

MINUTES, LIBRARY DISTRICT BOARD

FEBRUARY 15, 2011

The Pima County Library District Board met in its regular session at the regular meeting place of the Pima County Board of Supervisors (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, February 15, 2011. 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. **CONTRACT**

Ajo Plaza, L.L.C., to provide a lease agreement for property located at 33 West Plaza, Ajo, AZ, for the library, Library District Fund, contract amount not to exceed \$250,000.00/5 year term (04-13-A-143746-0111) Facilities Management

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

2. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:50 a.m.



CHAIRMAN

ATTEST:



CLERK

MINUTES, STADIUM DISTRICT BOARD

FEBRUARY 15, 2011

The Pima County Stadium District Board met in its regular session at the regular meeting place of the Pima County Board of Supervisors (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, February 15, 2011. 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 Elias, Member
 Lori Godoshian, Clerk

1. **CONTRACT**

Arizona Sportservice, Inc., to provide a Settlement and Termination Agreement for a concession contract and a Bill of Sale for assigned properties, Stadium District Fund, contract amount \$30,000.00 (11-57-A-143772-0211)

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

2. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:50 a.m.



CHAIRMAN

ATTEST:



CLERK

MINUTES, ZONING ENFORCEMENT BOARD OF APPEALS

FEBRUARY 15, 2011

The Pima County Zoning Enforcement Board of Appeals met in its regular session at the regular meeting place of the Pima County Board of Supervisors (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, February 15, 2011. Upon roll call, those present and absent were as follows:

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

1. **LITIGATION**

The Board of Supervisors' on February 1, 2011, continued the following:

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. P10CV00381, Perry and Claudine Begley. The Board may also, during the course of the hearing and upon motion, enter into executive session.

The Executive Session was not held.

2. **Appeal of Hearing Officer's Decision**

The Board of Supervisors' on February 1, 2011, continued the following:

P10CV00381, Perry and Claudine Begley

In accordance with the Pima County Zoning Code, Section 18.95.030C, Perry and Claudine Begley through their council, John C. Lemaster and Thomas G. Stack of Ryley, Carlock & Applewhite, appeal the decision of the Hearing Officer in Case No. P10CV00381 regarding a violation of Sections 18.03.020.C.9, the definition of a commercial vehicle; 18.27.10, the parking/storage of a commercial vehicle not a permitted use in CR-4; and 18.27.020, the parking/storage of a commercial vehicle not a conditional use in CR-4. The citation affects the defendant's activities on the property under his ownership and at the address of 3975 E. Ruffian Rd. (District 1)

Chris Straub, Chief Deputy County Attorney, reported the appeal had been continued pending the outcome of a hearing before the Board of Adjustment regarding the interpretation of the Zoning Inspector. He stated the Board of Adjustment rendered a decision affirming the decision of the Zoning Inspector.

Thomas Stack, attorney for the appellants, stated that Mr. Begley was a first responder for the El Paso Natural Gas Company under the Pipeline Safety Act, and needed the company vehicle to be parked at his residence to allow him to respond to emergencies on the pipeline. Mr. Stack indicated there was nothing in the section of the Code on the citation that would prohibit the parking of the commercial vehicle. He requested the Board of Supervisors reverse the decision of the Hearing Officer and rescind the citation.

Mr. Stack stated the question raised by Development Services was whether there was any provision of the Pipeline Safety Act or any State statute that would prohibit the County from restricting Mr. Begley from parking the vehicle. He said there was a statute that governed homeowners associations and their ability to restrict the parking of emergency vehicles but that it did not apply to Counties.

Supervisor Day questioned whether the Zoning Inspector considered this to be an emergency vehicle. She stated that the Code seemed to be vague regarding this matter and that the recently introduced Senate Bill 1364 would allow emergency vehicles in residential zones.

Rick Bruster, Code Enforcement Supervisor, stated there was no provision in the Code that defined, restricted or allowed an emergency vehicle within a CR-4 zone.

Arlan Colton, Planning Director, acknowledged that if Senate Bill 1364 passed, they would have to consider amending the Zoning Code to provide clear standards for all types of utility and first responders. He reported that Development Services had not received any documentation from El Paso Natural Gas regarding this use of this vehicle as a first responder. He recommended the Board uphold the Hearing Officer's decision, but delay implementation until such time as Senate Bill 1364 passed or the Code was amended.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Carroll and carried by a 3-2 vote, Supervisors Elías and Bronson voting "Nay," to deny the appeal and uphold the Hearing Officer's decision; suspend further enforcement action for a period of approximately 9 months pending the outcome either of Senate Bill 1364 or its equivalent, or local legislative action in terms of County review; to waive the fees; and

to direct staff to further evaluate the Code to address the ambiguities and to clarify this issue.

3. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:50 a.m.



Handwritten signature of Ramon Valdez in cursive script, written over a horizontal line.

CHAIRMAN

ATTEST:



Handwritten signature of Lori Godshuan in cursive script, written over a horizontal line.

CLERK

MINUTES, BOARD OF SUPERVISORS' MEETING

FEBRUARY 15, 2011

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 15, 2011. 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 Rabbi Thomas Louchheim, Congregation Or Chadash.

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 Reverend Larry W. Rosette, Pilgrim Rest Baptist Church, proclaiming February 19, 2011, to be:

“PILGRIM REST BLACK HISTORY CELEBRATION 2011 DAY“

Supervisor Elías presented the proclamation to Reverend Rosette who expressed his gratitude for the Boards support and invited the community to join the celebration.

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

... EXECUTIVE SESSION

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote that the Board convene to Executive Session at 9:15 a.m.

5. RECONVENE

The meeting reconvened at 9:35 a.m. All members were present.

6. CALL TO THE PUBLIC (for Executive Session item only)

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

7. LITIGATION

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding settlement of the following cases in the Arizona Tax Court and United States Bankruptcy Court:

- A. AIG Life Insurance Co., et al. v. Pima County, Arizona Tax Court Case No. TX2009-001166, Tax Parcel Nos. 133-14-8180 and 133-14-462B.

Chris Straub, Chief Civil Deputy County Attorney, stated this was a proposed settlement for tax year 2010, to reduce the Full Cash Value (FCV) from \$5,814,000.00 to \$5,187,000.00 for each parcel. For tax year 2011, to reduce the FCV from \$5,320,000.00 to \$4,560,000.00 for each parcel. The 2011 FCV would rollover for 2012. The 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 settlement.

- B. Clear Channel Outdoor, Inc., et al. v. Pima County, Arizona Tax Court Case No. TX2009-000378, 15 Tax Parcel Nos. 101-17-014G, 101-18-007C, 106-11-013B, 115-16-0540, 115-18-034B, 116-20-026A, 119-03-0400, 132-13-0400, 132-13-0420, 132-13-0640, 132-16-012M, 132-24-006C, 140-42-013B, 140-42-0400 and 140-44-0010B.

Chris Straub, Chief Civil Deputy County Attorney, stated this was a proposed settlement. For tax year 2010, to reduce the FCV from \$2,209,640.00 to \$895,620.00 for all 15 parcels. For tax year 2011, to reduce the FCV from \$2,191,220.00 to \$895,620.00 for all 15 parcels. The 2011 FCV would rollover for 2012. The County Attorney's Office and Assessor recommended approval of the settlement.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Carroll and carried by a 4-1 vote, Supervisor Elías voting “Nay,” to approve the settlement.

- C. Honeywell International v. Pima County, Arizona Tax Court Case No. TX2010-001248, Tax Parcel No. 220-11-074A.

Chris Straub, Chief Civil Deputy County Attorney, stated the Board of Supervisors had previously approved the settlement of litigation for tax years 2007 through 2010. Pursuant to State Statute, the FCV set forth in the judgment for 2010 would rollover for 2011, but the judgment did not get processed prior to the mailing of the Notice of Value for 2011. Thus, the 2011 FCV was noticed at \$27,305,000.00 instead of the rollover value of \$20,750,000.00. The 2011 FCV would not rollover for 2012. The 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 settlement..

- D. Marana Apartments, Ltd. v. Pima County, Arizona Tax Court Case No. TX2010-001241, Tax Parcel No. 217-37-0630.

Chris Straub, Chief Civil Deputy County Attorney, explained the Board of Supervisors had previously approved the settlement of litigation for tax year 2010. Pursuant to State Statute, the FCV set forth in the judgment for 2010 would rollover for 2011, but the judgment did not get processed prior to the mailing of the Notice of Value for 2011. Thus, the 2011 FCV was noticed at \$1,903,440.00 instead of the rollover value of \$1,598,889.00. The FCV of 2011 would rollover for 2012. The 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 settlement.

- E. Target Corporation v. Pima County, Arizona Tax Court Case Nos. TX2010-001023 and TX2009-000678, Tax Parcel No. 105-12-024F.

Chris Straub, Chief Civil Deputy County Attorney, stated this was a proposed settlement for tax year 2010, to reduce the FCV from \$12,858,846.00 to \$9,500,000.00; and, to reduce the FCV from \$14,158,712.00 to \$12,440,000.00 for tax year 2011. The FCV for 2011 would not rollover for tax year 2012. The 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 settlement.

- F. ~~Tucson Housing Authority~~ + **Tucson Affordable Housing Limited Partnership** v. Pima County, Arizona Tax Court Case No. TX2010-001237, Tax Parcel No. 111-08-470B.

Chris Straub, Chief Civil Deputy County Attorney, explained the Board of Supervisors had previously approved the settlement of litigation for tax year 2010. Pursuant to State Statute, the FCV set forth in the judgment for 2010 would rollover for 2011, but the judgment did not get processed prior to the mailing of the Notice of Value for 2011. Thus, the 2011 FCV was noticed at \$2,758,672.00 instead of the rollover FCV of \$2,317,728.00. The 2011 FCV would rollover for 2012. The 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 settlement.

- G. Circuit City Stores, Inc., Virginia, United States Bankruptcy Court Case No. 08-35653. Personal Property Reference Numbers: 08012059974, 09012059974, 08012065585 and 09012065585.

Chris Straub, Chief Civil Deputy County Attorney, stated this was a proposed settlement of Pima County's claim for personal property for tax years 2008 and 2009 in Bankruptcy Court. A total of \$13,583.32 was the amount owed by the debtor. The debtor had offered to settle all claims for \$9,056.00. The 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 settlement.

8. LITIGATION

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a proposed settlement of Seaboard Surety v. Pima County, Maricopa County Superior Court Case No. CV2008-009136.

Chris Straub, Chief Civil Deputy County Attorney, stated it was a proposed settlement of a claim regarding alleged damages related to construction of improvements to the Ina Road Wastewater Reclamation Facility. Approval of the proposed settlement would release \$2.2 million in retention in exchange for the resolution of all current and future claims related to construction work. The Pima County Attorney's Office and outside counsel, Bill Poorten of Snell and Wilmer L.L.C., recommended approval.

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 settlement of Vistoso Catalina Limited Partnership v. Pima County, Arizona Tax Court Case No. TX2010-000435, Tax Parcel Nos. 222-22-015A, 222-22-0160 and 222-22-1070.

Chris Straub, Chief Civil Deputy County Attorney, stated this was a proposed settlement that involved vacant land east of Oracle Road just north of Golder Ranch Road in Catalina. He said based on a review of the property and the Appraisal Report submitted by the taxpayers, the Assessor recommended a FCV of \$40,000.00 an acre for 2010 and \$30,000.00 an acre for 2011. The total FCV would decrease from \$2,304,150.00 to \$602,000.00 for tax year 2010. For tax year 2011, the FCV would decrease from \$2,304,150.00 to \$451,500.00. In addition, the classification and assessment ratio would change for tax parcel 222-22-015A from Class 4 at 10% to Class 2 at 16%. The 2011 FCV would rollover for 2012. The 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 settlement.

10. **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.

PULLED FOR SEPARATE ACTION

E. **Procurement**

Awards

19. Highest Scoring Firm: Award of Contract, Requisition No. 1002244, EPS Group, Inc., (Headquarters: Mesa, AZ) for design engineering services for the Valencia Road: Wilmot Road to Kolb Road Project. The contract shall be for a 36 month period in an amount not to exceed \$1,300,000.00. The contract may be extended as required for project completion. In the event a fee agreement cannot be reached with the highest ranked firm, request authorization to negotiate with the next highest ranked firms in the following order: Kimley-Horn and Associates, Inc., and URS Corporation, until a contract is executed or the list is exhausted. Funding Source: RTA Fund. Administering Department: Transportation.

Without objection, this item was continued to the Board of Supervisors' Meeting of March 15, 2011.

PULLED FOR DISCUSSION BY SUPERVISOR CARROLL:

E. Procurement

17. Durazo Construction, Corp., Amendment No. 6, to provide a job order contract for park development services, extend contract term to 2/5/12 and amend contractual language, 1997 Bond Fund, 68%; 2004 Bond Fund, 20%; General Fund, 11%; and Other Special Revenue Funds, 1%, contract amount \$600,000.00 (26-05-D-139371-0207) Natural Resources, Parks and Recreation
18. M. Anderson Construction, Corp., Amendment No. 7, to provide a job order contract for park development services, extend contract term to 2/5/12 and amend contractual language, 1997 Bond Fund, 68%; 2004 Bond Fund, 20%; General Fund, 11%; and Other Special Revenue Funds, 1%, contract amount \$150,000.00 (26-05-M-139409-0207) Natural Resources, Parks and Recreation

Supervisor Carroll inquired about why these contracts were amendments and so high in numbers.

Chuck Huckelberry, County Administrator, explained these were project specific amendments for job order contracts. He said they were within the fiscal limits of the contract but, as each new project arose, it was given its own amendment number.

B. APPROVAL OF CONSENT CALENDAR

On consideration, it was moved by Supervisor Elías, 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. RESOLUTION NO. 2011 - 27, approving an Intergovernmental Agreement with the City of South Tucson, to provide for the South Tucson Youth Neighborhood Reinvestment Project, 2004 Bond Fund, contract amount \$425,000.00 (01-70-S-143731-0211)

B. Community Services, Employment and Training

2. Arizona Department of Economic Security, Amendment No. 1, to provide for homeless assistance/eviction prevention services and amend scope of work, ADES Fund, contract amount \$737,804.00 revenue (01-69-A-143044-0710)

3. Amendment No. 4, to provide emergency financial assistance, case management referral and advocacy services and amend contractual language, CSBG Fund:

<u>Vendor</u>	<u>Amount</u>	<u>Contract No.</u>
Arizona Housing and Prevention Services, Inc.	\$16,230.00	07-69-A-141757-0708
Primavera Foundation	\$20,330.00	07-69-P-141758-0708
Portable Practical Educational Preparation, Inc.	\$11,380.00	07-69-P-141761-0708
Tucson Urban League, Inc.	\$19,680.00	07-69-T-141762-0708

4. Interfaith Community Services, Amendment No. 5, to provide emergency financial assistance and case management, referral and advocacy services, Federal, State and Social Service Grant Funds, contract amount \$22,980.00 (07-69-I-141764-0708)
5. Portable Practical Education Preparation, Inc., Amendment No. 1, to provide workforce development services and amend scope of work, WIA Grant Fund, contract amount \$50,000.00 (07-69-P-143004-0710)
6. SER-Jobs for Progress of Southern Arizona, Inc., Amendment No. 1, to provide workforce development staff at Jackson Employment Center and amend scope of work, HUD-SHP Grant Fund, contract amount \$38,077.00 (07-69-S-143052-0710)
7. Arizona Community Action Agency, Amendment No. 1, to provide for the administration of energy programs, weatherization, utility repair/replacement and bill assistance and amend scope of work, HUD/SHP Grant Fund, contract amount \$2,427.00 revenue (02-69-A-143143-0710) (02-69-A-143143-0710)
8. Rise, L.L.C., d.b.a. Rise Equipment Recycling Center, Amendment No. 1, to provide basic computer skill workshops to County One-Stop participants and amend scope of work, U.S. Department of Labor, Arizona Department of Economic Security and WIA Grant Funds (expenditure determined by client eligibility), contract amount \$55,620.00 (07-69-R-143162-0710)
9. Goodwill Industries of Southern Arizona, Inc., Amendment No. 1, to provide employability skill workshops to County One-Stop participants and amend scope of work, U.S. Department of Labor, Arizona Department of Economic Security and other Workforce Funds (expenditure determined by client eligibility), contract amount \$28,000.00 (07-69-G-143166-0910)

C. Facilities Management

10. PCOA for All, Inc., to provide a lease agreement for office space at the Abrams Building, 3950 South Country Club Road, contract amount \$34,112.70 revenue (04-13-P-143747-1210)

D. Office of Court Appointed Council

11. Award of Contracts, Requisition No. 1100071, in the total amount not to exceed \$800,000.00 to Angela C. Poliquin, Margaret Higgins Schmidt, Ryan Redmon and Christopher Brian Wencker for court appointed attorney services on the Pima County Consolidated Justice Court Misdemeanor Panel. Contracts are \$200,000.00 each for a three year term and provide one renewal for an additional three year term. This action includes the authority for the Procurement Director or his designee to renew contract for a three year period for the initial contract amount of \$200,000.00 without further action by the Board of Supervisors. Funding Source: General Fund.
12. Award of Contracts, Requisition No. 1100075, in the total amount not to exceed \$150,000.00 to Angela C. Poliquin and Ryan Redmon for court appointed attorney services on the Appeals Panel, to represent indigents appealing their conviction or sentence in the Arizona Court of Appeals, as well as representation in any proceeding for post-conviction relief. Contracts are \$75,000.00 each for a three year term and provide one renewal for an additional three year term. This action includes the authority for the Procurement Director or his designee to renew contract for a three year period for the initial contract amount of \$75,000.00 without further action by the Board of Supervisors. Funding Source: General Fund.
13. Award of Contracts, Requisition No. 1100269, in the total amount not to exceed \$400,000.00 to Margaret Neathery and Erin Whitfield, d.b.a. Whitfield Paralegal Services, L.L.C., for paralegal services for contract attorneys representing indigents as ordered by the Superior Court. Contracts are \$200,000.00 each for a three year term and provide one renewal for an additional three year term. This action includes the authority for the Procurement Director or his designee to renew contract for a three year period for the initial contract amount of \$200,000.00 without further action by the Board of Supervisors. Funding Source: General Fund.
14. Award of Contracts, Requisition No. 1002584, in the total amount not to exceed \$900,000.00 to Stephen L. Crawford, Ryan Redmon and Margaret Higgins Schmidt, for court appointed attorney services on the Superior Court Felony Panel. Contracts are

\$300,000.00 each for a three year term and provide for one renewal for an additional three year term. This action includes the authority for the Procurement Director or his designee to renew contract for a three year period for the initial contract amount of \$300,000.00 without further action by the Board of Supervisors. Funding Source: General Fund.

15. Award of Contract, Requisition No. 1100073, in the total amount not to exceed \$180,000.00 to Angela C. Poliquin, for court appointed attorney services on the Superior Court Post Conviction Panel. Contract is for a three year term and provides one renewal for an additional three year term. This action includes the authority for the Procurement Director or his designee to renew contract for a three year period for the initial contract amount of \$180,000.00 without further action by the Board of Supervisors. Funding Source: General Fund.

16. Award of Contracts, Requisition No. 1100072, in the total amount not to exceed \$345,000.00, for court appointed attorney services at Pima County Juvenile Court for the following:

Bernice Little - contract is for an initial amount of \$300,000.00 for a three year term and provides one renewal for an additional three year term. (Effective 2/15/11 and expires 6/30/13.)

Jacqueline Wohl - contract is for an initial amount of \$45,000.00 for a three year term and shall have the option to extend up to four one year terms or any portion thereof. (Effective 2/15/11 and expires 6/30/14.)

This action includes the authority for the Procurement Director or his designee to renew the contracts for a three year period for the initial amounts without further action by the Board of Supervisors. Funding Source: General Fund.

E. Procurement

17. Durazo Construction, Corp., Amendment No. 6, (PULLED FOR DISCUSSION)

18. M. Anderson Construction, Corp., Amendment No. 7, (PULLED FOR DISCUSSION)

Awards

19. Highest Scoring Firm: Award of Contract, Requisition No. 1002244 (PULLED FOR SEPARATE ACTION).

20. Low Bid: Award of Contract, Requisition No. 1101108, in the amount of \$15,739,480.48 to The Ashton Company, Inc., (Headquarters: Tucson, AZ) for construction of the Magee Road Improvements: Mona Lisa Road to La Canada Road Project. The contract term is forty-eight months with the ability to extend the term for contract completion. Construction is to be complete within 440 working days from Notice to Proceed. The Department of Transportation requests that the Procurement Director's change order authority be increased to up to \$500,000.00 per change order, not to exceed a cumulative total of \$1.5 million, for this project. Funding Sources: RTA Sales Tax (84%), Impact Fees (11%) and HURF 12.6% (5%) Administering Department: Transportation.

2. DIVISION OF ELECTIONS

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

<u>RESIGNATION</u>	<u>PRECINCT</u>	<u>PARTY</u>
Richards, Bonnie M.	297	DEM
<u>APPOINTMENTS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Pacheco, Jessica	017	DEM
Stegeman, Mark W.	073	DEM
Acosta, Cesar G.	078	DEM
Benally, Wenona	166	DEM

3. BOARD, COMMISSION AND/OR COMMITTEE

Metropolitan Education Commission

- A. Reappointment of Dr. Kent Barrabee. Term expiration: 2/15/14. (Commission Recommendation)
- B. Reappointments of Lizet Torres and Rebecca Kopec. Term expirations: 1/15/14. (Commission Recommendations)

4. RECORDER

Pursuant to Resolution No. 1993-200, ratification of the Document Storage and Retrieval Fund for the month of November, 2010.

5. REAL PROPERTY

A. Special Warranty Deed

Special Warranty Deed to the City of Tucson to convey a small portion of property necessary to improve and preserve existing public access

serving neighboring properties, located within Section 22, T14S, R13E, G&SRM. No revenue. (District 5)

B. Deed

Deed to Pima County from the City of Tucson to abandon and convey to the County a platted public road right-of-way, located within Section 22, T14S, R13E, G&SRM. No revenue. (District 5)

REGULAR AGENDA/ADDENDUM ITEMS

11. FORENSIC SCIENCE CENTER FEE SCHEDULE

ORDINANCE NO. 2011 - 4, of the Pima County Board of Supervisors, relating to forensic science, repealing the current fee schedules and establishing new fees for the provision of certain services.

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

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 Ordinance No. 2011- 4.

12. DEVELOPMENT SERVICES: Modification (Substantial Change) of Specific Plan and Lot Split

Co23-92-02, LAS CAMPANAS SPECIFIC PLAN

Co12-94-66, LAS CAMPANAS (BLOCK A)

Request of Landmark Title TR 18270-T, represented by Bruce Call, for a modification (substantial change) of the maximum 24-foot building height limit of the Las Campanas Specific Plan for an approximate 5.6 acre subject site. The applicant requests a church steeple of up to 67 feet in height. The applicant also requests a Lot Split of Block A (approximately 12.5 acres) of Las Campanas Subdivision (Co12-94-66, Bk. 47 Pg. 17) creating two lots of approximately 5.6 acres and 6.9 acres. The subdivision plat states covenants that there will be no further subdividing or lot splitting without the written approval of the Board of Supervisors. The subject property is zoned SP (Specific Plan – Las Campanas Specific Plan) and designated Neighborhood Activity Center (NAC) and is located on the west side of La Canada Drive and on the north side of Desert Bell Drive, south of Camino Casa Verde. On motion, the Planning and Zoning Commission voted 4-3 (Commissioners Poulos, Matter, and Holdridge voted Nay, Commissioners Spendiarian and Steinbrenner were absent) to recommend **APPROVAL OF THE MODIFICATION OF THE SPECIFIC PLAN**. Staff recommends **APPROVAL OF THE**

MODIFICATION (NO CONDITIONS) and APPROVAL OF THE LOT SPLIT WITH ONE CONDITION. (District 4)

Staff recommends **APPROVAL** of the **Lot Split** of Block A subject to the following condition from the Department of Transportation:

“One access shall be allowed on the south parcel on La Canada Drive.”

Arlan Colton, Planning Director, provided a brief report and stated both of these requests were for the same property. The request for a lot split was to create a 5.6 acre parcel for a church and the second request was for a modification of the Specific Plan which would allow a church steeple up to 67 feet in height. He said the current height limitation was 24 feet which was consistent with Green Valley’s policy. He confirmed that the Planning and Zoning Commission had heard the modification request but did not have to rule on the lot split. He indicated they had received two letters of support from the Green Valley Coordinating Council, Planning and Architectural Committee and the adjacent property owner, and four letters of opposition to the modification from property owners in the general area. This property was outside the Maeveen Marie Behan Conservation Lands System Conservation Area.

Supervisor Carroll inquired if there was a building plan process before this project could go forward and when the neighbors would be given a chance to express their concerns about the height of the steeple.

Mr. Colton explained if this was item was approved, there were two more processes, the Development Plan process and the Building Permit process. He said they were administrative processes that would not come back to the Board and would not have a public hearing. He indicated the County would notify the Green Valley Coordinating Council (GVCC) who could submit comments which would be taken into consideration on the Development Plan. He said the neighbors would have an opportunity to meet and further discuss the project through the meetings the GVCC or the applicant may hold, and they could make changes to it as long as they did not exceed whatever the Board approved.

Bruce R. Call, Architect, explained there were about 30,000 members of this church in the greater Tucson area and this rapidly growing congregation of approximately 2,000 members needed to have a church built in their vicinity. He felt there had been a number of misunderstandings relative to this project in regards to the property slopes and the height of the steeple. He explained the Zoning Code did not address steeples per se and because of the way it was written, it didn’t matter what the rise or fall of the property was because things were only measured from the finished floor. He said because of that, they had taken special measures to try to minimize the church’s impact to surrounding areas. He compared the height of the proposed steeple to the transmission line poles that were currently along La Cañada. He stated the steeple was only intended as a religious element on the building and although many of the churches in the area were more massive and taller than the 24 foot limit, the main mast of this church would comply with the 24 foot height limit. He assured the Board if these items were approved, they would provide their best efforts to work with the Green Valley Coordinating Council (GVCC), the people in the neighborhood and Development Services to mitigate any impact to surrounding areas.

Supervisor Carroll inquired if a location had been chosen for the spire that was already 10 feet below grade. He said the majority of the calls to his offices were due to the confusion about the project and location. Because one of the early notifications to the

community was a letter to the editor in The Green Valley Newspaper, Supervisor Carroll asked Mr. Call to write the editor and explain the project in detail. He felt the newspaper would be willing to print his explanation.

Mr. Call said the site for the steeple was at least 10 feet below the highest point of the project and would be located more than 200 feet from any residence so the impact would be very minor to surrounding areas yet still fit in the character of the area. He said they would continue their efforts to resolve and respond to any questions that might come. Mr. Call said he would be glad to work with the local church leaders to make sure all the misunderstandings were completely addressed.

The following speakers addressed the Board:

- A. Brent L. Martin, member of the State Presidency of the Sahuarita, Arizona Stake
- B. Jeremy Baldwin
- C. James Hamner
- D. Marsha Thompson
- E. Kim Hardy
- F. Kim Hardy on behalf of Kate Anderson
- G. Barbara K. Miller

They provided the following comments:

- 1. This building will be occupied immediately after it is completed because they are already to the maximum capacity in the building being used in Sahaurita.
- 2. Many of these buildings have been built throughout the United States and Latin America and each of them has been a real asset to their community.
- 3. They report to a maintenance committee and perform regular inspections to make sure the buildings are well maintained.
- 4. Support for the steeple and its symbolism was expressed.
- 5. Churches provide many programs and services for adults and youth and play an important role in the community.
- 6. The Board was urged to support this item.
- 7. This steeple will directly impact our skyline.
- 8. The maximum height of the telephone poles and transmission lines in this area is 50 feet.
- 9. Opposition was to the height of the steeple, not having another church moving into the area.
- 11. Why is this modification necessary when other churches within a 1/4 mile radius of this area conform to the Zoning Code?
- 12. This item only passed the Planning and Zoning Commission because an abstention vote was counted as a "Yes" vote.
- 13. It seems the Planning and Zoning Commission was equally divided on whether the project was worthwhile.
- 14. It was requested that the Board oppose this project.

Eddie Peabody, Chairman of the Planning and Architectural Committee for the Green Valley Coordinating Council, stated they would hold a hearing before the committee

which would be open to the public and anyone would be able to make remarks or share ideas about how the Development Plan may be improved. The committee would send their recommendation to the County.

The Chairman inquired if anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Carroll, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to close the public hearing and approve the Modification (Substantial Change) of Specific Plan and Lot Split with one condition.

13. **DEVELOPMENT SERVICES: Rezoning**

Co9-10-02, FAITH COMMUNITY CHURCH, INC. – ORANGE GROVE ROAD REZONING

Request of Faith Community Church, Inc., represented by The Planning Center, for a rezoning of approximately 16.10 acres from SR (Suburban Ranch) to CR-5 (Multiple Residence Zone) and approximately 7.60 acres from SR (Suburban Ranch) to SR® (Suburban Ranch-Restricted), on property located on the south side of Orange Grove Road approximately 1/2 mile east of Shannon Road. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 5-2 (Commissioners Membrila and Richey voted Nay; Commissioners Steinbrenner and Spendiarian were absent) to recommend **DENIAL**. Staff recommends **APPROVAL WITH CONDITIONS**. (District 1)

Without objection, this item was continued to the Board of Supervisors' Meeting of March 15, 2011.

14. **DEVELOPMENT SERVICES: Rezoning Closure/ Rezoning Time Extension**

Co9-98-28, HOWELL – SANDARIO ROAD NO. 2 REZONING

A. Proposal to close a rezoning from GR-1 (Rural Residential) to CB-1 (Local Business) of approximately 1.07 acres located on the west side of Sandario Road, approximately 1/2 mile south of Picture Rocks Road. The *rezoning was first approved in December 1998, received a time extension in 2004, and expired in December 2008*. Staff recommends **AGAINST CLOSURE** of the five-year rezoning time extension. (District 3)

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

It was thereupon moved by Supervisor Bronson, seconded by Supervisor Elías to close the public hearing and do not close the five-year rezoning time extension.

B. Request of Mark and Mary Lou Wright, represented by Tom Trimble, for a five-year time extension for a rezoning from GR-1 (Rural Residential) to CB-1 (Local Business) of approximately 1.07 acres located on the west side of Sandario Road, approximately 1/2 mile south of Picture Rocks Road. The rezoning was first approved in December 1998, received a time extension in 2004, and expired in December 2008. The proposed rezoning conforms to the Pima County

Comprehensive Plan, Co7-00-20. Staff recommends **APPROVAL** of a five-year rezoning time extension. (District 3)

Staff recommended AGAINST CLOSURE and APPROVAL of a five-year rezoning time extension to December 15, 2013, subject to the following revised and added conditions:

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, ~~Document Services~~.
6. There shall be no further subdividing or lot splitting of residential development without the written approval of the Board of Supervisors.
7. Transportation conditions:
 - A. ~~Provision of all necessary access improvements, including provision for left turn facilities, on Sandario Road as determined necessary by the Department of Transportation. These improvements shall need the approval of Pima County and meet the appropriate standards prior to the issuance of any building permits for any portion of the subject property.~~
 - B. Property owner(s) shall dedicate 25 feet of additional right-of-way for Sandario Road adjacent to the subject property.
 - C. One access shall be allowed and shall be located at the north property boundary. ~~A maximum of two (2) access points to Sandario Road shall be allowed. The two access points shall be shared (joint use access) with the adjacent properties to the north and south. There shall be provision made for future internal site access and traffic circulation with adjacent properties to the north and the south.~~
 - D. Internal access shall be provided both to the north and south.
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 the Flood Control District.
9. Environmental Quality condition:

~~Subsurface sewage disposal shall not exceed 1,200 gallons per day.~~

As a condition of rezoning the applicant shall demonstrate that the site is suitable for the placement of an on-site wastewater disposal system, including primary and reserve disposal areas, to serve the proposed development while meeting all minimum design criteria. The size of the primary and reserve areas shall be determined by on-site soil evaluations and/or percolation testing and the system shall be designed in accordance with Arizona Administrative Code, Title 18, Chapter 9. This demonstration shall be made during review of the Development Plan.
10. The proposed project shall be reviewed by the Pima County Design Subdivision Review Committee pursuant to Comprehensive Plan Special Area Policy S-6, Picture Rocks Rural Activity Center. The focus of the review shall be on architectural issues related to Policies "B" and "C".
11. Adherence to the preliminary development plan as approved at the February 15, 2011 public hearing.
- ~~12. The property owner or his agent shall secure approval from the Pima County Department of Environmental Quality to use on-site sewage disposal systems within the proposed rezoning.~~
- ~~13. Plants to be used for landscaping and revegetation shall be drought tolerant native species which are compatible with native vegetation endemic to the project area.~~

~~Revegetated areas will establish multiple height layers of vegetation that create a ground cover layer, a shrub mid-story layer, and a canopy layer. Under no circumstances shall the following exotic plant species be planted anywhere on the site:~~

~~Fountain grass (Pennisetum setaceum)~~

~~Johnson grass (Sorghum halapense)~~

~~Common crabgrass (Digitaria sanguinalis) ———~~

~~Red brome (Bromus rubens)~~

~~Tree of heaven (Ailanthus altissima)~~

~~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)~~

~~Buffelgrass (Pennisetum ciliare)~~

~~Giant reed (Arundo donax)~~

~~Pampas grass (Cortaderia selloana)~~

~~Mediterranean grass (Schismus spp.)~~

~~African sumac (Rhus lancea)~~

Upon the effective date of the Ordinance, the owner(s)/developer(s) of the rezoned property shall have a continuing responsibility to remove buffelgrass (Pennisetum ciliare) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.

14. ~~Unless the U.S. Fish & Wildlife Service provides information to the contrary, the site shall be surveyed for the presence/absence of the cactus ferruginous pygmy owl by an entity qualified to perform biological surveys and who possesses a valid permit from the U.S. Fish & Wildlife Service to perform such surveys. Surveys shall be done according to the most current protocol approved by the U.S. Fish & Wildlife Service. Or, heavy construction activity shall occur only between August 1 and January 31 of any given calendar year. If surveys are performed, results of these surveys and copies of any data collected shall be provided to the Development Services Department.~~

The Chairman inquired if 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 five-year rezoning time extension with modified and special conditions.

15. **DEVELOPMENT SERVICES: Modification (Substantial Change) of Rezoning Conditions**

Co9-86-46, PHELPS – ORACLE ROAD REZONING

Request of Phelps Family, L.L.C., represented by MJM Consulting, Inc., for a modification (substantial change) of the following rezoning conditions:

- No. 12(B), which limits access to the subject property from Oracle Road to one location. The applicant requests to modify this condition to allow two access locations from Oracle Road.
- No. 15, which requires adherence to the preliminary development plan as approved at public hearing which depicts an auto sales use and vacant area. The applicant requests to modify this condition to allow adherence to a revised

preliminary development plan which depicts an auto sales use and a contractor's yard or an alternate plan that would allow for other uses permitted in the CB-2 zone. The use types and intensities of the two plans could be mixed and could include outdoor activities and display.

- No. 18, which restricts use of the site to new or used motor vehicle sales and leasing and auto service restricted to the rear half of the property. The applicant requests to delete this condition.
- No. 19, which restricts building height to 16 feet. The applicant requests to allow a maximum building height of 24 feet.

The subject site is 1.57 acres zoned CB-2 (GZ-1) (General Business) (Urban Gateway Overlay Zone) and is located on the west side of Oracle Road, south of the Tortolita Street alignment. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Spendiarian and Steinbrenner were absent) to recommend **APPROVAL WITH CONDITIONS** of the modification of rezoning conditions. Staff recommends **APPROVAL WITH CONDITIONS**. (District 1)

Staff recommends **APPROVAL** of the request to modify the above-noted rezoning conditions as follows:

1. Submittal of a complete hydraulic and hydrologic drainage report as determined necessary by the ~~Department of Transportation and Flood Control District.~~
2. Submittal of a development plan if determined necessary by the appropriate County agencies.
3. Dedication of necessary right-of-way for roads and drainage by separate instrument of the property is not to be subdivided.
4. Recording of an acceptable plat which will provide for dedication of necessary rights-of-way for roads and drainage if the property is to be subdivided.
5. Recording a covenant holding Pima County harmless in the event of flooding.
- ~~6. Conformance with County paving policies as determined appropriate by the Department of Transportation and Flood Control.~~
- ~~7. Meeting all requirements of the Pima County Grading Policy adopted by the Board of Supervisors on May 7, 1985.~~
- ~~86.~~ Recording the necessary development related covenants as determined appropriate by the various County agencies.
- ~~97.~~ Provision of development related assurances as required by the appropriate agencies.
- ~~408.~~ Recording a covenant to the effect that there will be no further subdividing or lot splitting without written approval from the Board of Supervisors.
- ~~449.~~ Wastewater Management Reclamation conditions:
 - A. Prior to adoption of the zoning ordinance, the property owner or his agent must obtain an on lot sewage disposal permit from the Pima County Health Department for each and every lot within the proposed rezoning. The owner/developer shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the subject property until Pima County executes an agreement with the owner/developer to that effect.

- B. The property owner or his agent must covenant that, if a public sewer becomes available for service within 200 feet of this parcel, he will cause the property to be connected to the public sewer system within 90 days of receipt of written notification from Pima County that a public sewer is available for service within 200 feet of the property boundary. 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 subject property, 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. If it is determined that on-lot sewage disposal systems are not feasible for this development, the property owner or his agent must connect this property 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 or development plan. The owner/developer shall time all new development within the subject property 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 subject property 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 subject property, 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 subject property.

4210. Transportation conditions:

- A. Proposed access to the subject property shall need the approval of the Subdivision Engineer, Pima County Department of Transportation, prior to the submittal of a development plan or subdivision plat for any portion of the subject property. Access on Oracle Road shall be limited to two driveways. The northerly driveway shall be located at the north property boundary and shall be shared with the off-site property to the north. The southerly driveway shall be shared between the entire rezoning site.
- B. Access to the subject property from Oracle Road shall be limited to one location. Written certification from the Arizona Department of Transportation, stating satisfactory compliance with all its requirements shall be submitted to the Development Services Department prior to approval of a revised development plan or a subdivision plat.
- C. A written certification from the Arizona Department of Transportation stating satisfactory compliance of all its requirements shall need to be submitted to the Department of

Transportation prior to the issuance of the Zoning Ordinance. Design and provide vehicular access to the north of the rezoning site and within the rezoning site between different uses. Maintenance and access agreements shall be provided to staff for review and approval prior to approval of a revised development plan.

- D. The property owner/developer shall provide improvements as determined necessary by Arizona Department of Transportation.
 - E. Provide pedestrian circulation that meets Gateway Overlay Zone requirements and meets staff approval during the development plan or subdivision plat review phase. This may include a pedestrian way along all Oracle Road frontage and within on-site parking areas providing connection to all buildings.
4311. Flood Control District conditions:
- A. The property owner must dedicate all rights-of-way and/or grant flowage easements for drainage purposes to Pima County, as determined necessary by the Flood Control District during the plan review process.
 - B. The property owner must submit all required drainage reports and plans, and receive approval by the Flood Control District prior to the adoption of the Zoning Ordinance. In developing the reports and plans, the following reports must be satisfied:
 - 1. Floodplain Management Ordinance;
 - 2. Drainage and Channel Design Standards; and
 - 3. Flood Control Policies.
4412. Landscaping to consist of low water use and low pollen producing vegetation.
4513. Tentative plat or development plan when filed per Chapter 18.69 must adhere to the revised or alternate preliminary development plans as presented at public hearing. The use types and intensities of the revised and alternate plans can be mixed and can include outdoor activities and display. Internal cross-access for pedestrians and motor vehicles shall be required; however, the cross-access driveway for motor vehicles may be gated during hours of non-operation of businesses or uses within the rezoning site.
4614. Adherence to Chapter 18.73 of the Zoning Code, or as may be amended by the Design Review Committee. None of the required buffer shall be located within the Oracle Road right-of-way.
4715. Exterior illumination to be hooded and arranged to eliminate light trespass and glare towards Oracle Road and towards the Catalina Mountains.
- ~~18. Use restricted to new and used motor vehicle sales and leasing, and auto service restricted to the rear half of the property.~~
4916. Building heights are restricted to a maximum of 46 24 feet, as specified in the petitioner's rezoning application.
17. Site development shall be reviewed and approved by the Pima County Design Review Committee pursuant to Comprehensive Plan Special Area Policy S-5, Oracle Corridor, Northern Gateway.
18. 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 A.R.S. § 41-865 and/or A.R.S. § 41-844 require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. The human

remains shall be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.

19. The property owner shall execute and record the following disclaimer regarding Proposition 207 rights: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, Chapter 8, Article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner 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)."
20. 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.

Arlan Colton, Planning Director, reported this was a request for modifications of the zoning conditions which would cure an existing zoning violation and would also allow the property to change to unrestricted CB-2 uses. He indicated the applicant was in agreement with the standard and special requirements and would still be required to go through the Design Review Committee for Gateway approval.

The Chairman inquired if 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 Modification (Substantial Change) of Rezoning Conditions with conditions.

16. **DEVELOPMENT SERVICES: Plat Note Modification**

P1299-002, RANCHO CAMINO PALO VERDE (LOT 21)

Request of Tom and Lisa Cook Living Trust, for a plat note modification to allow use of 1,142 square feet of the designated natural open space easement on Lot 21 of the Rancho Camino Palo Verde Subdivision (Bk. 52, Pg. 62) as part of the buildable area of the lot. The owners propose to designate 1,689 square feet of the existing buildable area on the lot as natural open space in exchange. The subject property is 0.86 acres zoned CR-1 (Single Residence) and is located on the north side of Placita Chiapas, approximately 200 feet east of Placita Coahuila, north of Camino Palo Verde. Staff recommends **APPROVAL SUBJECT TO A CONDITION**. (District 4)

Staff recommended **APPROVAL** of the plat note modification request to allow exchange of a portion of the natural open space easement for a portion of the undeveloped buildable area of Lot 21, subject to the following condition:

Within 30 days of approval, the property owners shall record a perpetual, natural open space easement identified by a metes and bounds legal description for the 1,689 square foot area proposed for Lot 21 and a descriptive map showing the existing, abandoned (limited to the requested 1,142 square feet) and new natural open space easements for Lot 21. Prior to recordation, the easement document shall be submitted to and approved by Planning Division staff. A copy of the recorded document shall be submitted to Planning Division staff. The subject undisturbed natural open space area to be added shall be left as natural open space as defined in the Pima County Zoning Code.

Supervisor Carroll stated he was very impressed at how this plat note modification was submitted. He thanked staff for working with a citizen whose submission went over and

above what a professional would have done.

Chris Poirier, Assistant Planning Director, gave a brief staff report. He agreed the applicant had done extensive work of satisfying and meeting all requirements. Staff recommended approval with one condition subject to the applicant recording the new natural open space easement.

The Chairman inquired if anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Carroll, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve the plat note modification subject to a condition.

17. DEVELOPMENT SERVICES: Rezoning Ordinances

- A. ORDINANCE NO. 2011 - 5, Co9-06-34, Cerro De Falcon, L.L.C. – Cerro Del Falcon (Catalina Foothills Zoning Plan Plat) Rezoning. Owner: Cerro Del Falcon, L.L.C. (District 1)
- B. ORDINANCE NO. 2011 - 6, Co9-06-38, Amado Crossroads, L.L.C. – Arivaca Road Rezoning. Owner: Amado Crossroads, L.L.C. (District 3)
- C. ORDINANCE NO. 2011 - 7, Co9-08-16, Kelley – Colossal Cave Road Rezoning. Owner: Patricia and Jonathan Kelley. (District 4)
- D. ORDINANCE NO. 2011 - 8, Co9-02-07, Title Security of Arizona T-212 - River Road Rezoning. Owner: Title Security of Arizona T-212. (District 4)

The Chairman inquired if 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 Nos. 5, 6, 7 and 8.

18. Rezoning Resolutions

- A. RESOLUTION NO. 2011 - 28, Co9-92-07, Hardy - Thornydale Associates – Thornydale Road Rezoning. Owner: Pacific Income Properties, L.L.C. (District 1)
- B. RESOLUTION NO. 2011 - 29, Co9-05-02, Dalrymple Trust – Oracle Jaynes Station Rezoning. Owner: First American Title Insurance Company, TR 9202. (District 1)
- C. RESOLUTION NO. 2011 - 30, Co7-10-02, Ajouz – W. Ina Road Plan Amendment. Owner: Toufic M. Ajouz and Katherine M. Mather-Ajouz. (District 1)
- D. RESOLUTION NO. 2011 - 31, Co7-10-03, Pima County Regional Flood Control District – Lee Moore Wash Study Area Special Area Policy Plan Amendment.

Owners: Multiple Federal, State of Arizona and privately-owned parcels.
(Districts 2 and 4)

The Chairman inquired if 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 Resolution Nos. 2011- 28, 29, 30 and 31.

19. TRANSPORTATION: Traffic Ordinances

- A. ORDINANCE NO. 2011 - 9, of the Pima County Board of Supervisors, designating Elvira Road as a through street in Pima County, Arizona. Staff recommends APPROVAL. (District 2)
- B. ORDINANCE NO. 2011 - 10, of the Pima County Board of Supervisors, designating El Camino Del Cerro as a through street in Pima County, Arizona. Staff recommends APPROVAL. (District 3)
- C. ORDINANCE NO. 2011 - 11, of the Pima County Board of Supervisors, establishing prima facie reasonable speed limits on Calle Don Miguel in Pima County, Arizona. Staff recommends APPROVAL. (Districts 3 and 5)
- D. ORDINANCE NO. 2011 - 12, of the Pima County Board of Supervisors, establishing prima facie reasonable speed limits on Kinney Road in Pima County, Arizona. Staff recommends APPROVAL. (Districts 3 and 5)
- E. ORDINANCE NO. 2011 - 13, of the Pima County Board of Supervisors, establishing prima facie reasonable speed limits on Tanque Verde Loop Road in Pima County, Arizona. Staff recommends APPROVAL. District 4)

The Chairman inquired if 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 Ordinance Nos. 9, 10, 11, 12 and 13.

20. NATURAL RESOURCES, PARKS AND RECREATION

- A. Staff requests approval to rename Cañada del Oro River Park as the Cañada del Oro Christina Taylor-Green Memorial River Park. (District 1)
- B. Staff requests approval to rename Davidson Canyon Trailhead as the Davidson Canyon Gabe Zimmerman Memorial Trailhead. (District 4)

Chuck Huckelberry, County Administrator, stated these requests had come from the Neighborhood Association working with Mr. and Mrs. Green and the Arizona Trails Association, in conjunction with the Zimmerman family, to rename the recently completed section of the Canada del Oro River Park from Thornydale Road to Magee

Road after Christina Taylor-Green and the Davidson Canyon Trailhead after Gabe Zimmerman. He said both items had been heard by the Planning and Zoning Commission who had unanimously recommended approval to the Board.

Supervisor Elías stated after the tragic events in Tucson, nothing could be more appropriate than to have a Neighborhood Association honor Christina's memory in this way. He also felt it very appropriate the Arizona Trails Association requested renaming this trailhead in honor of Gabe Zimmerman. He said the Arizona Trails Association had contacted him and outlined the team working on the trailhead project and seeking private sector funding. Supervisor Elías encouraged the community to help them complete the project in memory of Gabe and all of those who lost their lives or were injured on the morning of January 8, 2011, and he was looking forward to other types of opportunities to remember the victims and their families.

Supervisor Day felt it was fitting to look to our beautiful landscapes to honor Christina Taylor-Green and Gabe Zimmerman. She stated although this was an overwhelming and gut wrenching event, she was struck and overwhelmed by the tremendous support the community had shown the victims and their families. She looked forward to the time when the Board would be able to honor all of the others who died and were injured on that fateful morning.

Supervisor Carroll agreed it was important to memorialize these two young victims who had only begun to live out their dreams. He said he was brought to tears when he saw the 9/11 flag hoisted in front of St. Elizabeth Ann Seton Church commemorating the fact that this young girl was born on September 11, 2001, with a tragedy and was taken in such a tragic way as well. He also welcomed Peter Ambler, Legislative Director for the Honorable Gabrielle Giffords, and was glad Mr. Ambler was there to see the first step in memorializing Gabe Zimmerman in a way that he was sure Gabe and his family would appreciate. In the future as people read the stories of who these young people were, he hoped they would come to understand the love, hope and sorrow this community shared with their families.

Supervisor Bronson hoped these events would lessen the cynicism and pessimism in the community and would instead inspire optimism.

Supervisor Elías requested a moment of silence for the victims and survivors of January 8, 2011. A moment of silence was observed.

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

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

Election Integrity Commission

Appointment of Ann-Eve Pedersen to fill the unexpired term of Gilbert Veliz. Term expiration: 9/30/12. (District 5)

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

22. **CONTRACT**

Community Development and Neighborhood Conservation

Community Development Partners, L.L.C., Amendment No. 1, to provide an agreement to convey Tax Parcel Nos. 104-03-188A, 104-03-189A and 104-03-2970 needed for affordable housing and amend contractual language, no cost (11-70-C-142822-0310)

Supervisor Bronson thanked Ellie Towne and everyone from Flowing Wells who had worked so hard to bring this about.

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

23. **CONTRACTS AND AWARDS**

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

Arizona Department of Economic Security, Unemployment Insurance Administration, to provide a data sharing agreement, no cost (11-69-A-143770-0111)

B. **Procurement - Award**

Low Bid: Award of Contract, Requisition No. 1101144, in the amount of \$476,068.00 to the lowest bidder, Audio Video Resources (Headquarters: Phoenix, AZ) for the audio visual equipment at the Pima County Psychiatric Hospital and Crisis Response Center. The contract is for a nine month term and may be extended for project completion. Funding Source: 2006 Bond Fund. Administering Department: Facilities Management.

C **Real Property**

Katherine H. Rutherford, to provide a Purchase Agreement for property located at 2205 S. 4th Avenue and 308 E. 32nd Street, Tax Parcel Nos. 118-25-1420, 118-25-1430 and 118-25-1440, 2004 Bond Fund, contract amount not to exceed \$220,500.00 including closing costs (22-70-R-143754-0211)

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

24. **CALL TO THE PUBLIC**

Michael Toney spoke regarding semi-automatic weapons and Arizona's gun control laws.

25. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:50 a.m.



CHAIRMAN

ATTEST:



CLERK