

MINUTES, FLOOD CONTROL DISTRICT BOARD

JANUARY 17, 2012

The Pima County Flood Control District Board met in regular session at the regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, January 17, 2012. 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. **Real Property**

Title Security Agency of Arizona, an Arizona Corporation as Trustee under Trust No. 912, to provide a Release of Option Agreement to convey all rights, title and interest in the property located within the Black Wash Water Course, Section 31, T14S, R12E, and Sections 5 and 6, T15S, R12E, G&SRM, Tax Parcel Nos. 210-13-004C and 210-12-009C. (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 agreement.

2. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 9:25 a.m.


CHAIRMAN

ATTEST:


CLERK

MINUTES, BOARD OF SUPERVISORS' MEETING

JANUARY 17, 2012

The Pima County Board of Supervisors met in regular session at the regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, January 17, 2012. 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. **INVOCATION**

The invocation was given by Pastor Len Olsen, Calvary Assembly of God.

2. **PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

3. **PERSONAL POINTS OF PRIVILEGE**

Chairman Valadez recognized and congratulated Supervisor Ann Day for being honored as one of Arizona's 48 Most Intriguing Women by the Arizona Centennial Legacy Project.

Supervisor Elías acknowledged that Carlos Carroll, son of Supervisor Ray Carroll, was recognized for his all-star performance this season for the Salpointe Catholic High School Football Team at the Casino del Sol College All-Star Game.

Supervisor Elías announced that Thursday, January 19th, 2012 there would be a reception and performance called "Stories that Soar" at the Arizona School for the Deaf and Blind.

4. **PAUSE 4 PAWS**

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

5. **EXECUTIVE SESSION**

On consideration, it was moved by Supervisor Day, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, that the Board convene to Executive Session at 9:11 a.m.

6. **RECONVENE**

The meeting reconvened at 9:20 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 request by the law firm of Mesch, Clark & Rothschild, that Pima County waive a concurrent conflict of interest to allow the firm's representation of Alta Vista Communities OG, L.L.C., with respect to an amendment of an existing Development Agreement between Alta Vista and Pima County concerning a residential development off of Orange Grove Road.

Chris Straub, Chief Civil Deputy County Attorney, stated that this case pertained to a request that Pima County waive a conflict of interest to allow Mesch, Clark & Rothschild to represent Alta Vista Communities OG, L.L.C. with respect to an amendment of an existing Development Agreement.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to waive the conflict of interest.

9. **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 THE CONSENT CALENDAR**

It was thereupon moved by Supervisor Elías, 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**

Procurement/Award

Amendment of Award: Insight Public Sector, Inc., MA-PO-B507524-BC, Amendment No. 2, to provide SmartNet Maintenance Service, increase

award by \$137,441.69 annually to change the contract term to a three year term. Funding Source: General Fund. Administering Department: Information Technology.

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

Parks and Recreation Commission

Appointment of Enrique Serna to replace Maiola Coleman. Term expiration: 1/31/18; and Michael Lundin to fill the unexpired term of Lisa Uhler. Term expiration: 6/30/13. (District 2)

3. **SPECIAL TAXING DISTRICT**

Pursuant to A.R.S. §16-642(B), presentation of the certified copy of the official canvass for the November 15, 2011 Election conducted by the Avra Valley Irrigation and Drainage District Election.

4 **RATIFY AND/OR APPROVE**

Minutes: December 6, 2011
December 13, 2011

REGULAR AGENDA/ADDENDUM ITEMS

10. **DEVELOPMENT SERVICES: Rezoning**

Co9-11-04, HENNESSY TR – MISSION ROAD REZONING

Request of Hennessy TR, represented by CPE Consultants, for a rezoning of approximately 6.10 acres from SH (Suburban Homestead) BZ (Buffer Overlay Zone) to CB-1 (Local Business) BZ (Buffer Overlay Zone), on property located on the west side of Mission Road, approximately 2,000 feet south of Ajo Way. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Poulos and Neeley were absent) to recommend APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 5)

Completion of the following conditions within five years from the date the rezoning request is approved by the Board of Supervisors:

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 connection between interior walkways and sidewalk along Mission Road
 - B. The property owner(s) shall provide offsite improvements to Mission Road as required by Departments of Transportation.
8. Flood Control conditions:
 - A. A drainage report shall be submitted during the platting process for Flood Control District to determine 100-year water surface elevations and to analyze detention /retention requirements. Channel and drainage design including connectivity to the culvert underneath Mission Road shall be addressed and a meeting prior to submittal is recommended.
 - B. The property owner shall comply with detention/retention conditions and restrictions, as stated in the Floodplain Management Ordinance since the property lies within a balanced basin.
 - C. The property owner(s) shall provide necessary on-site and off-site drainage improvements at no cost to Pima County and as required by the Pima County Regional Flood Control District.
 - D. The access easement, within and adjacent to the rezoning, shall require drainage improvements to meet all-weather access requirements as described in District Technical Policy 27 (Tech-027).
 - E. 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 Reclamation conditions:
 - A. The owner(s) / developer(s) shall construe no 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(s) / developer(s) to that effect.
 - B. The owner(s) / developer(s) 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(s) / developer(s) 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.
10. Environmental Quality condition

As a condition of approval, the property owner must connect to the public sewer system at the project location. On-site wastewater disposal shall not be allowed.

11. Adherence to the preliminary development plan as approved at public hearing, including the buffers shown on the plan and the reduced parking calculated and provided in accordance with Section 18.75.050 of the Zoning Code.
12. 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.
13. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
14. The property owner shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner to any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."
15. The project shall incorporate 100% rooftop water harvesting.

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

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to close the public hearing and approve Co9-11-04 subject to standard and special conditions.

11. **DEVELOPMENT SERVICES: Rezoning Ordinances**

- A. ORDINANCE NO. 2012 - 2, Co9-11-06, Sprei – Indian Trail Rezoning (Catalina Foothills Zoning Plan). Owner: Stanley Sprei (District 1)
- B. ORDINANCE NO. 2012 - 3, Co9-11-01, Ajouz – Ina Road Rezoning. Owners: Toufic and Katherine Ajouz (District 2 1)

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

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearings and adopt Ordinance Nos. 2012 – 2 and 3.

12. **DEVELOPMENT SERVICES: Appointment of Chief Zoning Inspector and Deputy Chief Zoning Inspector**

Appointment of Carmine DeBonis Jr., as Chief Zoning Inspector and Thomas Drzazgowski as Deputy Chief Zoning Inspector, in accordance with A.R.S. §11-815 and §38-462, effective December 28, 2011.

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

13. **CONTRACT: Community Development and Neighborhood Conservation**

Primavera Foundation, to provide an Agreement to Donate Real Property, Performance Deed of Trust and Special Warranty Deed with Use and Transfer Restrictions, for a multifamily affordable housing project, Tax Parcel Nos. 118-18-0850, 118-18-0860, 118-18-0870 and 118-18-0880, no cost (CTN-CD 12000460)

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

14. **AWARDS: Procurement**

Direct Selection: Award of Contract, Requisition No. 32405, in the amount of \$156,000.00 to Bufford Goff & Associates, Inc., (Headquarters: Columbia, SC) for Pima County Wireless Integrated Network Governance Development. Contract period from 1/17/12 to 9/30/12. Funding Source: USDHS Grant Fund. Administering Department: Office of Strategic Planning.

Without objection, this item was removed from the agenda.

15. **CALL TO THE PUBLIC**

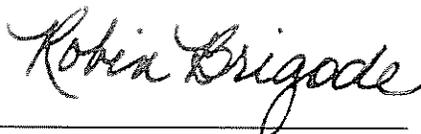
The Chairman inquired whether anyone wished to be heard. No one appeared.

16. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 9:25 a.m.


CHAIRMAN

ATTEST:



CLERK