

MINUTES, FLOOD CONTROL DISTRICT BOARD

MARCH 6, 2012

The Pima County Flood Control District Board 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, March 6, 2012. Upon roll call, those present and absent were as follows:

Present: Ramón Valadez, Chairman
 Sharon Bronson, Vice Chair
 Ann Day, Member
 Richard Elías, Member
 Robin Brigode, Clerk

Absent: Ray Carroll, Member

1. **REAL PROPERTY: Ingress/Egress Easement**

Ingress/Egress Easement from the Pima County Flood Control District to Metropolitan Domestic Water Improvement District over property located at 8875 N. La Cholla Boulevard, within Section 21, T12S, R13E, G&SRM. (District 1)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and carried by a 4-0 vote, to approve the Ingress/Egress Easement.

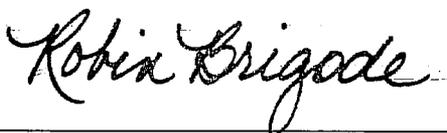
2. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 10:20 a.m.



CHAIRMAN

ATTEST:



CLERK

MINUTES, BOARD OF SUPERVISORS' MEETING

MARCH 6, 2012

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, March 6, 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

* Supervisor Carroll participated telephonically for a portion of the meeting.

1. **INVOCATION**

The invocation was given by Father Emilio Chapa, St. Augustine Cathedral.

2. **PLEDGE OF ALLEGIANCE**

All joined in the Pledge of Allegiance.

3. **PAUSE 4 PAWS**

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

... **EXECUTIVE SESSION**

Chairman Valadez identified Supervisor Carroll on the audio system in the Hearing Room, announced that Supervisor Carroll would be participating telephonically and confirmed that all parties could be heard.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, that the Board convene to Executive Session at 9:05 a.m.

4. **RECONVENE**

The meeting reconvened at 9:37 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 February 21, 2012, continued the following:

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding the three lawsuits involving Improvements on Real Property (IPR's) owned by Raytheon – Identification Nos. 89146, 89142, 89148, 89150, 89154, 89155, 89158, 89140, 89144, 89136, 89162, 89163, 89160, 89152, 183782, 183785, 183787, 183789, 183790 which are located on Tax Parcel No. 140-43-013B, belonging to the City of Tucson (Tax Court Case Nos. TX2010-000308, TX2010-001041 and TX2012-000007).

Chris Straub, Chief Civil Deputy County Attorney, reported that this item pertained to three law suits involving improvements on real property owned by Raytheon for the tax years 2009, 2010 and 2011. The County Assessor and the County Attorney's Office awaited direction from the Board of Supervisors.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Carroll and carried by a 4-1 vote, Supervisor Elías voting "Nay," to direct the County Attorney to have the Board dismissed as Plaintiffs in these cases, and to recommend to the County Assessor that the offer presented by Raytheon be accepted.

7. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding approval of a tax appeal settlement recommendation for Robert G. Miller and Phyllis J. Miller, CP/RS v. Pima County, Tax Parcel No. 219-10-1040, Arizona Tax Court Case No. ST2011-000506.

Chris Straub, Chief Civil Deputy County Attorney, advised that this case involved property located at 13760 N. Old Ranch House Road for the tax year 2011, and that the proposed settlement would decrease the Full Cash Value from \$2,900,800.00 to \$2,100,000.00 and the Limited Value from \$2,892,098.00 to \$2,093,700.00 which would result in a tax decrease of \$11,551.19 for tax year 2011 and would not roll over to tax year 2012. The County Assessor and the County Attorney's Office recommended approval of the proposed settlement.

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

8. LITIGATION

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding settlement of the Broadway Hotel One, L.L.C. v. Pima County, Arizona Tax Court Case No. TX2010-000684, Tax Parcel No. 127-02-002B for tax year 2011.

This item was removed from the agenda by the County Attorney's Office.

9. LITIGATION

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding settlement of the Broadway Hotel One, L.L.C. v. Pima County, Arizona Tax Court Case No. TX2011-000428, Tax Parcel No. 127-02-002B for tax year 2012.

This item was removed from the agenda by the County Attorney's Office.

10. LITIGATION

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding settlement of the Pavilions at Pantano Apartments I, L.L.C. et al. v. Pima County, Arizona Tax Court Case No. TX2010-001282, Tax Parcel No. 133-24-012B for tax year 2011.

Chris Straub, Chief Civil Deputy County Attorney, conveyed that this case involved property that was a 314 unit apartment complex located at 8110 E. Speedway Boulevard. He reported that the 2010 value had already been appealed by the former owner. For 2011, the State Board of Equalization (SBOE) upheld the Assessor's recommendation of \$9,420,000.00. For 2012, the SBOE lowered the Full Cash Value to \$7,693,000.00. The property was sold in September 2010 for \$9,006,310.00 which included personal property. After subtracting the value of the personal property, the Assessor recommended a Full Cash Value of \$8,559.69.00 for 2011 which would result in a tax decrease of \$16,859.69.00 for tax year 2011. The County Assessor and the County Attorney's Office recommended approval of the proposed settlement.

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

(Note: Chairman Valadez announced that Supervisor Carroll would be leaving the meeting and the telephonic participation would be ended.)

11. **CONSENT CALENDAR**

A. **CALL TO THE PUBLIC**

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

B. **APPROVAL OF CONSENT CALENDAR**

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson, and carried by a 4-0 vote, Supervisor Carroll absent, to approve the Consent Calendar in its entirety.

CONSENT CALENDAR ITEMS ARE AS FOLLOWS:

1. **CONTRACTS AND AWARDS**

A. **Community Development and Neighborhood Conservation**

1. Compass Health Care, Inc., to provide improvements to the Amado Youth Center, General Fund, contract amount \$10,000.00 (CT-CD-12001969)
2. Picture Rocks Fire District, approving an Intergovernmental Agreement to provide installation of an electronic message board, CDBG Grant Fund, contract amount \$38,000.00 (CT-CD-12002010)

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

3. Portable Practical Education Preparation (PPEP), Amendment No. 4, to provide workforce development services to youth and adults and amend contractual language, US DOL and AZ DES Funds, contract amount \$60,000.00 (CT-CS-12000366)
4. Arizona Department of Economic Security, approving an Intergovernmental Agreement to provide employment and training services, AZ DES WIA and SSBG Funds, contract amount \$36,321.00 revenue (CTN-CS-12000502)
5. Interfaith Community Services, Inc., Amendment No. 8, to provide emergency financial assistance, case management, referral and advocacy services to eligible low-income households, Federal and State Grant Funds, contract amount \$8,000.00 (MA-CS-12000160)

C. **County Attorney**

6. Slosser, Struse, Fickbohm, Marvel & Fletcher, P.L.C., Amendment No. 3, to provide legal services related to the retention or destruction of ballots, extend contract term to 1/31/14 and amend contractual language, no cost (CT-CA-12001425)
7. City of Tucson, approving an Intergovernmental Agreement to provide for two prosecutors assigned to the Violent Crime Unit Trial Team, Federal Fund, contract amount \$224,935.00 revenue (CTN-PCA-12000458)
8. RESOLUTION NO. 2012 - 10, of the Pima County Board of Supervisors, authorizing a Grant Agreement with the State of Arizona, Governor's Office for Children, Youth and Families for the STOP Violence Against Women Program, Federal Fund, contract amount \$220,867.00 revenue; In-Kind Services, contract amount \$90,409.00 (CTN-PCA-12000494)

D. **Procurement**

Awards

9. Amendment of Award, B505813, in an amount not to exceed \$1.00, to Solon Corporation, (Headquarters: Tucson, AZ), to provide solar electric services with an effective date of 9/2/11 and a termination date of 12/31/16. Funding Source: General Fund. Administering Department: Facilities Management.
10. Low Bid: Award of Contract, Requisition No. 12000701 in the amount of \$262,124.00 to Coeur d'com Communication, Inc. (Headquarters: Coeur d'Alene, ID) for HP Tipping Point Equipment. The contract is a discrete one-time award and includes the authority for the Procurement Department to amend the award without further action by the Board of Supervisors provided that the sum of the revised contract does not exceed the original contract award amount. Funding Source: General Fund. Administering Department: Information Technology.

E. **Real Property**

11. Madera Reserve Homeowners' Association, to provide a License and Maintenance Agreement for right-of-way encroachment to allow for maintenance of existing sewer lines, subdivision entrance walls, landscaping and irrigation located on Whitehouse Canyon Road, Madera Reserve Drive,

Mesquite Springs Place and Cave Canyon Place, contract amount \$8,000.00 revenue/25 year term (CTN-PW-12000497)

F. Regional Wastewater Reclamation

- 12. Hawkins, Delafield & Wood, L.L.P., Amendment No. 6, to provide legal services related to the Regional Optimization Master Plan (ROMP) and amend contractual language, no cost (CT-WW-12001242)

G. Superior Court

- 13. Superior Court, Justice Court and the Tucson City Court, approving an Intergovernmental Agreement to provide for joint participation and pro-rata cost sharing for initial appearances and/or misdemeanor arraignments, General Fund, contract amount \$148,000.00 (CT-SC-12000498)

H. Transportation

- 14. Amphitheater Unified School District, approving an Intergovernmental Agreement to provide for design and construction of the Lulu Walker Elementary School Safety Project, Transportation Operating Fund, contract amount \$186,875.00 (CTN-TR-12000484)

2. ELECTIONS DEPARTMENT

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

<u>RESIGNATIONS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Kate E. Robbins	63	DEM
Mary G. DeLange	141	DEM
Lynne M. Abbuhl	288	DEM
John White	45	REP

<u>APPOINTMENTS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Magdalena Barajas	160	DEM
Mary G. DeLange	207	DEM
John White	116	REP
Ann Marie Morse	132	REP
Kathryn D. K. Kohler	206	REP
James W. Smith	248	REP
Ed W. Parker	252	REP
Lindsay A. Moss	389	REP
William C. Gabriel	395	REP
Cody L. Brasher	408	REP
Sean E. Collins	417	REP

3. **BOARDS, COMMISSIONS AND/OR COMMITTEES**

A. **Tucson-Pima County Bicycle Advisory Committee**

Appointment of Raymond Copenhaver to fill a vacancy created by Anthony J. Crosby. Term expiration: 2/28/14. (District 2)

B. **Environmental Quality Advisory Committee**

Appointment of Monica D. Ramirez-Andreotta, Environmental Conservation/Resource Management Representative, to fill a vacancy created by Dr. Roger Caldwell. Term expiration: 3/31/15. (Staff recommendation)

C. **Metropolitan Education Commission**

Appointment of Jo Riestler, Education Foundations Representative, to fill the unexpired term of Ann Huber. Term expiration: 11/17/12. (Commission recommendation)

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

A. Ann M. Torrez, Boys and Girls Club of Tucson, La Encantada, 2905 E. Skyline Drive, Tucson, April 22, 2012.

B. Louis Vern Brand, Ajo Elks Lodge No. 1576, 350 N. Yermo Street, Ajo, February 22, 2012.

C. David Shannon Richter, AZ Chapter of the American Parkinson Disease Association, St. Phillip's Plaza, 4280 N. Campbell Avenue, Tucson, April 14, 2012.

D. Marti Hubbard, CASA Support Council for Pima County, Inc., La Paloma Country Club, 3800 E. Sunrise Drive, Tucson, April 13, 2012.

E. William Dean Woodruff, Knights of Columbus Council No. 12696, 300 N. Tanque Verde Loop Road, Tucson, March 24, 2012.

F. Sonia Tabanico, Cars for Veterans (Cars 4 Vets), 5120 S. Julian Drive, Tucson, March 2, 2012.

5. **FINANCE AND RISK MANAGEMENT**

Duplicate Warrants – For Ratification

Marshall Tandy	\$	3,390.00
Goodman's Inc.	\$	3,558.71
David Cardenas	\$	156.00

University Physician's Healthcare	\$	150.00
Hammett & Edison, Inc.	\$	11,300.00
Tatiana Struthers	\$	58.32
Tatiana Struthers	\$	89.91
Kristina Magpusao	\$	59.60

6. **RECORDER**

Pursuant to Resolution No. 1993-200, ratification of the Document Storage and Retrieval Fund Report for the month of September, 2011.

7. **REAL PROPERTY**

Special Warranty Deed and Grant of Conservation Easement for Honey Bee Park

RESOLUTION NO. 2012 - 11, of the Pima County Board of Supervisors, approving and authorizing the execution of a Special Warranty Deed conveying Honey Bee Park to the Town of Oro Valley and accepting a Grant of Conservation Easement from the Town of Oro Valley over and upon Honey Bee Park, located within Section 24, T11S, R13E, G&SRM. (District 1)

8. **REGIONAL WASTEWATER RECLAMATION**

Public Announcements

Pursuant to A.R.S. §49-391(C), a public comment period of 30 days must occur before any Pretreatment Consent Decree or Negotiated Settlement Agreement is made final. The Public Information Enforcement File for the following case(s) will be made available for public review, or copies may be obtained, for \$.35 per page at the Public Works Building, Regional Wastewater Reclamation Department's reception desk, 201 North Stone, 8th Floor, Tucson, Arizona, 85701. Comments will be taken for the next thirty days and written comments may be sent to Industrial Wastewater Control, 5025 W. Ina Road, Tucson, Arizona, 85743. If sufficient interest is expressed, a public hearing may be held by the Board of Supervisors. After the comment period, the Board of Supervisors will vote on acceptance of the following Settlement Agreement:

- A. R & R Products, Inc., Case No. C2011-20. The proposed settlement amount is \$20,100.00.
- B. Subway No. 1837, Case No. C2011-22. The proposed settlement amount is \$1,000.00.

9. RATIFY AND/OR APPROVE

Minutes: February 7, 2012

Warrants: February, 2012

REGULAR AGENDA/ADDENDUM ITEMS

12. ELECTIONS DEPARTMENT

Pursuant to A.R.S. §16-642, canvass of the February 28, 2012 Presidential Preference Election.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and carried by a 4-0 vote, Supervisor Carroll absent, to approve the canvass.

13. ELECTIONS DEPARTMENT

Pursuant to A.R.S. §22-101, redistricting of the existing Justice Precinct boundaries to adhere to the election precinct boundaries established for 2012. Discussion/direction/action.

Without objection, this item was continued to the Board of Supervisors' Meeting of March 13, 2012.

14. HEALTH DEPARTMENT

RESOLUTION NO. 2012 - 12, of the Board of Supervisors of Pima County, Arizona, accepting the Southern Arizona Affiliate of Susan G. Komen for the Cure Gant in support of the Pima County Health Department Family Planning Program, in the amount of \$13,200.00.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Carroll absent, to approve Resolution No. 2012 – 12.

15. TRANSPORTATION: Acceptance of Project/Roadway for Maintenance

P1207-064, Yolanda Gardens (aka Yolanda Oasis), Lots 1-16. Developer: Terramar Properties. (District 1)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and carried by a 4-0 vote, Supervisor Carroll absent, to accept the project/roadway for maintenance.

16. **FRANCHISES/LICENSES/PERMITS: Liquor License**

12-01-9098, Kevin Arnold Kramber, Sawmill Restaurant, 12976 N. Sabino Canyon Park, Mt. Lemmon, Series 12, Restaurant, New License.

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 4-0 vote, Supervisor Carroll absent, to close the public hearing, approve the license and forward the recommendation to the Arizona State Liquor Licenses and Control.

17. **FRANCHISES/LICENSES/PERMITS: Extension of Premises/Patio Permit**

Scott A. Busse, Territorial, 3727 S. Palo Verde, Tucson, Temporary Extension of Premises for March 25, April 7, 8, 14, 15, 21, 22, 28, 29, May 5, 6, 12, 13, 19, 20, 26 and 27, 2012.

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 4-0 vote, Supervisor Carroll absent, to close the public hearing, approve the permit and forward the recommendation to the Arizona State Liquor Licenses and Control.

18. **PROCUREMENT: Pima County Code Text Amendment**

ORDINANCE NO. 2012 – 10, of the Board of Supervisors of Pima County, relating to the procurement of goods and services; amending the Pima County Code Title 11, Pima County Procurement Code.

George Widiguris, Procurement Director, offered a brief explanation of the proposed ordinance amendments.

Ken Goodman, Chairman of the Small Business Commission, thanked the Board for their support of this amendment which would benefit local architects and engineers. He requested that the Board also take steps towards assisting local general contractors and subcontractors.

Supervisor Bronson commended the Small Business Commission for their recommendations and requested that they also begin to look at crafting an ordinance to hire locally within rural areas in Pima County. Chairman Valadez concurred and requested that the Commission continue focusing on the issue of local retention.

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

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and carried by a 4-0 vote, Supervisor Carroll absent, to close the public hearing and adopt Ordinance No. 2012 - 10, amending Pima County Code Title 11.

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

Co9-05-30, STEWART TITLE & TRUST TR 1580- KINNEY ROAD REZONING

Request of Stewart Title & Trust TR 1580, represented by The WLB Group, Inc., for a five-year time extension for the above-referenced rezoning (portion of Tax Parcel No. 212-50-012F) from GR-1 (Rural Residential) (143 acres) to CR-4 (Mixed-Dwelling Type) and from GR-1 (BZ) (Rural Residential) (Buffer Overlay Zone) (3.1 acres) to CR-4 (BZ) (Mixed-Dwelling Type) (Buffer Overlay Zone). The rezoning was conditionally approved on March 6, 2007. The rezoning will expire on March 6, 2012. The site is approximately 146.1 acres located on the north side of Irvington Road, and the east and west sides of Kinney Road. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 3)

Standard Conditions

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department, Document Services.
6. There shall be no further lot splitting or subdividing without the written approval of the Board of Supervisors.
7. Transportation conditions:
 - A. Provision of improvements to Irvington Road and Kinney Road, as determined necessary by the Department of Transportation, that may include, but are not limited to, appropriately designed continuous right-turn deceleration lanes and appropriately designed acceleration lanes, and adjacent improvements such as pavement, curb, sidewalk, drainage, storm drains, etc. Specific improvements shall be determined when the required Traffic Impact Study is reviewed.
 - B. The number, location and design of the access points to the subject property shall need the approval of the Department of Transportation at the time of submittal of a Development Plan or Subdivision Plat for the subject rezoning.
 - C. The property owner/developer shall dedicate 45 feet right-of-way for the north half right of way of on Irvington Road adjacent to the subject property to meet the designated 150 feet right-of-way dedication per the Major Streets and Scenic Routes Plan.
 - D. The property owner/developer shall ~~may need to~~ dedicate 30 feet additional right-of-way for the east and west half right-of-way respectively on Kinney Road to meet the designated 150 feet right-of-way dedication per the Major Streets and Scenic Routes Plan ~~within the rezoning site.~~
8. Flood Control conditions:
 - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
 - B. A drainage report shall be submitted during the platting process for Flood Control District to determine 100-year water surface elevations for all lots and to analyze detention/retention requirements. Channel and drainage design shall be addressed and a meeting prior to submittal is recommended.
 - C. A Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) are required due to changes to and development within a FEMA 100-year floodplain.

- D. This development shall meet Critical Basin detention and retention requirements because of existing flooding problems.
 - E. The property owner(s) shall dedicate right-of-way or easements for drainage purposes to the Flood Control District, as determined necessary during the development plan/subdivision plat review.
 - F. The property owner(s) shall provide all necessary on-site and off-site drainage related improvements that are needed as a result of the proposed development of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.
 - G. All-weather access shall be provided to all lots to meet concurrency requirements.
 - H. A riparian mitigation plan shall be required for development in designated riparian areas.
 - I. A Maintenance Agreement is necessary that identifies the responsibilities and funding of both private and public drainage improvements.
9. Wastewater Management 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/ developer to that effect.
 - B. The owner(s)/developer(s) shall obtain written documentation from the Pima County Wastewater Management 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 Wastewater Management Department.
 - C. The owner(s)/developer(s) shall time the construction of 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(s)/developer(s) shall connect all new development within the rezoning area to Pima County's public sewer system in the manner specified by the Wastewater Management 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. To serve new development within the rezoning area, and provide for future flow-through needs, the owner/developer shall fund, design and construct an on-site extension of the public sewerage system, and public flow-through sewers to the southernmost and easternmost boundaries of the rezoning area, as specified at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
 - F. All plans for landscaping, trails, etc. within the existing public sewer easement over existing 15" public sewer line (G-80-61) must be reviewed and approved by the Pima County Wastewater Management Department prior to construction.
 - G. The owner(s)/developer(s) 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. Natural Resources, Parks and Recreation conditions:
- A. A Recreation Area Plan (RAP) shall be submitted and approved by Natural Resources, Parks and Recreation staff prior to the approval of the Tentative Plat. Items to be included in the RAP are listed below.
 - B. The developer shall construct Trail #115 Irvington Road Trail. The ten-foot wide trail shall be two-inches of decomposed granite compacted to 95% over native subgrade compacted to 95%.
 - C. The features required for six acres of recreation area include: water and electric lines to the park, 1-drinking fountain, trail linkage, signage, landscaping, irrigation, 30% turf area, 4-trash receptacles, 4-bicycle racks, 6-park benches, 1-shade structure, 4-picnic tables, 3-bar-b-que

- grills, 1-basketball court (56'x96'), 2-playground component, and 1-multi-use structure (5 piece).
- D. The recreation features shall be completed prior to the release of assurances for 75% of the residential units.
11. Environmental Planning condition:
Under no circumstances shall the following exotic plant species be planted anywhere on the site:
Fountain grass (*Pennisetum setaceum*)
Buffelgrass (*Pennisetum ciliare*)
Johnson grass (*Sorghum halapense*)
Giant reed (*Arundo donax*)
Common crabgrass (*Digitaria sanguinalis*)
Pampas grass (*Cortaderia selloana*)
Red brome (*Bromus rubens*)
Mediterranean grass (*Schismus spp.*)
Tree of heaven (*Ailanthus altissima*)
African sumac (*Rhus lancea*)
Russian olive (*Eleagnus angustifolia*)
Salt cedar/Tamarisk (*Tamarix pertandra* & *T. ramosissima*)
Bermuda grass (*Cynodon dactylon*) excluding sod hybrid Bermuda
Lovegrasses (*Eragrostis spp.*) excluding Plains lovegrass (*Eragrostis intermedia*)
African rue (*Peganum harmala*)
Iceplant (*Mesembryanthemem crystallinum*)
Arabian grass (*Schisums arabicus*)
Natal grass (*Melinis repens*) (*Rhynchelythrum repens*)
12. Landscaping conditions:
- A. Saguaros transplanted on site and introduced as mitigation plants shall be planted at a density of 1 saguaro per 60 square feet, on average, to be planted in groups of not more than 6 plants, and/or individual plants shall be staggered and spaced to avoid linear planting arrangements.
- B. All transplanted and introduced saguaros should be placed outside of the drip line of the tree at planting size, but close enough to receive shade and protection from the tree at mature size (within 12' of the base of the tree). Smaller sized saguaros (4' and under) should be placed closer to the base of the nurse tree and large saguaros (over 4') should be placed further from the base.
13. The owner(s)/developer(s) shall execute and record a document acceptable to the Pima County Community Development and Neighborhood Conservation Department indicating that the owner/developer shall contribute to the affordable housing trust fund as adopted by the Pima County Board of Supervisors on December 13, 2005, before a certificate of compliance is issued.
14. In the event the subject property is annexed, the property owner(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.
15. Adherence to the preliminary development plan as approved at public hearing. (Exhibit "A")
16. The owner(s)/developer(s) shall enter into an acceptable Development Agreement with Pima County regarding park dedication and native plant preservation prior to the issuance of zoning and/or building permits.
17. The property owner(s) shall execute and record a disclaimer regarding Proposition 207 rights. The language is as follows:
"The property owner(s) acknowledges that neither the rezoning of the property nor the conditions of rezoning give the property owner(s) 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 the property owner(s) any rights or claims under the Private Property Rights Protection Act, property owner(s) hereby waives any and all such rights and/or claims pursuant to A.R.S. §12-1134(l)."
18. Adherence to the policies of the Comprehensive Plan Special Area Policy S-29
Southwest Infrastructure Plan:

- A. The Southwest Infrastructure Plan (SWIP) shall be used to guide needs, obligations, funding, and provision of infrastructure and services related transportation, flood control, wastewater, parks and recreation, and other governmental facilities.
- B. Proposed development shall be planned, designed, and constructed to implement the sustainability principles as described in the Southwest Infrastructure Plan. (Exhibit "B")
- C. At a minimum, the majority of infrastructure and transportation costs shall be self-funded by the developer.

Chris Poirier, Assistant Planning Director, offered the staff report, stated no written comments had been received, and that staff recommended approval of the time extension subject to standard and special conditions, which included the modifications to Condition Nos. 7C and 7D.

The Chairman inquired whether anyone wished to be heard.

Travis Clark addressed the Board and expressed no opposition to the request.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and carried by a 4-0 vote, Supervisor Carroll absent, to close the public hearing and approve Co9-05-30, subject to standard and special conditions which included the modifications to Condition Nos. 7C and 7D.

20. TRANSPORTATION: Traffic Ordinances

- A. ORDINANCE NO. 2012 – 11, of the Pima County Board of Supervisors, regulating parking on Paseo Del Norte in Pima County, Arizona. Staff recommends APPROVAL. (District 1)
- B. ORDINANCE NO. 2012 – 12, of the Pima County Board of Supervisors, regulating parking on Tanque Verde Loop Road in Pima County, Arizona. Staff recommends APPROVAL. (District 4)
- C. ORDINANCE NO. 2012 – 13, of the Pima County Board of Supervisors, regulating parking of vehicles on Old Spanish Trail in 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 Day and carried by a 4-0 vote, Supervisor Carroll absent, to close the public hearings and adopt Ordinance Nos. 2012 - 11, 12 and 13.

21. BOARD OF SUPERVISORS: Resolution No. 2012-13

RESOLUTION NO. 2012 - 13, of the Pima County Board of Supervisors, in opposition to House Bill 2416 of the 2012 Arizona Legislature which would require Tucson Water to provide service outside its current service area boundaries. (District 5)

Supervisor Elías advised that this Resolution opposed the potential adverse impacts of this legislation to limit local control. He stated that this would provide more opportunities for the County to continue negotiations with the City of Tucson Water regarding specific properties requesting water service. Supervisor Bronson and Chairman Valadez concurred.

Ivy Schwartz, President of the Tucson Mountains Association, expressed her appreciation to the Board and the County Administrator for opposing HB 2416 and noted that cities, towns and counties were against this legislation. She emphasized the importance of continuing the fight to retain local control.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson, and carried by a 4-0 vote, Supervisor Carroll absent, to adopt Resolution No. 2012-13.

22. BOARD OF SUPERVISORS: Resolution No. 2012-14

RESOLUTION NO. 2012 - 14, of the Pima County Board of Supervisors, in opposition to House Bill 2757 of the 2012 Arizona Legislature which would legalize electronic billboards. (District 5)

Supervisor Elías stated this Resolution opposed HB 2757 which advocated the installation of electronic billboards along State roads and worked to overturn the Highway Beautification Act of 1970. He noted that Pima County was home to 5 world-renown observatories and approval of electronic billboard installation would erode their ability to provide scientific data throughout the world. Supervisor Bronson and Chairman Valadez agreed this legislation would negatively impact our region.

Supervisor Day agreed and stated there should be a practical way to address special cases where the electronic billboards could benefit the community such as the use by Northwest Hospital to display current waiting time for patients requiring urgent care services.

Ivy Schwartz, President of the Tucson Mountains Association, thanked the Board for their leadership and expressed her opposition to the proposed legislation from a public safety standpoint.

Supervisor Bronson stated that she was troubled by the State Legislature trying to usurp local control and by the rhetoric from Phoenix that they are trying to improve local economies. She emphasized that the optics and astronomy industry in Pima County was important to the local economy and that this proposed legislation was anti-economic development.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and carried by a 4-0 vote, Supervisor Carroll absent, to adopt Resolution No. 2012-14.

23. **CONTRACTS AND AWARD**

A. **Facilities Management**

National Bank of Arizona, to provide a Subordination Agreement for the disbursement of loan proceeds to United Community Health Clinic – Maria Auxiliadora, Inc., no cost (CTN-CD-12000528)

B. **Health Department**

United Way of Tucson and Southern Arizona, Inc., d.b.a. PRO Neighborhoods, Amendment No. 2, to provide neighborhood wellness initiatives and amend contractual language, HHS/CDC and ARRA 2009 Funds, contract amount \$183,388.00 (CT-HD-12000769)

C. **Procurement**

1. Sundt Construction, Inc., Amendment No. 3, to provide construction services for the Pima Emergency Communications and Operations Center, amend contractual language and increase the change order authority for the Procurement Director to \$500,000.00 each, not to exceed a cumulative total of \$1,000,000.00, 2004 Bond Fund, contract amount \$266,868.00 (CT-SD-12000952) Facilities Management

Award

2. Low Bid: Award of Contract, Requisition No. 33096 in the amount of \$548,177.00 to the lowest responsive bidder, Pueblo Mechanical and Controls, Inc. (Headquarters: Tucson, AZ) for the Pima County Legal Services Building air handler replacement. The contract is for a 7 month period and may be extended for project completion. Funding Source: ARRA 2009 Fund. Administering Department: Facilities Management.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Carroll absent, to approve the contracts and award.

24. **BOARD, COMMISSION AND/OR COMMITTEE: Pima County Regional Wastewater Reclamation Advisory Committee**

Reappointment of John E. Carlson, Sr. Term expiration: 3/1/16. (District 4)

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Carroll absent, to approve the reappointment.

25. **CALL TO THE PUBLIC**

The Chairman inquired whether anyone wished to be heard. The following speakers addressed the Board:

Robert Reus thanked the Board and County Administrator for opposing the opening of the Rosemont Mine, and questioned why so many companies were incorporating in Vancouver, Canada.

Billy Lolas, member of Occupy Tucson Foreclosure Resistance Working Group, requested the Board use their power to oppose the proposed bank settlements related to home foreclosures.

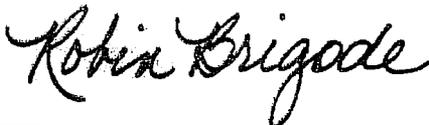
26. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 10:20 a.m.



CHAIRMAN

ATTEST:



CLERK