipment \$34,500.00

Add: South Tucson PRIDE Program \$34,500.00

- B. RESOLUTION NO. 2010 - 113, of the Board of Supervisors of Pima County, to approve the application of the Community Home Repair Projects of Arizona for a grant for the Emergency Home Repair Program from the 12% Local Revenue-Sharing Contribution of the Pascua Yaqui Tribe in the amount of \$75,000.00.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to adopt Resolution Nos. 2010-112 and 113.

10. REAL PROPERTY: Right-of-Way Easement

The Board of Supervisors on 4/13/10 and 5/4/10 continued the following:

Sale and conveyance of a Right-of-Way Easement to Tucson Electric Power, for placement of electrical facilities, Tax Parcel Nos. 140-02-015A, ~~and~~ 140-02-019A, **AND 140-02-019B**, Section 3, T15S, R14E, G&SRM, \$3,400.00 revenue. (District 2)

Dan Ice, Assistant Building Official, gave a brief staff report on the permitting aspects of this case. He stated billboard No. 43 had met all settlement agreement requirements.

Chairman Valadez expressed concern that approval of this easement on County property would set the precedent of non-compliance for future billboards.

Carmine DeBonis, Development Services Director, explained the Board could deny the request for the easement. He said there were alternatives for Tucson Electric Power to provide service to these billboards without crossing County property, and the Board had the latitude to decide how County lands were to be used and thereby not set a precedent with this case.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson to deny the sale and conveyance. No vote was taken at this time.

The Chairman inquired whether anyone wished to be heard.

The following individual addressed the Board:

Mark Mayer, Billboard Review Committee (BRC)

His comments were:

- A. The BRC felt that approval of this item would allow for non-compliance with the settlement agreement, lay the groundwork for non-conformance with County Code and not reflect sound public policy.
- B. The BRC recommended denial of the easement.

Upon the vote being taken, the motion to deny the sale and conveyance carried unanimously by a 5-0 vote.

11. FINANCE AND RISK MANAGEMENT

RESOLUTION NO. 2010 – 114, of the Board of Supervisors requesting exemption from posting of security for Pima County's Self Insured Workers' Compensation Program.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to adopt Resolution No. 2010-114.

12. PROCUREMENT: Cancellation of Contract Approval

Staff requests the cancellation of the contract for AECOM Services, Inc., d.b.a., AECOM Design, Amendment No. 5, approved by the Board on May 19, 2010. (15-13-D-137105-0805)

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

13. TRANSPORTATION: Acceptance of Project/Roadway for Maintenance

P1204-310, New Tucson, Unit 8, Phase 2 Offsite Improvements, Harrison Road, Station 0+00 to Station 9+00 and Frontage Road, Station 0+00 to Station 7+00, Lots 312-324 and 430-454. Developer: Western Associates Development. (District 4)

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 4-0 vote, Supervisor Day recused herself due to a potential conflict of interest, to accept the project for roadway maintenance.

14. **TRANSPORTATION: Acceptance of Projects/Roadways for Maintenance**

- A. P1203-012, Star Valley, Block 13, Lots 1-302 and Common Areas A–C. Developer: USH/SVA, L.L.C., c/o Broadway Realty and Trust. (District 3)
- B. P1203-015, Star Valley, Block 18, Lots 1-286 and Common Areas A-C. Developer: Standard Pacific Homes. (District 3)

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to accept the projects for roadway maintenance.

15. **REGIONAL WASTEWATER RECLAMATION: Pretreatment Settlement Agreements**

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

- A. Best of Everything, d.b.a., Delectables Restaurant and Catering. Proposed settlement amount of \$1,009.42.
- B. McDonalds, No. 1996. Proposed settlement amount of \$3,531.86.
- C. Walgreens Company, No. 5532. Proposed settlement amount of \$10,000.00.

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

16. **FRANCHISES/LICENSES/PERMITS: Fireworks Permit**

Troy Finley, Tucson Country Club, 2950 N. Camino Principal, Tucson, July 4, 2010, at 9:00 p.m.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing and approve the request subject to fire conditions at the time of the event.

17. **FRANCHISES/LICENSES/PERMITS: Extension of Premises/Patio Permits**

- A. Daniel D. Scordato, Vivace Restaurant, 4310 N. Campbell Avenue, Tucson, Temporary Extension of Premises for June 26, 2010.
- B. Lance Richard Hurst, American Legion Post No. 109, 15921 S. Houghton Road, Vail, Permanent Extension of Premises.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearings, approve the permits and forward the recommendations to the Arizona State Liquor License and Control.

18. **DEVELOPMENT SERVICES: Rezoning**

Co9-09-05, BEAUFORT COMPANY, L.L.C. AND NNK, L.L.C. – CRAYCROFT ROAD REZONING

Request of The Beaufort Company, L.L.C. and NNK, L.L.C., represented by MJM Consulting, for a rezoning of approximately 13.27 acres from CR-3 (Single Residence) to CB-2 (General Business) on property located south of Elvira Road, approximately 275 feet east of Craycroft Road and approximately 340 feet north of the I-10 Frontage Road. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. (District 2)

Without objection, this item was continued to the Board of Supervisors' Meeting of July 6, 2010.

19. **DEVELOPMENT SERVICES: Rezoning Time Extension**

Co9-04-19, SHANNON BUSINESS PARK, L.L.C., ET. AL. - SHANNON ROAD REZONING

Request of First American Title, TR 9072, represented by Baker & Associates Engineering, for a five-year time extension for the above referenced rezoning from CPI (Campus Park Industrial) to CR-4 (Mixed Dwelling Type) for 68,575 square feet. The subject site was rezoned in 2005 and expired on February 15, 2010. The site is located on the southeast corner of Rudasill Road and Dartwhite Drive. Staff recommends **APPROVAL OF A FIVE-YEAR REZONING TIME EXTENSION TO FEBRUARY 15, 2015, SUBJECT TO ORIGINAL APPROVED CONDITIONS AND ADDITIONAL STANDARD CONDITIONS.** (District 3)

"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 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 without the written approval of the Board of Supervisors.
7. Transportation conditions:
 - A. Traffic Impact Analysis (TIA) shall be provided by the property owner(s) for this rezoning for review and approval by the Department of Transportation, prior to the first development plan or tentative plat submittal. The results of the approved TIA shall be used to establish required transportation improvements, and phasing of said improvements, to the area

- roadway system. The property owner(s) shall be responsible for construction of improvements as required by the Department of Transportation to meet concurrency requirements.
- B. Provision of improvements to Shannon and Rudasill Roads, including but not limited to, widening of pavement and a continuous left-turn lane on both roadways.
 - C. The property owner shall dedicate 45 feet right-of-way for Rudasill Road.
8. Flood Control conditions:
- A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
 - B. A drainage analysis will be required to determine the need for and sufficiency of proposed on-site and off-site improvements and associated maintenance agreements. Off-site improvements shall include, but not be limited to, improving the Pegler Wash open channel to contain the 100-year floodplain (FEMA Zone A) that extends onto the site and to provide all weather access.
9. Wastewater Management conditions:
- A. 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 Wastewater Management Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
 - B. Development within the rezoning area shall be timed to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system. The owner/ developer shall obtain written documentation from the Pima County Wastewater Management Department that treatment and conveyance capacity for the proposed development is available, 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 Wastewater Management Department.
 - C. The owner / developer shall relocate existing sewer line, G-2000-087, through the rezoning area as directed at the time of review of the tentative plat, development plan or request for building permit.
 - D. The owner / developer shall complete the construction of all necessary public and/or private sewerage facilities as required by the applicable regulations and agreements, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for new development within the rezoning area.
10. Environmental Planning conditions:
- A. The project site shall be inspected by a trained resource specialist for the presence of Western burrowing owls. A report containing inspection results and dates of when inspections were conducted shall be provided to Pima County immediately upon completion of the inspection. This report must be received prior to approval of the tentative plat. If any Western burrowing owls are found to be present on the project site, a copy of the report shall be sent to the Arizona Game & Fish Department's Heritage Data Management System.
11. Cultural Resources Conditions:
- A. The final recovery report shall be approved by Pima County Cultural Resources Office prior to tentative plat approval or any disturbance to the site.
12. Adherence to the preliminary development plan as approved at public hearing.
13. In the event the subject property is annexed into the City of Tucson, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
14. The property owner shall execute and record the following disclaimer regarding Proposition 207 rights: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, Chapter 8, Article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner to any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."
15. The owner/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 staff report on this case. He stated no public comments had been received regarding this request.

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

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing and approve the request for a five-year rezoning time extension, subject to original approved conditions and additional standard conditions.

20. **DEVELOPMENT SERVICES: Subdivision Plat Waiver**

PPW10-01, AVERY, ET. AL. – OLD SONOITA HIGHWAY

Request of Marcia Avery, et. al., for a subdivision plat waiver for Tax Parcel Nos. 306-15-0700, 0710, 0720, 073B, 073C, 073D, 0740, 0750, 076A, 076B, 0780, 0790, 0800 (well site), 0810 and 0820 pursuant to Section 18.69.080 of the Pima County Zoning Code which allows a waiver of any or all Code standards for a subdivision which has received or is not subject to an order of exemption from the public report requirements administered by the Arizona Department of Real Estate. Four of the applicants have accepted a Consent Order (File No. 08F-SD-060) before the Arizona Department of Real Estate in the matter of subdivision violations pertaining to the tax parcels referenced herein. The subject property is approximately 121.16 acres zoned RH and is located mostly east of Old Sonoita Highway and south of Empire View Drive. Staff recommends: (District 4)

- A. **APPROVAL** of the requested subdivision plat waiver subject to conditions; and
- B. **ACCEPTANCE AND EXECUTION** of 13 separate restrictive covenant documents with the following:

Walter and Charlotte Cook	Willard and Deborah Adams
James and Muriel Rosenfeld	Hank Cordaro
Mathew and Teresa Mullen	Christopher O'Neill
William and Darlene Ormsby	Norman & Jeannette Scheopner
Marcia and Richard Avery	Yvonne Clay Revocable Trust
Ryan Stam	Joseph Patterson and Kathleen McNaboe
Leroy and Cynthia Konen Living Trust	Kelesis Family Trust

Without objection, this item was continued to the Board of Supervisors' Meeting of August 3, 2010.

21. **DEVELOPMENT SERVICES: Rezoning Resolutions**

- A. **RESOLUTION NO. 2010 – 115**, Co9-99-17, Ali, et. al. – Oracle Road Rezoning. Owner: CAPT Properties, L.L.C. (District 1)

- B. RESOLUTION NO. 2010 – 116, Co9-99-18, Ali – Oracle Road Rezoning. Owner: CAPT Properties, L.L.C. (District 1)
- C. RESOLUTION NO. 2010 – 117, Co9-03-37, St. Mary’s Second Century Foundation – La Canada Drive Rezoning. Owner: Carondelet Foundation, Inc. (District 1)
- D. RESOLUTION NO. 2010 – 118, Co7-09-04, Gateway Hacienda, L.L.C. – E. River Road Plan Amendment. Owner: Gateway Hacienda, L.L.C. (District 1)
- E. RESOLUTION NO. 2010 – 119, Co7-09-03, Davidson – E. Edwin Road Plan Amendment. Owner: Christiaan Davidson. (District 1)

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and adopt Resolution Nos. 2010-115, 116, 117, 118 and 119 .

22. ENVIRONMENTAL QUALITY: Solid Waste Fee Schedule

ORDINANCE NO. 2010 - 41, of the Pima County Board of Supervisors, relating to solid waste; repealing the existing fee schedule for Pima County’s landfills and transfer stations and adopting a new fee schedule for Pima County’s landfills and transfer stations.

Ursula Kramer, Department of Environmental Quality Director, provided a report. She indicated the new fee schedule would decrease the Sahuarita Landfill’s deficit and could allow it to remain open provided the Town of Sahuarita waived its host fee.

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

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing and adopt Ordinance No. 2010-41.

23. TRANSPORTATION: Environmental Assessment and Mitigation Report

Staff recommends approval of the Environmental Assessment and Mitigation Report for La Cholla Boulevard: Magee Road to Lambert Lane and approval to proceed with Phase 1 Design for La Cholla Boulevard: Magee Road to Overton Road. (District 1)

Priscilla Cornelio, Transportation Director, provided a report. She informed the Board that the Regional Transportation Authority had decided to put all Period 2 projects on hold while they conducted an independent audit of all soft costs from Period 1 projects. The Community Advisory Committee recommended approval

but had concerns that should be considered by the County in developing the final construction documents for the roadway.

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, approve the report and direct staff to proceed with Phase 1 final design.

24. BOARD OF SUPERVISORS

The Pima County Meet and Confer Ordinance sets a June 1 annual deadline for the Board of Supervisors to consider amendments to the Memorandum of Understanding the Board has with Service Employees International Union. The Union reports that its Meet and Confer process with County Administration has not reached agreement on amendments and needs until June 15 to do so. (District 5) Discussion/Action.

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

25. FINANCE AND RISK MANAGEMENT

A. Pursuant to Board of Supervisors Policy No. D 22.8, staff requests approval of the following:

1. Operating transfers from the following Special Revenue Funds to the General Fund totaling \$2,164,859.00 to help offset the \$2,985,000.00 required payment to the State of Arizona:

Neighborhood Conservation	\$ 429,630.00
Indigent Defense Fill the Gap	410,000.00
Solid Waste Tire Fund	400,000.00
County Attorney Employer Sanctions	356,897.00
Sheriff Inmate Welfare Fund	300,000.00
Recorder Document Storage and Retrieval	150,000.00
Justice Courts Tucson Photo Enforcement	76,352.00
Pima Vocational High School	31,408.00
Justice Court Ajo FARE	<u>10,572.00</u>
	\$2,164,859.00

2. Operating transfer from the Capital Projects Fund to the Stadium District Fund in the amount of \$850,000.00 after completion of the Lighting/Landscaping Project.
3. Operating transfer from the Facilities Renewal Fund to the Capital Projects Fund in the amount of \$1,475,431.00 for various projects.

4. Operating transfer from the General Fund to the Capital Projects Fund in the amount of \$4,173,378.00 for the PimaCore Project.
 5. Operating transfers from the General Fund in the amount of \$3,800,000.00 for reimbursement of the purchase of the new Elections building to the following:

Garage Enterprise Fund	\$1,300,000.00
Facilities Renewal Fund	2,500,000.00
 6. Operating transfer of a 10% reduction from the General Fund to the Transportation Fund from \$3,200,000.00 to \$2,880,000.00.
- B. Report on Operating Transfers for Fiscal Year 2009-2010 in the amount of \$451,554.67.

It was stated by Supervisor Bronson and echoed by Supervisor Elías that these actions were only necessary because the State had not met its obligations and had passed these costs to the County.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and carried by a 4-1 vote, Supervisor Carroll voting “Nay,” to approve the Operating Transfers and Operating Transfer Report for Fiscal Year 2009-2010.

26. **CONTRACTS**

Health Department

- A. State of Arizona Department of Corrections, to provide increased inmate labor to Pima County Animal Care Center under Blanket Contract No. B506819, Health Fund, contract amount \$9,000.00. (11-01-A-142292-0908)

Institutional Health

- B. RESOLUTION NO. 2010 – 120, of the Board of Supervisors approving the Intergovernmental Agreement with Graham County to provide for the Restoration to Competency Program for the term 6/1/10 to 5/31/15, General Fund, contract amount \$300,000.00 revenue (01-65-G-142998-0610)

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to adopt Resolution No. 2010-120 and approve the contracts.

27. **CALL TO THE PUBLIC**

The Chairman inquired whether anyone wished to be heard.

Joe Sweeney addressed the Board in support of House Bill 1070.

28. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 10:40 a.m.