

MINUTES, FLOOD CONTROL DISTRICT BOARD

OCTOBER 18, 2011

The Pima County Flood Control District Board met in regular session at the regular meeting place of the Pima County Board of Supervisors, Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, October 18, 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  
                                 Robin Brigode, Clerk

1.     **SALE OF SURPLUS PROPERTY**

Authorize the sale of surplus property to the Regional Transportation Authority, being a portion of Lot 4, Block 9 of Lohran Subdivision, Tax Parcel No. 111-04-107A. Minimum bid is \$1,700.00. (District 3)

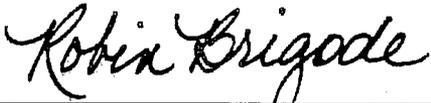
On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to approve the sale.

2.     **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 10:17 a.m.

  
\_\_\_\_\_  
CHAIRMAN

ATTEST:

  
\_\_\_\_\_  
CLERK

## MINUTES, BOARD OF SUPERVISORS' MEETING

OCTOBER 18, 2011

The Pima County Board of Supervisors met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, October 18, 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  
                             Robin Brigode, Clerk

### 1.    **INVOCATION**

The invocation was given by Pastor Jerome Parker, Freedom's Gate Ministries.

### 2.    **PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

### 3.    **PERSONAL POINT OF PRIVILEGE**

Supervisor Carroll recognized the recent passing of Glen Kerlake, past Chairman and President of the DM 50, besides being with Western Real Estate Group, who was not only a friend but a community leader that made a great effort to make this a better place to live. A moment of silence was observed in his memory.

### 4.    **PAUSE 4 PAWS**

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

### ...    **EXECUTIVE SESSION**

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, that the Board convene to Executive Session at 9:10 a.m.

5. **RECONVENE**

The meeting reconvened at 9:53 a.m.

6. **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.

7. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a proposed consent decree in Baker v. Dupnik et al., United States District Court Case No. 09-CV-00015-HCE.

Chris Straub, Chief Civil Deputy County Attorney, explained that a former Pima County employee filed a claim against Pima County in United States District Court claiming disability discrimination. The County Attorney's office recommends entering into a proposed consent decree with the State of Arizona and direct County Attorney to file the stipulation of the consent decree with the court on behalf of Pima County defendants.

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

8. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction, regarding Rosemont Copper Company v. Kramer and Pima County Air Quality Control District, United States District Court Case No. 4:11-CV-00552-RCC and Rosemont Copper Company's administrative appeal to the Pima County Air Quality Hearing Board, Docket No. 11.001.

Chris Straub, Chief Civil Deputy County Attorney, reported that Rosemont Copper Company's administrative appeal to the Pima County Air Quality Hearing Board, Docket No. 11.001 is set for a hearing before the Air Quality Hearing Board on November 7<sup>th</sup>, 2011 at 1:00 p.m. County Attorney request authority to proceed as discussed in Executive Session and to hire independent counsel for the Air Quality Hearing Board.

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

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

10-18-11 (2)

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

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

**B. APPROVAL OF CONSENT CALENDAR**

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

**CONSENT CALENDAR ITEMS ARE AS FOLLOWS:**

**1. CONTRACTS AND AWARDS**

**A. Community Development and Neighborhood Conservation**

1. Early Childhood Development and Health Board (First Things First), Amendment No. 1, to provide for South Pima Regional Partnership Council, Ajo Study, and extend contract term to 6/30/12, State Grant Fund, contract amount \$77,153.00 revenue (CTN-CD-12000182)
2. Our Family Services, Inc., Amendment No. 2, to provide for Teens in Transition (TNT), extend contract term to 9/30/12 and amend contractual language, HUD Grant Fund, contract amount \$6,000.00 (CT-CD-12000490)
3. La Paloma Family Services, Inc., Amendment No. 2, to provide for the Amparo De Los Angeles Project, extend contract term to 9/30/12 and amend contractual language, HUD Grant Fund, contract amount \$3,500.00 (CT-CD-12000491)
4. Rillito Water Users Association, Amendment No. 1, to provide for the Water System Improvements Project, extend contract term to 3/31/12, and amend contractual language, no cost (CT-CD-12000827)
5. New Beginnings for Women and Children, Inc., Amendment No. 1, to provide for the Roof, Job and Beyond Program, extend contract term to 9/30/12 and amend contractual language, HUD Grant Fund, contract amount \$6,500.00 (CT-CD-12000982)
6. Open Inn, Inc., Amendment No. 2, to provide emergency housing for youth, extend contract term to 9/30/12 and amend contractual

language, HUD Grant Fund, contract amount \$3,000.00 (CT-CD-12000985)

7. Tucson Centers for Women and Children, Inc., d.b.a. Emerge! Center Against Domestic Violence, Amendment No. 1, to provide comprehensive domestic abuse services, extend contract term to 9/30/12 and amend contractual language, HUD Grant Fund, contract amount \$19,000.00 (CT-CD-12000987)
8. Catholic Community Services of Southern Arizona, Inc., d.b.a. Pio Decimo Center, Amendment No. 1, to provide support for homeless families, extend contract term to 9/30/12, and amend contractual language, HUD Grant Fund, contract amount \$8,000.00 (CT-CD-12000997)

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

9. Arizona Housing & Prevention Services, Inc., Amendment No. 6, to provide emergency assistance to eligible low-income households, extend contract term to 6/30/12 and amend contractual language, CSBG Grant Fund, contract amount \$67,657.00 (MA-CS-12000158)
10. Chicanos Por La Causa, Inc., Amendment No. 6, to provide emergency assistance to eligible low-income households, extend contract term to 6/30/12 and amend contractual language, CSBG Grant Fund, contract amount \$67,451.00 (MA-CS-12000159)
11. Interfaith Community Services, Amendment No. 7, to provide emergency assistance to eligible low-income households, extend contract term to 6/30/12 and amend contractual language, Federal and State Grant Funds, contract amount \$98,106.00 (MA-CS-12000160)
12. Portable Practical Educational Preparation, Inc., Amendment No. 6, to provide emergency assistance to eligible low-income households, extend contract term to 6/30/12 and amend contractual language, CSBG Grant Fund, contract amount \$52,831.00 (MA-CS-12000161)
13. Primavera Foundation, Inc., Amendment No. 6, to provide emergency assistance to eligible low-income households, extend contract term to 6/30/12 and amend contractual language, CSBG Grant Fund, contract amount \$76,211.00 (MA-CS-12000162)

14. American Indian Association of Tucson, Inc., Amendment No. 6, to provide emergency assistance to eligible low-income households, extend contract term to 6/30/12 and amend contractual language, CSBG Grant Fund, contract amount \$55,470.00 (MA-CS-12000163)
15. Tucson Urban League, Inc., Amendment No. 6, to provide emergency assistance to eligible low-income households, extend contract term to 6/30/12 and amend contractual language, CSBG Grant Fund, contract amount \$51,542.00 (MA-CS-12000164)

**C. County Attorney**

16. RESOLUTION NO. 2011 – **162**, authorizing an Award Agreement with the State of Arizona, Office of the Attorney General, to provide for six legal processing support staff and limited operating expenses for the Victims' Rights Program, State Grant Fund, contract amount \$242,900.00 revenue (CTN-PCA-12000184)

**D. Procurement**

17. WSM Architects, Inc., Amendment No. 1, to provide architectural and engineering consulting services for the new Pima County Fleet Services Facilities and amend scope of services, Internal Service Fund, contract amount \$12,810.00 (CT-FM-11046556-P)

**Awards**

18. Amendment of Award: Ferguson Enterprises 2002 d.b.a. Ferguson Enterprises, Master Agreement B505233, Amendment No. 4, to provide plumbing fixtures, fittings, pipe, and equipment and increase the annual award amount by \$92,000.00, Funding Source: General Fund. Administering Department: Facilities Management.
19. Cooperative Procurement: Award of Contract Requisition No. 12000112, in the amount of \$1,500,000.00 to Portable Computer Systems Inc., (Headquarters: Denver, CO) to provide the Sheriff's Department with Panasonic Computer Equipment, Software, Peripherals and Related Services. Contract is for a one year period with the option to extend for four additional one year periods. Funding Source: General Fund. Administering Department: Information Technology.
20. Cooperative Procurement: Award of Contract, Requisition No. 12000123, in the amount of \$744,000.00 for janitorial supplies to

Waxie Enterprises, Inc. (Headquarters: San Diego, CA). Contract is for a one-year term and includes four one-year renewal periods. Funding Source: General Fund. Administering Departments: Sheriff, Natural Resources Parks and Recreation and Regional Wastewater Reclamation.

21. Low Bid: Award of Contract, Requisition No. 15036, in the amount of \$613,484.72 to the lowest responsive bidder, Sunland Asphalt, Inc., (Headquarters: Phoenix, AZ) for the construction of the City of South Tucson Neighborhood Streets Chip Seal Project. The contract term is twelve months with the ability to extend for project completion. Construction is to be completed within 120 working days from the Notice to Proceed. Funding Source: 1997 HURF Bond. Administering Department: Transportation.

**E. Regional Wastewater Reclamation**

22. Vail Unified School District, to provide for sewer service for the new Vail Unified School District Transportation Building, revenue based on user fees (CT-WW-12001415)

**F. Transportation**

23. Regional Transportation Authority, Amendment No. 5, to provide transportation improvements to La Canada Drive: Ina Road to Calle Concordia Roadway and Ina Road to River Road Segments, extend contract term to 6/30/13 and amend contractual language, RTA Fund, contract amount \$100,000.00 revenue (CTN-TR-CMS139065)

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

Louis Vern Brand, BPO Elks No. 1576, 350 N. Yermo Street, Ajo, October 22, 2011

**REGULAR AGENDA/ADDENDUM ITEMS**

**10. COUNTY ADMINISTRATOR: CLASSIFICATION AND COMPENSATION MATTERS**

The Office of Court Appointed Counsel requests approval to create seven new Position Control Numbers (PCNs):

<u>Positions Requested</u>	<u>Classification Code/Title</u>	<u>Salary Grade</u>
3	7660/Attorney-Unclassified	U3
2	5224/Case Manager	M2
2	0030/Office Support Level III	23

Any associated costs incurred with the creation of these new PCNs will come from within the current budget.

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

**11. INDUSTRIAL DEVELOPMENT AUTHORITY**

RESOLUTION NO. 2011 – 163, of the Board of Supervisors of Pima County, Arizona, approving the proceedings of the Industrial Development Authority of the County of Pima regarding the issuance of its not to exceed \$11,000,000.00 Charter School Refunding and Revenue Bonds (Harvest Preparatory Academy Project), Series 2011A and declaring an emergency.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to adopt Resolution No. 2011 - 163.

**12. COUNTY ADMINISTRATOR: BOND ORDINANCE AMENDMENTS**

A. ORDINANCE NO. 2011 - 77, of the Board of Supervisors of Pima County, Arizona, relating to Highway User Revenue Fund Revenue Bond Projects. Amending Ordinance No. 1997-80 Bond Implementation Plan, November 4, 1997 Special Election (as amended September 22, 1998, Ordinance No. 1998-59; August 20, 2001, Ordinance No. 2001-112; December 14, 2004, Ordinance No. 2004-118; October 11, 2005, Ordinance No. 2005-90; April 4, 2006, Ordinance No. 2006-20; October 17, 2006, Ordinance No. 2006-83; November 6, 2007, Ordinance No. 2007-93; April 21, 2009, Ordinance No. 2009-39; October 6, 2009, Ordinance No. 2009-91; April 13, 2010, Ordinance No. 2010-22; October 19, 2010, Ordinance No. 2010-62; and April 5, 2011, Ordinance No. 2011-20) for the purpose of reallocating bond funds, amending the scope of certain projects, amending implementation periods for certain bond

projects and authorizing the use of additional other funds to finance certain bond projects.

- B. ORDINANCE NO. 2011 - 78, of the Board of Supervisors of Pima County, Arizona, relating to General Obligation and Sewer Revenue Bond Projects. Amending Ordinance No. 1997-35 Bond Implementation Plan, May 20, 1997 Special Election (as amended September 22, 1998, Ordinance No. 1998-58; August 20, 2001, Ordinance No. 2001-111; March 9, 2004, Ordinance No. 2004-15; October 11, 2005, Ordinance No. 2005-91; April 4, 2006, Ordinance No. 2006-19; October 17, 2006, Ordinance No. 2006-82; April 10, 2007, Ordinance No. 2007-32; November 6, 2007, Ordinance No. 2007-94; April 1, 2008, Ordinance No. 2008-24; November 18, 2008, Ordinance No. 2008-107; October 6, 2009, Ordinance No. 2009-90; April 13, 2010, Ordinance No. 2010-23; October 19, 2010, Ordinance No. 2010-64; and April 5, 2011, Ordinance No. 2011-19) for the purpose of amending implementation periods for certain bond projects, and authorizing the use of additional other funds to finance certain projects.
- C. ORDINANCE NO. 2011 - 79 , of the Board of Supervisors of Pima County, Arizona, relating to General Obligation and Sewer Revenue Bond Projects. Amending Ordinance No. 2004-18; Bond Implementation Plan, May 18, 2004 Special Election (as amended October 11, 2005, Ordinance No. 2005-92; April 4, 2006, Ordinance No. 2006-21; October 17, 2006, Ordinance No. 2006-84; April 10, 2007, Ordinance No. 2007-33; November 6, 2007, Ordinance No. 2007-95; April 1, 2008, Ordinance No. 2008-25; November 18, 2008, Ordinance No. 2008-106; April 21, 2009, Ordinance No. 2009-40; October 6, 2009, Ordinance No. 2009-92; April 13, 2010, Ordinance No. 2010-24; October 19, 2010, Ordinance No. 2010-63; December 7, 2010, Ordinance No. 2010-70; and April 5, 2011, Ordinance No. 2011-21) for the purpose of amending the scope of certain projects, amending implementation periods for certain bond projects, and authorizing the use of additional other funds to finance certain projects.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing and adopt Ordinance Nos. 2011 – 77, 78 and 79.

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

11-29-9090, Robert Edward Grady, Florizona Grille, 5151 S. Country Club Road, Tucson, Series 6, Bar, Person Transfer and 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 unanimously carried by a 5-0 vote, to close the public hearing, approve the license and forward the recommendation to the Arizona State Liquor Licenses and Control.

14. **DEVELOPMENT SERVICES: REZONING**

Co9-11-03, UNDERDOWN TR 1/3 ET AL. – RIVER ROAD REZONING

Request of Underdown Trust 1/3 et al., represented by The Planning Center, for a rezoning of approximately 6.6 acres from SH (Suburban Homestead) to TR (Transitional), on property located north of River Road, approximately 1,700 feet east of La Canada Drive. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Matter, Spendiarian and Cox-Golder were absent) to recommend **APPROVAL** with standard and special conditions. Staff recommends **APPROVAL** with standard and special 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 construct sidewalk along River Road and shall construct the connection between interior sidewalk and sidewalk along River Road.
  - B. The property owner(s) shall provide offsite improvements to River Road as required by Departments of Transportation.
8. Regional Flood Control condition:

This development shall meet Critical Basin detention and retention requirements because of existing flooding problems.
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. 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.

- D. 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.
  - E. 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.
10. 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 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.
11. The maximum building height shall be 15 feet.
12. In the event the subject property is annexed, the property owner(s) / developers(s) shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
13. 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)."
14. 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 73 single story casita style apartments to be built on the land. He indicated that there had been no public comment concerning this case.

The Chairman inquired whether 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 rezoning subject to standards and special conditions.

15. **DEVELOPMENT SERVICES: MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITIONS**

Co9-98-23, CASAS ADOBES PLAZA, L.L.C./CASAS ADOBES VENTURES, L.L.C. – VIA PONTE/GIACONDA WAY REZONING

Request of Casas Adobes Plaza, L.L.C./Casas Adobes Ventures, L.L.C., represented by Robert Gugino, for a modification (substantial change) of rezoning condition No. 10 and waiver of rezoning condition Nos. 12 and 13 to allow for vehicular access to Via Ponte and to eliminate provision of speed bumps on Via Ponte. The subject site is 3.55 acres zoned CB-1 (Local Business) and is located on the south side of Ina Road, immediately east of Via Ponte, north of Giaconda Way. On motion, the Planning and Zoning Commission voted 6–1 (Commissioner Holdridge voted NAY; Commissioners Matter, Spendiarian and Cox-Golder were absent) to recommend **APPROVAL** with modified standard and special conditions. Staff recommends **APPROVAL** with modified standard and special 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 Department of Transportation, Real Property Division.
6. There shall be no further lot splitting or subdividing of without the written approval of the Board of Supervisors.
7. Transportation conditions:
  - A. The location, design and number of access points to the subject property shall need written approval by the Department of Transportation prior to any plan approvals.
  - B. Provision of all necessary access roadway improvements to Giaconda Way and Ina Road as determined during the plan review process. These roadway improvements shall be completed prior to the issuance of a certificate of occupancy.
  - C. The property owner/developer shall provide contribute to improvements to Via Ponte between Ina Road and Giaconda way.
  - D. Access on Via Ponte is limited to two driveways.
8. Flood Control conditions:
  - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
  - B. The property owner(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.
9. Wastewater Management condition:

The property owner must connect to the public sewer system at the location and in the manner specified by Wastewater Management at the time of review of the tentative plat, development plan or request for building permit.
10. Adherence to the 2011 revised preliminary development plan as approved at public hearing.
11. Prior to ground modification activities, an on-the-ground archaeological survey and appropriate mitigation measures shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological sites on the subject property shall be submitted at the time of, or prior to the submittal of any tentative plat or

development plan. The mitigation plan shall be prepared and reviewed as described in the Pima County Site Analysis Requirements.

- ~~12. There shall be no vehicular access to Via Ponte.~~
- ~~13. Provision of speed bumps on Via Ponte.~~
- 44 12. Placement of a masonry wall on the west perimeter.
13. The property owner shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

Chris Poirier, Assistant Planning Director, provided a brief staff report and indicated that there had been no public comment concerning this case.

The Chairman inquired whether 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 rezoning subject to modified standards and special conditions.

## 16. **DEVELOPMENT SERVICES: CONDITIONAL USE PERMIT**

P21-11-012, RINCON VALLEY FIRE DISTRICT – S. CAMINO LOMA ALTA  
Request of Rincon Valley Fire District, represented by FM Group, on property located at 8850 S. Camino Loma Alta., in the CR-1 Zone, for a conditional use permit for a communication tower (add antenna to an existing communication tower). Chapter 18.97 in accordance with Section 18.07.030H.2.e of the Pima County Zoning Code allows a communication tower (add antenna to an existing communication tower) as a Type III conditional use in the CR-1 zone. On motion, the Planning and Zoning Commission voted 10-0, to recommend **APPROVAL** subject to standard and special conditions. The Hearing Administrator recommends **APPROVAL** with 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 (General Regulations and Exceptions) of the Pima County Zoning Code.

### Special Conditions

1. The new panel antennae shall be mounted at an approximate top-height of sixty-seven feet (67') as shown on the submitted preliminary development plan.
2. The new panel antennae, together with its associated cabling, shall be painted to substantially match the color of the existing galvanized metal lattice tower.
3. The equipment shelter (shade structure) shall be located within the existing masonry walled enclosure as shown on the submitted Development Plan. The shelter shall be painted a desert tan color.

Jim Portner, Hearing Administrator, provided a staff report. He noted this was an existing PCWIN tower on the side of the Rincon Valley Fire District within an

existing masonry enclosure. There has been no public comment concerning this case.

The Chairman inquired whether 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 permit subject to standard and special conditions.

17. **DEVELOPMENT SERVICES: PLAT NOTE MODIFICATIONS**

Co12-81-57, CANYON RANCH CASITAS (UNIT 37 AND COMMON AREA "A")  
BOOK 34 PAGE 91

Request of ERC2011 Holdings, L.L.C. and Canyon Ranch Casitas Homeowners Association, represented by Psomas, for plat note modifications to allow: 1) an approximately 669 square foot portion of Common Area "A" on the north side of Unit 37 to be removed as common area and be incorporated into the unit area; and 2) a reduction of the 35-foot building setback line from the north subdivision boundary to approximately 20 feet. Unit 37 is approximately 2,311 square feet, zoned CR-5 and is located on the west side of Elm Ridge Circle, north of Flower Hill Drive, approximately 350 feet northwest of the intersection of Elm Ridge Circle and Canyon Ranch Drive. Staff recommends **APPROVAL**. (District 1)

Chris Poirier, Assistant Planning Director, gave a brief staff report and stated staff recommends a straight Approval without conditions.

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

18. **TRANSPORTATION: TRAFFIC ORDINANCES**

- A. ORDINANCE NO. 2011 - **80**, of the Board of Supervisors, establishing prima facie reasonable speed limits for motor vehicles on Arcadia Avenue in Pima County, Arizona. Staff recommends **APPROVAL**. (District 2)
- B. ORDINANCE NO. 2011 - **81**, of the Board of Supervisors, establishing prima facie reasonable speed limits for motor vehicles on Cindrich Street in Pima County, Arizona. Staff recommends **APPROVAL**. (District 2)
- C. ORDINANCE NO. 2011 - **82**, of the Board of Supervisors, establishing prima facie reasonable speed limits for motor vehicles on Drexel Road in Pima County, Arizona. Staff recommends **APPROVAL**. (Districts 2, 3 and 5)

- D. ORDINANCE NO. 2011 - 83, of the Board of Supervisors, establishing prima facie reasonable speed limits for motor vehicles on Swan Road in Pima County, Arizona. Staff recommends **APPROVAL**. (Districts 1, 2 and 4)

The Chairman inquired whether 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 hearings and adopt Ordinance Nos. 2011 – 80, 81, 82 and 83.

19. **CONTRACTS**

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

1. Arizona Department of Economic Security, Amendment No. 1, to provide for employment and training services, Arizona Department of Economic Security Fund, contract amount \$279,894.00 revenue (CTN-CS-CMS143165)

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

B. **Medical and Health Services**

2. Evercare of Arizona, Inc., to provide for the reimbursement of services for Arizona Long Term Care members in residence at Posada del Sol Health Care Center, contract amount \$10,000,000.00 revenue (CTN-PH-12000193)
3. Southwest Catholic Health Network Corporation, d.b.a. Mercy Care Plan, to provide for the reimbursement of services for Arizona Long Term Care members in residence at Posada del Sol Health Care Center, contract amount \$10,000,000.00 revenue (CTN-PH-12000194)

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

20. **REAL PROPERTY**

A. **Asset Purchase Agreement**

Foothills Real Estate, L.L.C., to provide an Asset Purchase Agreement with Special Warranty Deed and Bills of Sale, for the sale of Posada del

Sol Health Care Center, Tax Parcel Nos. 121-05-0140, 0150, 016A, 017F and 017J, in the amount of \$7,800,000.00 revenue.

**B. Operations Transfer Agreement**

Foothills Rehabilitation Center, L.L.C., to provide an Operations Transfer Agreement for Posada del Sol Health Care Center.

Chuck Huckelberry, County Administrator explained that these documents had not yet been executed by the purchaser but contained a provision that they be signed on/before October 25, 2011, or the sale would not be awarded. He stated that if any substantial modification to the agreement language was requested, the documents would be brought back to the Board of Supervisors. He said the next step would be for the purchaser to apply for and receive their license from the State of Arizona which was a prerequisite for closing. The closing was anticipated to occur on/before December 31, 2011.

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

**21. CALL TO THE PUBLIC**

The Chairman inquired whether anyone wished to be heard.

Michael Toney addressed the Board regarding the University of Arizona and a Memorandum of Agreement.

22. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 10:17 a.m.

  
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CHAIRMAN

ATTEST:

  
\_\_\_\_\_  
CLERK