

MINUTES, FLOOD CONTROL DISTRICT BOARD

MARCH 15, 2011

The Pima County Flood Control 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, March 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**

Arizona Department of Environmental Quality, Amendment No. 2, to provide a license with Pima County and the Pima County Regional Flood Control District, to drill, install, operate, maintain and access six (6) monitor well sites on property located within T13S, R13E, Sections 8, 9, 17, 21, 23 and amend contractual language, no cost (12-04-A-140582-0108) Transportation

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

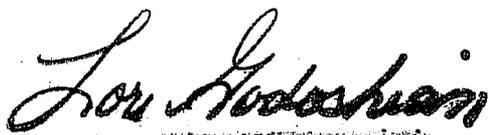
2. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:56 a.m.



CHAIRMAN

ATTEST:



CLERK

MINUTES, BOARD OF SUPERVISORS' MEETING

MARCH 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, March 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 Pastor Joe Chan, Chinese Baptist Church.

2. **PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

3. **PAUSE 4 PAWS**

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

4. **PRESENTATION/PROCLAMATION**

Presentation of a proclamation to Daniele Diamenta, Event Coordinator for Cyclovia Tucson, proclaiming the week of March 21 through March 27, 2011, to be:

"CYCLOVIA TUCSON WEEK"

Chairman Valadez presented the proclamation to Daniele Diamenta. Ms. Diamenta thanked the Board and gave a brief description of the event.

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

5. **PRESENTATION/PROCLAMATION**

Presentation of a proclamation to Rowan Frost, Program Supervisor, and Stephanie Arendt, Senior Prevention Educator, from the Southern Arizona Center Against Sexual Assault, proclaiming the month of April, 2011, to be:

"SEXUAL ASSAULT AWARENESS MONTH IN PIMA COUNTY"

and the day of April 12, 2011, to be:

"TAKE BACK THE NIGHT PIMA COUNTY 2011"

Supervisor Elías presented the proclamation to Rowan Frost and Stephanie Arendt. Ms. Frost expressed her appreciation to the Board for recognizing the importance of calling attention to sexual assault violence.

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

... **EXECUTIVE SESSION**

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, that the Board convene to Executive Session at 9:20 a.m.

6. **RECONVENE**

The meeting reconvened at 10:25 a.m. All members were present.

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

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

8. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a proposed settlement in Margaret A. Bland, et al., v. Pima County, Pima County Superior Court Case No. C20097813.

Chris Straub, Chief Civil Deputy County Attorney, stated this case involved a lawsuit for damages that arose from an accident involving a pedestrian on a Pima County road. The County Attorney's Office recommended that the Board reject the proposed settlement offer.

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

9. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding the claim of the Estate of Jack Rappeport (through its personal

representative) and Ginger Rodgers Rappeport against the Pima County Public Fiduciary and Pima County.

Chris Straub, Chief Civil Deputy County Attorney, stated Attorney Ronna Fickbohm, Slosser, Struse, Fickbohm, Marvel and Fletcher, appeared and presented the item to the Board. She requested authorization to reject the claim and sought direction to obtain outside counsel to defend the Public Fiduciary and Pima County on any petition for surcharge.

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

10. **CONSENT CALENDAR**

A. **CALL TO THE PUBLIC**

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

B. **APPROVAL OF CONSENT CALENDAR**

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

CONSENT CALENDAR ITEMS ARE AS FOLLOWS:

1. **CONTRACTS AND AWARDS**

A. **Health Department**

1. Arizona Department of Health Services, Amendment No. 1, to provide for services under WIC, Breastfeeding Peer Counseling and Farmer's Market Nutrition Programs and amend contractual language, Federal Fund, contract amount \$937.50 revenue (01-01-A-143105-1010)

B. **Pima Health System**

2. Arizona Health Care Containment System, Amendment No. 13, to provide long term care services and amend contractual language, no cost (18-15-A-138594-1006)
3. Tucson Pulmonology, P.C., Amendment No. 4, to provide pulmonology services, extend contract term to 4/30/12 and amend contractual language, no cost (18-15-T-139375-0507)

4. Evercare Hospice, Inc., Amendment No. 2, to provide hospice services, extend contract term to 2/29/12 and amend contractual language, no cost (18-15-E-141842-0309)

C. Procurement

5. HDR Engineering, Inc., Amendment No. 9, to provide project management and roadway design engineering services for La Canada: River Road to Ina Road project and amend scope of work, RTA Sales Tax Fund (90%), CDO Impact Fees (10%), contract amount \$79,978.00 (16-04-H-139002-1106) Transportation

Award

6. Low Bid: Award of Contracts, Requisition No. 1101438, in the cumulative annual amount of \$914,000.00 for vehicle emergency code equipment as defined by the list below to the responsive and responsible bidders that submitted the lowest total by group as specified in the IFB. Contracts are for a one year term which includes up to four one year renewal options. The award includes the authority for the Procurement Department to reallocate the award amounts among the contracts considering actual usage and anticipated requirements without further action by the Board of Supervisors provided that the sum of the revised contract amounts does not exceed the sum of the contract award amounts. Funding Source: Internal Service Fund. Administering Department: Fleet Services.

<u>Groups</u>	<u>Contractor</u>	<u>Annual Amount</u>
1, 3, 4, 15	AEP (Headquarters: San Diego, CA)	\$379,000.00
2, 9, 11, 14, 16, 17, 18	Creative Communications (Headquarters: Phoenix, AZ)	\$165,000.00
5, 6, 10, 13, 20	First In, L.L.C. (Headquarters: Salt City, UT)	\$175,000.00
7, 8, 19, 21	Auto Safety House (Headquarters: Phoenix, AZ)	\$195,000.00

D. Real Property

7. Arizona Department of Environmental Quality, Amendment No. 2, to provide a license with Pima County and the Pima County Regional Flood Control District, to drill, install, operate, maintain and access six (6) monitor well sites on property located within T13S, R13E, Sections 8, 9, 17, 21, 23, and amend contractual language, no cost (12-04-A-140582-0108) 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>
Mondello, Leona R.	385	REP
<u>APPOINTMENTS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Zazueta, Miguel J.	028	DEM
Barajas, Magdalena	053	DEM
Cage, Cheryl A.	415	DEM
Cohen, Cameron L.	220	REP
McDaniel, Stuart W.	326	REP
Dunn, Thomas R.	379	REP
Culver, Conny K.	387	REP

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

Pima County Wireless Integrated Network

Appointment of Assistant Chief Sharon Allen, Tucson Police Department, 1st Alternate, to replace Assistant Chief Terry Rozema. No term expiration. (Jurisdictional recommendation)

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

- A. Pedro Pacheco, Knights of Columbus, Council No. 8077, 8650 N. Shannon Road, Tucson, March 19, 2011.
- B. Vivian L. Fellom, University Medical Center Foundation, La Encantada, 2905 E. Skyline Drive, Tucson, March 19, 2011.
- C. Pamela Sue Clark-Raines, StrengthBuilding Partners, St. Philip's Plaza, 4280 N. Campbell Avenue, Tucson, May 6, 2011.
- D. William Dean Woodruff, Corpus Christi Catholic Church, 300 N. Tanque Verde Loop Road, Tucson, March 25, 2011.
- E. William Dean Woodruff, Knights of Columbus, Council No. 12696, 300 N. Tanque Verde Loop Road, Tucson, April 3, 2011.

REGIONAL WASTEWATER RECLAMATION

5. **Public Announcement**

Pursuant to A.R.S. §49-391(C), a public comment period of 30 days must occur before any Pretreatment Consent Decree or Negotiated Settlement

Agreement is made final. The Public Information Enforcement File for the following case(s) will be made available for public review or copies may be obtained for \$.35 per page at the Public Works Building, Regional Wastewater Reclamation Department's reception desk, 201 North Stone, 8th Floor, Tucson, Arizona, 85701. Comments will be taken for the next thirty days and written comments may be sent to Industrial Wastewater Control, 5025 W. Ina Road, Tucson, Arizona, 85743. If sufficient interest is expressed, a public hearing may be held by the Board of Supervisors. After the comment period, the Board of Supervisors will vote on acceptance of the following Settlement Agreement:

Athens on Fourth Avenue, L.L.C., Case No. C2009-26. Proposed settlement amount is \$1,009.42.

6. **PROCLAMATION**

Proclaiming May 1 through May 7, 2011, to be:

"PIMA COUNTY PEACE OFFICERS MEMORIAL WEEK"

and proclaiming May 6, 2011, to be:

"PIMA COUNTY PEACE OFFICERS MEMORIAL DAY"

7. **RATIFY AND/OR APPROVE**

Minutes: January 18, 2011
 January 21, 2011
 February 1, 2011

REGULAR AGENDA/ADDENDUM ITEMS

11. **COUNTY ADMINISTRATOR: REVISIONS TO MERIT SYSTEM RULES AND PERSONNEL POLICIES**

Staff requests approval of the following Personnel Policy revisions effective March 15, 2011:

Merit System Rule 13 - Grievance System: Workplace violence is removed from Merit System Rules 13.1.B and 13.3.B which address the grievance systems that are not used for these matters.

Personnel Policy 8-115 - Mediation Program: Workplace Violence, listed as a matter to be mediated before filing a grievance, is properly removed.

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

12. **PROCUREMENT: AWARD**

The Board of Supervisors on February 15, 2011, continued the following:

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, staff requests 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.

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

13. **OFFICE OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY**

- A. RESOLUTION NO. 2011 - 43, of the Pima County Board of Supervisors, accepting the Arizona Emergency Response Commission Award for the support of the Pima County Office of Emergency Management in the amount of \$49,508.71.
- B. RESOLUTION NO. 2011 - 44, of the Pima County Board of Supervisors, accepting the State of Arizona Department of Homeland Security Award for the support of the Pima County Office of Emergency Management in the amount of \$12,105.87.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to adopt Resolution Nos. 2011 - 43 and 44.

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

- A. Lonnie Lister, Skyline Country Club, 5200 E. Saint Andrews Drive, Tucson, April 2, 2011 at approximately 9:30 p.m.
- B. Lonnie Lister, Skyline Country Club, 5200 E. Saint Andrews Drive, Tucson, April 16, 2011 at approximately 9:45 p.m.
- C. Lonnie Lister, Skyline Country Club, 5200 E. Saint Andrews Drive, Tucson, April 30, 2011 at approximately 10:00 p.m.
- D. Lonnie Lister, Skyline Country Club, 5200 E. Saint Andrews Drive, Tucson, May 6, 2011 at approximately 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 hearings and approve the fireworks permits.

15. **FRANCHISES/LICENSES/PERMITS: EXTENSION OF PREMISES/PATIO PERMIT**

Scott A. Busse, Territorial, 3727 S. Palo Verde Road, Tucson, Temporary Extension of Premises for May 1, 7, 8, 14, 15, 21, 22, 28, 29, June 4, 5, 11, 12, 18, 19, 25, 26, July 2, 3, 9, 10, 16, 17, 23, 24, 30, 31, August 6, 7, 13, 14, 20, 21, 27 and 28, 2011.

Supervisor Elías expressed concern about the numerous requests for a temporary permit for their facility for every weekend during the months of May through August. He questioned the outdoor use of this facility and asked staff to report on the State's rules regarding a temporary permit request.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to continue this item to the Board of Supervisors' Meeting of April 5, 2011, and direct staff to contact the Arizona State Liquor Licenses and Control for an interpretation of their rules regarding temporary extension of premises/patio permits and the authority of the Board in these matters.

16. **DEVELOPMENT SERVICES: REZONING**

The Board of Supervisors on February 15, 2011, continued the following:

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)

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 of residential development without the

written approval of the Board of Supervisors.

7. Transportation conditions:
- A. The property owner/developer shall dedicate 45 feet right-of-way for Orange Grove Road.
 - B. Primary access shall be at the existing driveway opposite Mona Lisa and shall require Department of Transportation approval.
 - C. A Traffic Impact Study shall be prepared for approved by the Department of Transportation, prior to approval of the Development Plan. The access, safety and capacity issues and impacts created by the rezoning on Orange Grove Road, Mona Lisa Road and the Mona Lisa Road/Orange Grove Road intersection shall be addressed in the report.
 - D. The property owner/developer shall provide offsite improvements to Orange Grove Road and Mona Lisa Road, and/or the intersection of Orange Grove Road/Mona Lisa Road, as determined necessary by the Department of Transportation's review of the Traffic Impact Study- unless condition 7F is fulfilled.
 - E. The property owner/developer shall provide pedestrian improvements along Orange Grove Road frontage as determined necessary by Department of Transportation and shall provide pedestrian connection to the Pegler Wash through the site.
 - F. To assure completion of the public roadway improvements beyond the scope of this development's normally required improvements to Orange Grove Road, the property owner will enter into a development agreement with the County that will allow the County to utilize the services of the owner's engineer, Dowl Engineering, to design the improvement of Orange Grove Road to a five-foot cross-section between Camino de La Tierra and La Cholla Boulevard as well as intersection improvements at Mona Lisa Road that meet engineering standards for public roadways. The owner shall ensure that a complete set of plans for public bidding of the described improvements will be submitted to the County no later than September 30, 2011. The development agreement will also provide that Pima County advance funds in an amount not to exceed \$300,000 to pay for the design effort, subject to such funds being reimbursed from roadway development impact fees to be collected from this development project.
8. Regional Flood Control conditions:
- A. A drainage report shall be submitted during the platting process for Flood Control District to determine 100-year surface elevations for all lots and to analyze detention/retention requirements. Basin and site design shall be addressed. The study must utilize the latest District procedures and information in place at the time the Plan is submitted.
- Futhermore:
- 1. The Pegler wash discharge shall be compatible with RFCD studies.
 - 2. The site footprint must be reduced to achieve encroachment criteria if needed.
 - 3. No adverse impact to existing downstream dip section or access to Parcel 101-10-00030 in place at the time of development shall be permitted.
- B. The property owner(s) shall dedicate right-of-way or easements for drainage and riparian preservation purposes.
 - C. A riparian habitat mitigation plan shall be required for development in designated riparian areas.
 - D. A Final Integrated Water Management Plan (FIWMP) shall be submitted for review at the time of submittal of the tentative plat or development plan detailing conservation measures, including water harvesting and other indoor and outdoor conservation measures.
9. Wastewater Management conditions:
- A. The owner/developer shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner/developer to that effect.
 - B. The owner/developer shall obtain written documentation from the Pima County

Regional Wastewater Reclamation Department that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner/developer shall have the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the Pima County Regional Wastewater Reclamation Department.

- C. The owner/developer shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. The owner/developer shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the Regional Wastewater Reclamation Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
 - E. The owner/developer shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, sewer construction plan or request for building permit.
 - F. The owner/developer shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
 - G. The owner/developer shall design and construct the off-site and on-site sewers to accommodate flow-through from any properties adjacent and up-gradient to the rezoning area that do not have adequate access to Pima County's public sewer system, in the manner specified at the time of review of the tentative plat, development plan, sewer construction plan or request for building permit.
 - H. The owner/developer shall also design and construct any necessary off-site sewers to accommodate the anticipated wastewater flow from any properties down-gradient from the rezoning area that can reasonably be served by those sewers, in the manner specified at the time of review of the tentative plat, development plan, sewer construction plan or request for building permit.
10. Environmental Quality condition:
The property must be served by either public or private sewer. On-site wastewater disposal shall not be allowed.
11. Cultural Resources conditions:
- A. Prior to ground modifying activities, an on-the-ground archaeological and historic resources survey shall be conducted on the subject property, and submitted to Pima County for review.
 - B. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate.
 - C. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
12. Natural Resources, Parks and Recreation conditions:
- A. A plan for the mitigation of saguaros affected by the development, including provisions for off-site mitigation, shall be submitted at the time of the development

plan submittal and will require approval by the Development Services Department and the Department of Natural Resources, Parks and Recreation.

- B. The owner/developer shall be responsible for all costs related to the transplanting of saguaros as part of the mitigation plan.
13. Environmental Planning condition:
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 approval. 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. The maximum building height shall be 18 feet.
15. The portion of the site to be rezoned to SR® shall remain as natural open space.
16. The property owner(s)/developer(s) shall execute and record a document acceptable to the Pima County Community Development and Neighborhood Conservation Department 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.
17. In the event the subject property is annexed, the property owner(s)/developer(s) shall adhere to all applicable zoning 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.
18. 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)."
19. Adherence to the preliminary development plan as approved at public hearing.

Chris Poirier, Assistant Planning Director, provided the staff report and indicated the rezoning would allow for 186 casita style apartments to be built on the land. He commented that staff had received approximately 30 letters in support and approximately 37 letters in opposition. The Planning and Zoning Commission had recommended denial. The Commission and the neighbors had expressed concern about the capacity of Orange Grove Road in the region of the proposed project. He stated that as a result of these concerns, an additional condition, Condition No. 7F, and changes to Condition No. 7D, were presented for approval. He explained that the developer would be required to enter into a development agreement that would ensure funding for the engineering plans for the proposed widening of Orange Grove Road. If the widening did not occur, Condition No. 7D would ensure that the developer shall, at a minimum, make the improvements directly at the site including the intersection improvement at Mona Lisa Road. He stated that staff recommended approval with conditions including additional Condition No. 7F and the changes to Condition No. 7D.

The following speakers addressed the Board:

- A. Vince Catalano

- B. John Bylina
- C. Linda Estrada
- D. Dr. Deb Waterbury
- E. Diana Boras
- F. Royce Nelsestuen
- G. William Heilig
- H. Bruce Brock, Pastor of Faith Community Church
- I. Lamar Lovett
- J. Greg Knowles
- K. Vickie Petricka
- L. Michael Toney

They provided the following comments:

1. Support was expressed for the proposal.
2. The project showed progress and growth for the area and felt the neighborhood would benefit from it.
2. The intersection improvements would benefit the neighborhood and having a signal light installed would help with safety concerns regarding Orange Grove Road traffic congestion.
3. Traffic issues were the major concerns around the area.
4. The widening of Orange Grove Road should have been done a long time ago. It was thought that if the development was approved, it would bring more traffic problems to their neighborhood where traffic congestion was already a major problem.
5. Opposition was expressed for the project and the Board was asked to deny the proposal.
6. Concern was expressed that the project would bring more foot traffic and more crime to the neighborhood.
7. An inquiry was made concerning why the project did not require a super majority vote.

Mr. Poirier stated there was a significant amount of people protesting within 1,000 feet but that did not trigger a super majority vote which needed a 20% vote by area and that number had to exclusively be within 300 feet of the proposal. There had not been any protests noted within 300 feet.

Supervisor Day indicated that Orange Grove Road desperately needed the improvements since the northwest area had grown drastically resulting in significant transportation challenges. She explained that the proposed project would be a good use for the parcel with all the amenities included in the improvements. She added that the improvements for Orange Grove Road would ensure that the project would be concurrent with traffic capacity. She explained that a Development Agreement would come back to the Board within 30 days that would outline the improvements and assure the residents that the improvements to Orange Grove Road would be done. Supervisor Day noted that there would be no improvements to Orange Grove Road without this rezoning.

Supervisor Elías explained his concern was for the safety of the residents in the area and felt the project would not bring much of an improvement to the area.

Chairman Valadez inquired about the timing of the improvements concerning the project.

Chuck Huckelberry, County Administrator, stated this project was included in the 1997 bond issue and a lot of early design work had been completed by the County in 2003, but the project was put on hold due to cash flow issues associated with the decline of HURF revenues and other demands. He explained with this particular project, they had met with the developer and talked about the opportunity to combine a series of independent projects that have been approved for this segment of Orange Grove Road. He stated they were fortunate to have the same design consultant which had done the previous work, the funds that will come from the development through impact fees and the availability of dollars within the Department of Transportation to be able to accelerate these improvements. He stated that during the process there would be a number of meetings with the neighbors and property owners but it would be on an accelerated schedule.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Carroll and carried by a 4-1 vote, Supervisor Elías voting "Nay," to close the public hearing, approve Co9-10-02 with conditions as outlined by staff adding Condition No. 7F and to bring the Development Agreement back to the Board on April 19, 2011.

17. DEVELOPMENT SERVICES: REZONING TIME EXTENSION

Co9-04-23, PAIRMAN - OLD VAIL ROAD REZONING

Request of KV, L.L.C., represented by Gordon and Sharon Pairman, for a five-year time extension for a rezoning of approximately 4.8 acres from SR (Suburban Ranch) and AE (Airport Environs and Facilities), to CB-2 (General Business) and AE (Airport Environs and Facilities) on property located at the southwest corner of Valencia and Kolb Roads, north of Old Vail Road. The subject property was rezoned in December, 2005 and expired in December, 2010. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. Staff recommends APPROVAL SUBJECT TO MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 4)

Without objection, this item was removed from the agenda.

18. DEVELOPMENT SERVICES: CONDITIONAL USE PERMIT

P21-10-022, RURAL METRO CORPORATION - N. HOUGHTON ROAD

Request of Rural Metro Corporation, represented by FM Group, on property located at 2741 N. Houghton Road, Tax Parcel Nos. 114-55-1590 and 114-55-1600, in the CR-1 Zone, for a Conditional Use Permit for a communication tower. Chapter 18.97, in accordance with Section 18.07.030.H.2.e of the Pima County Zoning Code, allows a communication tower as a Type III Conditional Use in the CR-1 zone. On motion, the Planning and Zoning Commission voted 6-0 (Commissioner Holdridge

abstained; Commissioners Spendiarian and Steinbrenner were absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. The Hearing Administrator recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 4)

Standard Conditions

1. Obtaining an approved Development Plan.
2. Adherence to all requirements of Section 18.07.030.H and Sections 18.07.040.A.4 (General Regulations and Exceptions) of the Pima County Zoning Code.

Special Conditions

1. The new wireless antennae shall be mounted at a top height of no greater than fifty-seven feet (57').
2. The proposed tower shall be camouflaged as a monopalm, with the palm fronds having a top-height of no more than approximately sixty feet (60').
3. The equipment building shall be located as shown on the submitted Development Plan and be painted an earthtone color (light brown, desert tan, etc.).

Chairman Valadez recused himself due to a potential conflict of interest.

Jim Portner, Hearing Administrator, briefed the Board and indicated there had been no public comment on this item except for a telephone call that was received by staff from an individual who confirmed receiving the public notice and meeting invitation from the applicant but had not attended. He recommended approval subject to standard and special conditions.

Vice-Chair Bronson inquired if anyone wished to be heard. No one appeared.

On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Day and carried by a 4-0 vote, Chairman Valadez recused himself due to a potential conflict of interest, to close the public hearing and approve P21-10-022, subject to standard and special conditions.

19. DEVELOPMENT SERVICES: REZONING RESOLUTIONS

- A. RESOLUTION NO. 2011 - 45, Co9-04-07, Starbound Tucson Hotel, L.L.C. - Palo Verde Road Rezoning. Owner: Palo Verde Property, L.L.C. (District 2)
- B. RESOLUTION NO. 2011 - 46, Co9-00-30, Aravaipa Properties, L.L.C. - Valencia Road Rezoning. Owner: PBH II, L.L.C. (District 5)

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 hearings and adopt Resolution Nos. 2011 - 45 and 46.

20. **TRANSPORTATION: ROAD ABANDONMENT**

RESOLUTION NO. 2011 - 47, of the Board of Supervisors, abandoning a County highway within the incorporated limits of the City of South Tucson, Ninth Avenue, South of 38th Street, a public roadway lying within Section 25, T14S, R13E, for the South Tucson Neighborhood Association 1997 Bond Improvement Project. (District 2)

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 Resolution No. 2011 - 47.

21. **TRANSPORTATION: TRAFFIC ORDINANCES**

A. ORDINANCE NO. 2011 - 17, of the Pima County Board of Supervisors, establishing prima facie reasonable speed limits on Mona Lisa Road in Pima County, Arizona. Staff recommends APPROVAL. (District 1)

B. ORDINANCE NO. 2011 - 18, of the Pima County Board of Supervisors, establishing a pedestrian crosswalk on Camino Miraval in Pima County, Arizona. Staff recommends APPROVAL. (District 1)

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 hearings and adopt Ordinance Nos. 2011 - 17 and 18.

22. **COUNTY ADMINISTRATOR: PROPOSED DEVELOPMENT SERVICES FEES**

Staff requests acceptance of the March 2, 2011, Stakeholder Review Report, the modification or reduction of fees identified in the draft fee schedules and that this item be referred to the Planning and Zoning Commission for a public hearing at their earliest available meeting.

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

23. **FINANCE AND RISK MANAGEMENT**

RESOLUTION NO. 2011 - 48, of the Board of Supervisors, establishing the VP Domestic Water Improvement District of Pima County, Arizona. (District 4)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to adopt Resolution No. 2011 - 48.

24. **CALL TO THE PUBLIC**

The Chairman inquired whether anyone wished to be heard.

Judith Bernal addressed the Board regarding a request for a copy of the Epicenter contract and grant award and an ethic breakdown of its participants as of January 1, 2011.

25. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:56 a.m.



CHAIRMAN

ATTEST:



CLERK