

MINUTES, LIBRARY DISTRICT BOARD

April 19, 2011

The Pima County Library District Board met in regular session at the regular meeting place of the Pima County Board of Supervisors (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, April 19, 2011. Upon roll call, those present and absent were as follows:

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

1. **Certificate of Application**

Staff requests approval of a Certificate of Application to the Arizona State Library, Archives and Public Records, for a grant to provide multimedia classes and mentoring opportunities with local experts for youth patrons of the Pima County Public Library in the amount of \$94,880.00.

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

2. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:45 p.m.



CHAIRMAN

ATTEST:



CLERK

MINUTES, BOARD OF SUPERVISORS' MEETING

April 19, 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, April 19, 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. **PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

2. **PAUSE 4 PAWS**

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

3. **PRESENTATION/PROCLAMATION**

Presentation of a proclamation to Lieutenant Amber Barber and Sergeant Nathan Gomez from the Pima County Corrections Department proclaiming May 1 through May 7, 2011, to be:

"CORRECTIONAL OFFICERS WEEK"

Supervisor Elías presented the proclamation and expressed his gratitude to our Correctional Officers.

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 SESSIONS**

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 9:25 a.m.

4. **RECONVENE**

The meeting reconvened at 9:55 a.m. All members were present.

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

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

6. **LITIGATION**

The Board of Supervisors on April 12, 2011, continued the following:

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction, regarding New Cingular Wireless PCS, L.L.C. v. Board of Supervisors of Pima County, Arizona, United States District Court, District of Arizona, Case No. 4:10-CV-00028-DCB.

Chris Straub, Chief Civil Deputy County Attorney, reported the District Court had ruled against New Cingular on their first claim. The Pima County Attorney's Office recommended approval of the Tolling Agreement which would allow New Cingular to abandon the remaining claim in this lawsuit and to authorize the Chairman to execute the agreement.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to accept the County Attorney's Office recommendation.

7. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3), for legal advice regarding the validation of petition signatures by the Board of Supervisors as part of the Green Valley Fire District's proposed North Sahuarita Block Annexation.

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

Chris Straub, Chief Civil Deputy County Attorney, stated this item was informational only.

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

A. **CALL TO THE PUBLIC**

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

B. APPROVAL OF CONSENT CALENDAR

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

CONSENT CALENDAR ITEMS ARE AS FOLLOWS:

1. CONTRACTS AND AWARDS

A. Community Development and Neighborhood Conservation

1. Arizona Department of Commerce Energy, Amendment No. 1, to provide weatherization services for the Low-Income Home Energy Assistance Program and amend scope of work, State Grant Fund, contract amount \$27,568.00 revenue (02-70-A-143062-0710)
2. Kuehl Enterprises, L.L.C., Amendment No. 1, to provide planning, technical/training assistance and report preparation services, extend contract term to 7/31/12 and amend contractual language, CDBG Grant Fund, contract amount \$25,000.00 (32-70-K-143332-0810)
3. Dunbar Coalition, Inc., to provide facility renovation for the classrooms at the Dunbar Community Cultural Center, CDBG Grant Fund, contract amount \$100,000.00 (02-70-D-143900-0311)

B. Facilities Management

4. Bridgeway Health Solutions of Arizona, Amendment No. 1, to provide for a lease amendment and amend contractual language, contract amount \$999.00 decrease (04-13-B-143783-0311)

C. Health Department

5. Northwest Fire/Rescue District, Amendment No. 1, to provide for childhood immunization services and extend the contract term to 5/3/12, no cost (01-01-N-142896-0510)

D. Information Technology

6. RESOLUTION NO. 2011 - 58, approving an Intergovernmental Agreement with the Town of Sahuarita, to provide data network inter-connection for the mutually beneficial sharing of both parties data-network resources, no cost (01-14-S-143905-0411)

7. Cricket Communications, Inc., Amendment No. 2, to provide for a lease agreement at Pima Nanini Governmental Center, extend the contract term to 4/16/21 and amend contractual language, \$191,084.16 revenue (12-14-C-143019-0401)
8. Numara Software, Inc., Amendment No. 1, to provide footprints training and consulting services, IT Enhancement Fund, contract amount \$50,000.00 (07-14-N-143718-0111)

E. Pima Health System

9. HealthSouth Rehabilitation Institute of Tucson, L.P., d.b.a. HealthSouth Rehabilitation Institute of Tucson, Amendment No. 1, to provide rehabilitation hospital services, extend contract term to 4/30/12 and amend contractual language, no cost (18-15-H-142066-0509)
10. Southern Arizona Regional Hospital, L.P., d.b.a. HealthSouth Rehabilitation Hospital of Southern Arizona, Amendment No. 1, to provide rehabilitation hospital services, extend contract term to 4/30/12 and amend contractual language, no cost (18-15-S-142067-0509)

F. Procurement

11. Sakellar Associates, Amendment No. 3, to provide architectural design services for the Wilmot Branch Library Expansion and Renovation and amend scope of work, 2004 Bond Funds, contract amount \$33,545.00 (15-13-S-140579-0108)

G. Transportation

12. RESOLUTION NO. 2011 - 59, approving an Intergovernmental Agreement with the State of Arizona, Department of Transportation, to provide installation, operation and maintenance of a traffic signal at the intersection of State Route 77 and Eagle Crest Ranch Boulevard at Mile Post 87.9, no cost (01-04-A-143895-0411)

2. BOARDS, COMMISSIONS AND/OR COMMITTEES

A. Pima Vocational High School Board

Appointment of Ashley Dominguez, to fill unexpired term of Brissia Perez. Term Expiration: 7/31/13. (Committee recommendation)

B. Public Safety Retirement Board

Appointment of Randall Nice, Elected Representative, to fill unexpired term of Sgt. Paul Leonardi. Term Expiration: 12/31/11. (Committee recommendation)

C. Self-Insured Trust Fund

Appointment of Sandra L. Abbey, to fill unexpired term of Judy Patrick; and Mark Dworschak, to fill unexpired term of Michael Hannley. Term Expirations: 12/31/12. (Committee recommendations)

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

A. Kathleen Marie Campbell, The Ponderosa Homeowners Association, 12901 N. Sabino Canyon Parkway, Mt. Lemmon, May 29, June 5, 12, 19, 26, July 3, 10, 17, 24 and 31, 2011.

B. Kathleen Marie Campbell, The Orchards Homeowners Association, 12901 N. Sabino Canyon Parkway, Mt. Lemmon, August 7, 14, 21, 28 and September 4, 2011.

C. Michael Wayne Bradford, Tucson Troop Support, Bookman's Convention Center, 5120 S. Julian, Tucson, April 23, 2011.

4. CORRECTION FOR THE RECORD

On February 8, 2011, the Board of Supervisors approved the following contract. Staff is now requesting a correction to the contract amount, as indicated below:

Health Information Network of Arizona, to provide a participation agreement for the sharing of health information at the Pima County Adult Detention Complex, General Fund, contract amount ~~\$8,775.00~~ **\$158,755.00**/5 year term (11-65-H-143730-0211)

5. RATIFY AND/OR APPROVE

Minutes: March 1, 2011

REGULAR AGENDA/ADDENDUM ITEMS

9. COUNTY ADMINISTRATOR: Redistricting Supervisorial Districts

Discussion and direction regarding the process for redistricting of the supervisorial districts.

Chuck Huckelberry, County Administrator explained that the Board is required to redistrict every 10 years following the release of the census data. He provided an overview of the timelines, the census numbers and the process used for the last redistricting effort.

Supervisor Bronson proposed that a process similar to the last one be used where each Board member would make one appointment to a committee that would work with staff to present options regarding changes to the supervisorial districts.

Supervisor Carroll questioned the process used 10 years ago and asked that the recommendations of the committee be open for public comment prior to adoption.

Supervisor Day asked for a transparent and inclusive process and that an easily accessible website be created by staff where all information could be posted.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Bronson, and unanimously carried by a 5-0 vote, that each Board member make one appointment to a citizen's committee at the meeting of May 3, 2011; that public outreach meetings are conducted at least once in each supervisorial district; that the committee report back with a recommendation by the end of July 2011; and that the proposed redistricting map be presented to the Board and available for public review for at least one week prior to final action.

10. COMMUNICATIONS OFFICE

Staff requests approval of the Board of Supervisors Policy No. D 33-1, Programming Policy and Operational Procedures for Pima County Government Cable Television Channel(s).

Chuck Huckelberry explained this policy would provide procedural rules regarding cable channel use. He stated current cable franchise agreements provide government access channels that would broadcast the Board of Supervisors' Meeting and other pre-recorded programming which would highlight County attractions.

Supervisor Day voiced concerns regarding the cost of this action and stated this was a want and not a need for Pima County.

Supervisor Elias stated better communication is needed County-wide but requested more information regarding the potential impact that approval of the item would cause.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Carroll, and unanimously carried by a 5-0 vote, to continue this item to the Board of Supervisors' Meeting of June 21, 2011.

11. FIRE DISTRICT: Green Valley Fire District

Pursuant to A.R.S. §48-262.A.12, validation of the petitions presented from the Green Valley Fire District for the proposed North Sahuarita Block Annexation.

Chief Simon Davis, Green Valley Fire District, addressed the Board and requested a two week continuance to May 3, 2011, to work with the Clerk of the Board regarding this matter.

Kimberly Demarchi, Attorney with Lewis and Roca who represented Rural Metro Corporation, submitted her written analysis of the petition process to date. She stated their analysis revealed that the petitions were flawed and could not be remedied.

Chris Straub, Chief Civil Deputy County Attorney, stated that a two week continuance would be beneficial to research statute as there seemed to be several unanswered questions.

Supervisor Elías wanted to make clear that Board had not yet been given advice by Pima County counsel.

On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Elías, and carried by a 4-0 vote, Chairman Valadez recused himself due to a potential conflict of interest, to continue this item to the Board of Supervisors' Meeting of May 3, 2011.

12. FRANCHISES/LICENSES/PERMITS: Liquor Licenses

A. 11-08-9069, Rigoberto Lopez, Rigo's Restaurant Fine Mexican Food, 5851 N. Oracle Road, Tucson, Series 12, Restaurant, New License.

B. 11-09-9070, Randy Allen Guse, Walgreens No. 06245, 7877 E. Snyder Road, Tucson, Series 10, Beer and Wine Store, New License.

- C. 11-10-9071, Randy Allen Guse, Walgreens No. 10684, 13542 E. Colossal Cave Road, Vail, Series 9, Liquor Store, Location Transfer.

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

13. **KINO SPORTS COMPLEX: Fee Schedule**

ORDINANCE NO. 2011 - 24, of the Pima County Board of Supervisors, relating to the Pima County Stadium District, Kino Veterans Memorial Community Center and Sam Lena Park, 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 Bronson, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and adopt Ordinance No. 2011 - 24.

14. **DEVELOPMENT SERVICES: Type II Conditional Use Permit**

The Board of Supervisors on January 18, 2011, continued the following:

P21-10-017, CITY OF TUCSON – N. SANDERS ROAD

Request of FRV Tucson Solar, L.L.C., on behalf of the City of Tucson, for a conditional use permit for a solar farm (a.k.a. solar power plant) on property located at 9000 N. Sanders Road in the RH Zone. Chapter 18.97, in accordance with Section 18.13.030.B.35 of the Pima County Zoning Code, allows a solar farm as an “other conditional use which is similar in type, scale and intensity to other listed conditional uses,” subject to a Type II Conditional Use Permit procedure. The Hearing Administrator recommends **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. (District 3)

Jim Portner, Hearing Administrator, provided a report and stated he had originally recommended approval with special conditions. He explained that since that time, there have been an expanded compliment of issues which have generated additions and changes to the original conditions.

The following speakers addressed the Board:

- A. Wanda Baader
- B. Wain Cooper
- C. Craig Cristello
- D. Rich McKnight

- E. Thomas Olden
- F. Donna Bolles
- G. Elizabeth Olden
- H. Rick Westfall
- I. Donna Branch-Gilby
- J. Joanne McKearney
- K. Michael Toney
- L. Sherryn Marshall
- M. Barbara Trujillo

They provided the following comments:

1. Tierra Linda Subdivison property owners were worried over dropping property values and environmental issues.
2. They questioned whether there would be increased heat due to the numerous solar panels in the residential area.
3. Support in general was given for solar projects, but they did not want this in their own backyard.
4. Adverse impacts to the environment can be mitigated, adverse impacts to the community cannot.
5. Several neighborhood meetings had been conducted to provide a better understanding of project details. Changes were identified that would be beneficial to the project. This project would not be a great neighbor but an acceptable one.
6. FRV listened to the community and offered concessions, but the project is still not acceptable because of its location which is adjacent to homes.
7. The majority of people involved in this process would like to have this request denied. They felt extending the hearing would not change their thoughts regarding the overall project.
8. A sixty day continuance would be needed to establish a committee to represent the community for additional input.
9. They would like FRV to explain what changes would be made in the next sixty days that were not accomplished within the last 90 day continuance.
10. As word spreads, opposition to the project continues to grow.
11. Tucson Water provided half truths and Tucson Electric Power has been silent on the issue. All three participants need to be active to reach an agreement.
12. Neighbors were disappointed the item would be continued as they have to keep taking time off of work to attend the Board hearings.
13. This would be the first solar project of its kind to be put into a residential neighborhood so this decision would set many precedents.
14. Because this would be the first project of this scope, health issues would be unknown.
15. People that live outside of Tierra Linda Subdivision are also opposed to the project.

16. This project would impede the ability of the people that live in the area to sell their homes.
17. The residents of Tierra Linda do not have Tucson Water or Tucson Electric Power and they would not be receiving any benefit.
18. This project would destroy their home and their lives.
19. FRV should have taken a different path to make this project successful. Every solution offered by the community has been rebuffed or ignored.
20. The Metropolitan Energy Commission supported the general concept of this project for renewable sources.
21. The option of installing solar panels on some homes may help this project.
22. Property values in solar housing subdivisions did not fall, they went up.
23. The project raised several health concerns and exposure to chemicals in the solar panels or chemical that would be used for weed control are not known.
24. Other solar projects provide 20-40 acres of buffer rather than the small area being offered for this project.
25. Solar belongs on rooftops and buildings, this project on the ground would be a clumsy effort.
26. Questions were raised regarding the proximity of this site to Marana High School and the unknown effects this project could have.
27. FRV had two other locations which they considered that were not so close to a residential area.

Tim Lasocki, representative of FRV Tucson Solar, L.L.C., (FRV) addressed the Board and requested a continuance. He explained they had addressed all the stipulations of the County and had gone above and beyond in an effort to mitigate their impact. They have been particularly concerned with the esthetics of the project and welcome the opportunity to meet with the community to work out the remaining issues.

Supervisor Bronson questioned what a 90 day continuance would accomplish.

Tim Lasocki explained that as a good faith effort, they had offered a \$100,000.00 contribution for a community project, such as a park or residents receiving solar. He stated this was new territory, and they were seeking the guidance of the Supervisors, the County and the neighbors.

Supervisor Elías questioned the location of the site, compliance with the Maeveen Behan Land Conservation System and the open space set aside.

Mr. Lasocki stated the original plan was to leave an area of the property undeveloped but, feedback was received from the County, that suggested moving panels into that area, as it was further away from the residential areas. He stated that the off-site mitigation topics would have to be deferred to Tucson Water.

Chairman Valadez questioned the relationship between FRV, Tucson Electric Power (TEP) and Tucson Water.

Mr. Lasocki explained that FRV had a twenty year Power Purchase Agreement with TEP, they would be the purchaser of the electricity. Tucson Water owned the property and FRV had a twenty year lease agreement with them. FRV would be the owner/operator of the project and the neighbor to the community.

Supervisor Bronson questioned the economic impact study which was provided by FRV and requested FRV contact County staff to review the tax figures.

Bruce Plenk, Solar Energy Manager for the City of Tucson, addressed the Board and stated Tucson was one of twenty-five Solar American Cities in the United States.

Supervisor Bronson asked why the City of Tucson thought this large scale industrial solar project was a compatible use in this residential area.

Mr. Plenk stated this was an approved use of the property, and the City viewed this as a benefit to the entire region.

Supervisor Elías stated he did not believe the City had given their best effort to cooperation with on-site and off-site mitigation given that this site is in a biological corridor.

Asia Philbin, Hydrologist for Tucson Water, stated Tucson Water supported the process and the project. She said Tucson Water had taken a back seat and let the developer take the lead for providing information about the solar installation system.

The Chairman read the following names into the record in opposition to this project:

- A. Carolyn Campbell
- B. Brian Baader
- C. Chip Simone
- D. Barbara Simone
- E. Leland A. Bolles

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to recess this hearing until the Board of Supervisors' Meeting of June 21, 2011; to conduct additional community meetings with representatives from the neighborhoods, TEP, Tucson Water and FRV and that it be moderated by a neutral third party such as the Southern Arizona Leadership Council and that Carmine DeBonis, Development Services

Director, facilitate the proceedings. All surrounding neighborhoods should be represented as well as the Collation for Sonoran Desert Protection.

15. **DEVELOPMENT SERVICES: Fee Amendment**

Co8-11-02, DEVELOPMENT SERVICES FEE AMENDMENT

An ordinance of Pima County, Arizona; relating to fees for planning, subdivision, building, zoning and addressing services provided by the Development Services Department; amending Ordinance No. 2010-35, Section 2 and Exhibit B; and amending Ordinance No. 2010-25, Section 1 and Exhibit A; and suspending fee increases under Ordinance No. 1997-46, Section 4, for the period of July 1, 2011 to June 30, 2012. The Planning and Zoning Commission forwards **NO RECOMMENDATION**. Staff recommends **APPROVAL**. (All Districts)

If approved, pass and adopt:

ORDINANCE NO. 2011 - 25

Carmine DeBonis, Development Services Director, provided the staff report. The Chairman inquired whether anyone wished to be heard. No one appeared. The Chairman then read the following list of supporters into the record:

- A. Robert Modler
- B. David Pittman
- C. David Godlewski
- D. Bob Cook
- E. Lisa Hoskin

Supervisor Elías stated that he was in favor of suspending the fee increases. He said that when the economy is stronger, the fees will need to be reviewed again.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and adopt Ordinance No. 2011 - 25.

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

Co9-04-17, LEE PLAZA, L.L.C. - VALENCIA ROAD REZONING

Request of Mark Road L.L.C., represented by Presidio Engineering, Inc., for a five year time extension for a rezoning of approximately 44.2 acres from GR-1 (Rural Residential) to CR-4 (Mixed Dwelling Type Zone) and approximately 51.2 acres from GR-1 to GR-1 ® (Restricted), on property located on the west side of Mark Road, approximately 600 feet north of Valencia Road. The subject property was rezoned in March 2006 and expired in March 2011. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. Staff

recommends **APPROVAL SUBJECT TO MODIFIED STANDARD AND SPECIAL CONDITIONS.** (District 3)

Without objection, this item was continued to the Board of Supervisors' Meeting of June 7, 2011.

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

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

- A. Proposal to close a rezoning SR (Suburban Ranch) AE (Airport Environs and Facilities) to CB-2 (General Business) 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 May 2005 and expired in May 2010. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. Staff recommends **AGAINST CLOSURE.** (District 4)

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

On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to close the public hearing and approve the recommendation against closure.

- B. 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) AE (Airport Environs and Facilities) to CB-2 (General Business) 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 May 2005 and expired in May 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)

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 lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.

7. Transportation Conditions:
 - A. ~~Traffic Impact Analysis (TIA) shall be provided by the property owner(s)/developer(s) for this rezoning for review and approval by the Department of Transportation, prior to the first development plan or tentative plat submittal. The results of the approved TIA shall be used to establish required transportation improvements, and phasing of said improvements, to the area roadway system. The property owner(s)/developer(s) shall be responsible for construction of improvements as required by the Department of Transportation to meet concurrency requirements. The owner / developer shall provide offsite improvements as determined necessary by the Pima County Department of Transportation (DOT).~~
 - B. ~~Internal access shall be provided within the site and to the west. Access shall be provided to the south, if the use for Lot D on the Preliminary Development Plan (PDP), does not require a fenced yard. The site shall be designed to address shared internal access and provide for future connections to adjacent properties, if feasible, depending upon land uses.~~
 - C. The property owner(s)/developer(s) shall dedicate 25 feet of right-of-way for Valencia Road.
 - D. ~~Location of one access point on Valencia Road and a maximum of one access point on Kolb road shall require approval of the Department of Transportation. Access shall be limited to a maximum of one driveway on Valencia Road and one on Kolb Road. Any access on Valencia and Kolb Roads shall only be allowed if approved by DOT.~~
8. Flood Control conditions:
 - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
 - B. A master drainage study shall be required to determine the need for and sufficiency of proposed on and off-site improvements including detention, easements and associated maintenance agreements for all lots.
 - C. The property owner(s)/developer(s) shall provide all necessary drainage related improvements created by the proposed development both on-site and off-site of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.
 - D. Drainage easements are to remain private.
9. Wastewater Management conditions:
 - A. The owner / developer shall construe no action by Pima County as a commitment of capacity to serve new development within the rezoning area until Pima County executes an agreement with owner / developer to that effect. ~~By accepting this rezoning, the owner / developer acknowledges that treatment and conveyance capacity in the downstream sewerage system may not be available when new development within the rezoning area is to occur.~~
 - B. ~~Wastewater disposal within the rezoning area shall be in accordance with Pima County Code 7.21.037 and Arizona Administrative Code R18-9-A309. At the time a tentative plat, development plan or request for building permit is submitted for review, the property owner shall either:~~
 1. ~~Propose that all new development within the rezoning area will be connected to the public sewer system, or~~
 - i. ~~Demonstrate that the soils in all or portions of the rezoning area are suitable for the use of on-site sewage disposal systems in accordance with the Environmental Quality conditions of this rezoning.~~
 - C. ~~If the property owner(s) are able to gain approval for sewer easements from the adjacent property owner(s), between the rezoning site and the existing terminus of the sewer, then the new development within the rezoning area is to be connected to the public sewer system and the owner / developer shall take all of the following actions:~~

- ~~1B.~~ The owner / developer shall obtain written documentation from the Pima County Wastewater Management Department that treatment and conveyance capacity for the proposed development is available, no more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review. Should treatment and / or conveyance capacity not be available at the proposed time of development, the owner / developer shall have the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system cooperatively with others and the Pima County Wastewater Management Department.
- ~~2C.~~ 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, ~~provide the necessary treatment and conveyance capacity in the downstream public sewerage system via a mutually acceptable mechanism, or obtain authorization from the Pima County Department of Environmental Quality to utilize on-site sewage disposal facilities to develop the property.~~
- ~~1.~~ The owner / developer shall fund, design and construct all off-site sewers necessary to connect the rezoning area to Pima County's public sewer system. The off-site sewers shall be aligned and sized to provide both capacity and service to the rezoning area, and any properties up-gradient or down-gradient of the rezoning area that can be reasonably expected to be served by those sewers. The off-site sewers shall also be designed to accommodate a future connection to existing 12" sewer line, G-85-018.
 - ~~2.~~ The owner / developer shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the Wastewater Management Department in the required sewer service agreement, the required 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.
- D. The owner / developer shall complete the construction of all necessary public and/or private sewerage facilities as required by the all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, and agreements, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for new development within the rezoning area.
- E. 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.
- F. 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.
- 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.
- I. The owner / developer must secure approval from the Pima County Department of Environmental Quality to use on-site sewage disposal systems within the rezoning area at the time a tentative plat, development plan or request for building permit is submitted for review.
10. Environmental Quality conditions:
- ~~A. Prior to the commencement of construction of any grading, land clearing, or earthmoving of more than one (1) acre, any road construction of more than fifty (50) feet, or any trenching of more than three hundred (300) feet, an Air Quality Activity Permit shall be obtained.~~
 - ~~B. If on-site wastewater disposal is proposed, the owner(s) / developer(s) shall demonstrate that the site is suitable for the placement of an on-site wastewater disposal system, including the 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. This demonstration shall be made prior to issuance of the Certificate of Compliance.~~
 - ~~C. If on-site wastewater disposal is proposed, no building permit shall be issued for any structures utilizing an on-site disposal system prior to the issuance of a certificate of approval. A Provisional Verification of General Permit Conformance for an on-site wastewater treatment facility shall be required.~~
 - ~~D. A. If the total daily design flow for the entire site exceeds 2999 g/d it must be shown, prior to issuance of the Certificate of Compliance, that the total nitrogen to ground water is controlled in accordance with the provision of Arizona Administrative Code, Title 18, Chapter 9 (R18-9-E323.4.23).~~
11. Environmental Planning condition:
- ~~The project site shall be inspected by a trained resource specialist for the presence of Western burrowing owls. A report containing inspection results and dates of when inspection was conducted shall be provided to Pima County immediately upon completion of the inspection. This report must be received prior to approval of the tentative plat. If any Western burrowing owls are found to be present on the project site, a copy of the report shall be sent to the Arizona Game & Fish Department's Heritage Data Management System.~~
- 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.
12. Cultural Resources conditions:
- A. Prior to ground modifying activities, an on-ground archaeological and historic sites 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 shall be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.

- D. Any human burials and cremations that may be located on the property shall be protected in accordance with ARS §41-865 in coordination with the Arizona State Museum.
13. ~~Development shall comply with the noise reduction standards contained in the table of uses in ARS §28-8481 and sound attenuation standards contained in ARS §28-8482.~~ Uses within the Approach Departure Corridor-2 (ADC-2) zone shall be restricted to parking or landscaping.
14. Adherence to the preliminary development plan as approved at public hearing on March 15, 2015(Exhibit "B").
15. In the event the subject property is annexed into the City of Tucson, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
16. The property owner shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner 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)."

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

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

18. **TRANSPORTATION: Traffic Ordinance**

ORDINANCE NO. 2011 - 26, of the Pima County Board of Supervisors, designating Sahuarita Road as a through street in Pima County, Arizona. Staff recommends **APPROVAL**. (Districts 2 and 4)

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

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and adopt Ordinance No. 2011 - 26.

19. **TRANSPORTATION: Traffic Resolution**

RESOLUTION NO. 2011 - 60, of the Pima County Board of Supervisors, permitting the temporary closure of General Hitchcock Highway and Sabino Canyon Park for an annual parade on Monday, July 4, 2011, in Mount Lemmon, Pima County, Arizona. Staff recommends **APPROVAL**. (District 4)

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

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and adopt Resolution No. 2011 - 60.

20. **COUNTY ADMINISTRATOR: Development Agreement**

RESOLUTION NO. 2011 - 61, of the Pima County Board of Supervisors approving and authorizing the execution of a Development Agreement with Faith Community Church, Inc., and Alta Vista Communities VI, L.L.C. (11-04-F-143911-0411)

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to adopt Resolution No. 2011 - 61.

21. **BOARD, COMMISSION AND/OR COMMITTEE: Small Business Commission**

Reappointments of Edie Lake, term expiration: 4/30/15; and Tom Ward, term expiration: 4/30/15. (District 4)

Reappointment of Lyra Done, term expiration: 4/30/15. (District 1)

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

22. **CONTRACT: Pima Health System**

Healthcare Financial Solutions, Amendment No. 1, to provide assistance with the transition and integration of PHS to Bridgeway Health Solutions and extend contract term to 4/10/12, no cost (07-15-H-143681-0111)

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. **CALL TO THE PUBLIC**

The following individuals expressed their support for providing jobs throughout Pima County and for the Rosemont Copper Mine and asked the Board to take a closer look at the project:

- A. Daniel Flores
- B. Kevin L. Stephens
- C. Philip S. Garcia
- D. Cynthia Morales

Sherryn Vicki Marshall, Retired United Steel Worker, spoke regarding the International Worker's Memorial Day and requested Pima County make an official recognition of Worker's Memorial Day which is always April 28th.

Gary Bahr addressed the Board concerning dog barking issues.

Michael Toney spoke on Optics on a chip, Rosemont Mine, and other political issues.

Kevin L. Stephens, United Steel Workers Union, invited everyone on the Board to attend the Candlelight Vigil on April 28th at 4:00 in front of the Tucson Federal Court Building for the "Workers Memorial Day Event."

24. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:45 p.m.



CHAIRMAN

ATTEST:



CLERK