

MINUTES, BOARD OF SUPERVISORS' MEETING

APRIL 17, 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, April 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

*Supervisor Carroll arrived at 9:12 a.m.

1. **INVOCATION**

The invocation was provided by Bishop Ollie Wills, Sunshine Ministries.

2. **PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

3. **PAUSE 4 PAWS**

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

4. **PRESENTATION/PROCLAMATION**

Presentation of a proclamation to the Honorable Sarah R. Simmons, Presiding Judge, Pima County Superior Court, proclaiming April 30, 2012, to be:

“LAW DAY”

Supervisor Elías presented the proclamation to the Honorable Sarah R. Simmons who thanked the Board and stated how she valued the court’s role in the community.

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

5. **PRESENTATION/PROCLAMATION**

Presentation of a proclamation to Dr. Jonathan Walker, Director of Urology, Oncology at the University Medical Center and Assistant Professor of Surgery, Urology at the University of Arizona Medical College, proclaiming the week of April 29, 2012 through May 5, 2012, to be:

“BLADDER CANCER AWARENESS WEEK”

Supervisor Bronson presented the proclamation to Dr. Jonathan Walker and Tina Whittamore, former Pima County Chief Zoning Inspector. They thanked the Board for their acknowledgment of bladder cancer awareness. Dr. Walker encouraged everyone to improve their knowledge about bladder cancer. Ms. Whittamore extended an invitation to attend the Bladder Cancer Awareness Walk in Pima County.

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

6. **CONSENT CALENDAR**

A. **CALL TO THE PUBLIC**

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

B. **APPROVAL OF CONSENT CALENDAR**

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to approve the Consent Calendar in its entirety.

CONSENT CALENDAR ITEMS ARE AS FOLLOWS:

1. **CONTRACTS**

A. **County Attorney**

Squire, Sanders & Dempsey, L.L.P., Amendment No. 1, to provide legal advice and representation related to Rosemont Copper Company’s Air Quality Permit application, amend scope of work and extend contract term to 10/18/2013, DEQ Operating Fund, contract amount \$50,000.00 (CT-DE-12001801)

B. Health Department

Sunnyside Unified School District, Amendment No. 2, to provide childhood immunization services and extend contract term to 2/15/2013, no cost (CTN-HD-12000100)

C. Real Property

Arizona Board of Regents, University of Arizona, to provide for the joint use of facility space for implementation of the Pima County Wireless Integrated Network, no cost (CTN-PW-12000561)

D. Sheriff

Office of National Drug Control Policy, to provide for support of the High Intensity Drug Trafficking Area Program, H.I.D.T.A. Fund, contract amount \$2,214,285.00 revenue (CTN-SD-12000565)

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>
Stefanie M. Mach	165	DEM
Evalyn Ekrom	191	REP
Lou M. Munoz	270	REP
Kimberly A. Adair	366	REP

<u>APPOINTMENTS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Scott Freiman	225	REP
Kenneth R. Miller	366	REP

3. BOARD, COMMISSION AND/OR COMMITTEE

Conservation Acquisition Commission

Reappointments. Term expirations: April 30, 2020:

William Roe (District 3)

Charles Pettis (District 4)

Helen Gardner (District 5)

Timothy Prouty (County Administrator)

Rob Marshall (Land Conservation Organization Representative)

Leslie Corey (Land Conservation Organization Representative)

Tom Sheridan (Ranching Community Representative)

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

- A. John S. Brell, Santa Catalina Catholic Church, 14380 N. Oracle Road, Tucson, April 22, 2012.
- B. Louis Emmett Abney, Knights of Columbus Council No. 14230, 13260 E. Colossal Cave Road, Vail, April 27, 2012.
- C. Holly J. Thompson, Special Olympics Arizona, 16045 N. Oracle Road, Catalina, April 21, 2012.

5. **RECORDER**

Pursuant to Resolution No. 1993-200, ratification of the Document Storage and Retrieval Fund for the months of January, February and March, 2012.

6. **REGIONAL WASTEWATER RECLAMATION**

Public Announcement

Pursuant to A.R.S. §49-391(C), a public comment period of 30 days must occur before any Pretreatment Consent Decree or Negotiated Settlement Agreement is made final. The Public Information Enforcement File for the following case 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, 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, 3035 W. El Camino del Cerro, Tucson, Arizona 85745-9750. 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:

Safeway No. 255, Case No. C2012-02. The proposed settlement of completion of a supplemental environmental project is in accordance with the Industrial Wastewater Enforcement Response Plan.

7. **PROCLAMATION**

Proclaiming the week of May 1, 2012 through May 7, 2012 to be:

“YOUTH WEEK IN PIMA COUNTY”

8. **RATIFY AND/OR APPROVE**

Minutes: March 20, 2012

REGULAR AGENDA/ADDENDUM ITEMS

7. COUNTY ADMINISTRATOR: AMENDMENTS TO COUNTY BOND ORDINANCES AND BOND PROGRAM UPDATE

- A. ORDINANCE NO. 2012 - 18, 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 by Ordinance No. 1998-58; Ordinance No. 2001-111; Ordinance No. 2004-15; Ordinance No. 2005-91; Ordinance No. 2006-19; Ordinance No. 2006-82; Ordinance No. 2007-32; Ordinance No. 2007-94; Ordinance No. 2008-24; Ordinance No. 2008-107; Ordinance No. 2009-90; Ordinance No. 2010-23; Ordinance No. 2010-64; Ordinance No. 2011-19, and Ordinance No. 2011-78) for the purpose of amending implementation periods for certain bond projects and authorizing the use of additional other funds to finance certain projects.
- B. ORDINANCE NO. 2012 - 19, 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 by Ordinance No. 1998-59; Ordinance No. 2001-112; Ordinance No. 2004-118; Ordinance No. 2005-90; Ordinance No. 2006-20; Ordinance No. 2006-83; Ordinance No. 2007-93; Ordinance No. 2009-39; Ordinance No. 2009-91; Ordinance No. 2010-22; Ordinance No. 2010-62; Ordinance No. 2011-20, and Ordinance No. 2011-77) 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.
- C. ORDINANCE NO. 2012 - 20, 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 by Ordinance No. 2005-92; Ordinance No. 2006-21; Ordinance No. 2006-84; Ordinance No. 2007-33; Ordinance No. 2007-95; Ordinance No. 2008-25; Ordinance No. 2008-106; Ordinance No. 2009-40; Ordinance No. 2009-92; Ordinance No. 2010-24; Ordinance No. 2010-63; Ordinance No. 2010-70; Ordinance No. 2011-21, and Ordinance No. 2011-79) 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.
- D. ORDINANCE NO. 2012 - 21, of the Board of Supervisors of Pima County, Arizona, relating to General Obligation Bond Projects amending Ordinance No. 2006-29 Bond Implementation Plan, May 16, 2006 Special Election (as amended by Ordinance No. 2009-93 and Ordinance No. 2011-22) for the purpose of amending the scope and implementation periods of the projects.

Chuck Huckelberry, County Administrator, reported on the need for the bond amendments. He confirmed that the Bond Advisory Committee had reviewed the amendments and unanimously recommended them. He stated that two of the bond amendments were for projects in other jurisdictions; one in the Town of Marana and the other in the City of Tucson. In these instances, the governing bodies of the two jurisdictions were required to review and make a recommendation, and both had recommended approval.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearings and adopt Ordinance Nos. 2012 - 18, 19, 20 and 21.

8. FRANCHISE/LICENSE/PERMIT: LIQUOR LICENSE

12-06-9103, Jennifer Paulos, The Olives Bistro, 514 E. Whitehouse Canyon Road, Suite 100, Green Valley, 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 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.

9. FRANCHISES/LICENSES/PERMITS: EXTENSION OF PREMISES/PATIO PERMITS

A. Grant Darien Krueger, Union Public House, 4340 N. Campbell Avenue, Suite 103, Tucson, Temporary Extension of Premises for May 5 and 6, 2012.

B. Scott B. Mencke, Fini's Landing, 5689 N. Swan Road, Tucson, Temporary Extension of Premises for May 5 and 6, 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 unanimously carried by a 5-0 vote, to close the public hearings, approve the permits and forward the recommendations to the Arizona State Liquor Licenses and Control.

10. DEVELOPMENT SERVICES: REZONING

The Board of Supervisors on 4/3/12, continued the following:

Co9-11-09, PASCUA YAQUI TRIBE, ET AL. – MARK ROAD REZONING

Request of the Pascua Yaqui Tribe, et al., for a rezoning of approximately 30.1 acres from GR-1 (TDR-RA) (Rural Residential) (Transfer of Development Rights – Receiving Area) to CB-2 (General Business) (TDR-RA), on property located at the southeast corner of Mark Road and Valencia Road. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 6-0 (Commissioners Membrilla, Cook,

Matter and Steinbrenner were absent) to recommend APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 3)

Without objection, this item was continued to the Board of Supervisors' Meeting of May 1, 2012.

11. **DEVELOPMENT SERVICES: COMPREHENSIVE PLAN AMENDMENT**

Co7-11-01, FARMERS INVESTMENT COMPANY (FICO) – E. CONTINENTAL ROAD PLAN AMENDMENT

Request of Farmers Investment Company (FICO) represented by LVA Urban Design Studio, to amend the Pima County Comprehensive Plan from Resource Transition (RT), Low Intensity Rural (LIR), Low Intensity Urban 1.2 (LIU-1.2), Medium Intensity Urban (MIU), and Neighborhood Activity Center (NAC) to Medium Intensity Urban (MIU), Medium-High Intensity Urban (MHIU), Neighborhood Activity Center (NAC), and Community Activity Center (CAC). The approximately 287 acre amendment site is located south of the Town of Sahuarita, north and south of E. Continental Road and east of S. Abrego Drive along the Santa Cruz River in the Camino de la Canoa Land Grant in the Upper Santa Cruz Subregion. On motion, the Planning and Zoning Commission voted 6-0 (Commissioners Steinbrenner, Cook, Matter, and Membrilla were absent) to recommend APPROVAL SUBJECT TO REZONING POLICIES. Staff recommends APPROVAL SUBJECT TO REZONING POLICIES. (District 4)

Recommended Rezoning Policies

A. Development Services Department

1. A rezoning or specific plan application and companion river management plan will reflect commitments made during the comprehensive plan amendment process, as evidenced by application materials and the record of public hearings, to implement an integrated, holistic planning approach which promotes compact, sustainable development and recognizes the many values of the Santa Cruz River corridor as the central design element for future development.

B. Regional Flood Control District

1. Development shall conform to and be consistent with floodplain and drainage improvements and habitat preservation efforts identified in the River Management Plan to be approved as part of the Specific Plan Process.

C. Office of Sustainability and Conservation

1. Development occurring within areas affected by designations of the Maeveen Marie Behan Conservation Lands System shall be mitigated on-site, off-site, or combination thereof in a manner consistent with the Board of Supervisors' application of the applicable Conservation Guideline(s).
2. Any subsequent Management Plan for the Santa Cruz River shall include, but not be limited to, design and management elements that provide for a holistic, integrated approach to perpetuating the river's wildlife habitat, riparian and wetland resources, and value as a biological landscape corridor.

D. Cultural Resources Office

1. The entire 287-acre property shall be surveyed for cultural resources (Class III inventory survey) and any standing structures over 50 years old shall be recorded, and all identified historic properties shall be evaluated regarding their significance in consultation with the Arizona State Historic Preservation Officer.
2. Any significant historic properties shall be treated through mitigation of impact (~~affect~~) (effect) to these historic properties prior to construction.

Arlan Colton, Planning Director, briefed the Board and stated that staff had received four letters expressing concern or opposition to the site. He acknowledged that the property was affected by the Conservation Land System (CLS) and the applicant had agreed to comply with the CLS. He added that the Green Valley Coordinating Council supported the project.

Mark Reddie, LVA Urban Design Studio, briefed the Board on the project and stated that the applicant agreed with the recommendations of staff.

On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve Co7-11-01, subject to rezoning policies.

12. DEVELOPMENT SERVICES: REZONING WITH CLUSTER OPTION

Co9-07-24, ARBER L.L.C. – TWIN LAKES DRIVE REZONING WITH CLUSTER OPTION

Request of Vistoso Limited Partnership represented by Fleorchinger, Sadler, Steele, Baker, Inc., for a rezoning of approximately 7.50 acres from GR-1 (Rural Residential) and approximately 7.50 acres from GR-1 (GZ) (Gateway Overlay Zone) to approximately 7.50 acres CR-3 (Single Residence) (Cluster Development Option), and approximately 7.50 acres CR-4 (GZ) (Mixed Dwelling Type), on property located on the west side of Twin Lakes Drive, approximately 1/2 mile north of Golder Ranch Drive in the Catalina area. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 5-2 (Commissioners Holdridge and Membrilla voting "NAY," Commissioners Poulos and Neely were absent) to recommend APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 1)

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 condition:
The property owner(s)/developer(s) shall provide offsite improvements to Twin Lakes Road as determined necessary by the Pima County Department of Transportation.
8. Flood Control conditions:
 - A. The property owner(s)/developer(s) shall comply with detention/retention conditions and restrictions, or provide an in-lieu fee, as stated in the Floodplain Management Ordinance since the property lies within a balanced basin.

- B. The property owner(s)/developer(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.
 - C. All-weather access shall be provided to all lots to meet concurrency requirements.
 - D. Disturbance of greater than 1/3 of an acre of Regulated Riparian Habitat shall require a Riparian Habitat Mitigation Plan.
9. Wastewater Reclamation conditions:
- A. The property 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 property 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/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 property owner(s)/developer(s) 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 property owner(s)/developer(s) 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 property owner(s)/developer(s) 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.
 - F. The property 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. Environmental Quality condition:
As a condition of approval, 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. On-site wastewater disposal shall not be allowed.
11. Cultural Resources conditions:
- A. Prior to ground modifying activities, an on-the-ground archaeological and historic resources survey shall be conducted on the subject property, and submitted to Pima County for review.
 - B. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate.
 - C. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.

12. Natural Resources, Parks and Recreation condition:
The project shall use section II-O Recreation and Trails from the site analysis as a guideline for development of the recreation facilities. A final determination of recreation facilities shall be determined at time of platting.
13. Environmental Planning condition:
Upon the effective date of the Ordinance, the owner(s)/developer(s) 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.
14. The property owner/developer shall provide documentation at the time of final plat review that there is legal and adequate access for the project.
15. The development shall conform to the sustainable, solar and water harvesting design features described in the site analysis in Section II-R (Other) on page 113. These include:
 - A. Proposed development will include solar water heating of the pool and spa and photovoltaic lighting of selected walkway paths.
 - B. Photovoltaic on-grid power generation will be provided for the Community Center building to partially offset pool filtration, air conditioning and lighting power demand.
 - C. Each residential unit shall have a solar assisted domestic water heating system.
 - D. Significant windows within the project shall be shaded to preclude high-angle sun solar heat gain in summer and to allow low-angle passive solar gain in the winter.
 - E. Desert landscape planting, including indigenous ground covers, shrubs and small scale trees shall be placed adjacent to sunlit walls to reduce reflected solar heat gain.
16. 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.
17. 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.
18. The property owner shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, Chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner to any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."
19. Adherence to the preliminary development plan as approved at public hearing.
20. A. The western end units of buildings along the west property line shall be limited to one story.
B. There shall be a forty-foot bufferyard along the west property line.
C. Opaque screen walls shall be prohibited in areas adjacent to natural open space.

Arlan Colton, Planning Director, briefed the Board on the proposed project. He explained that the project had to go through the Design Review Committee because of the cluster and gateway, and that they supported the project. He stated that the project was located outside of the Conservation Land System. The Planning and Zoning Commission recommended the addition of Condition No. 20. Staff had received a total of 11 protests but only 3 were within 300 feet so a supermajority was not required.

Supervisor Elías inquired about the nature of the complaints.

Mr. Colton responded the main concerns were traffic noise, additional population in the area, future sales of currently owned property, privacy and safety.

The following speakers addressed the Board:

- Art Evans
- Martin Floershtinger, Fleorchinger, Sadler, Steele, Baker, Inc., representing the developer

They provided the following comments:

- Support was expressed for the proposal and the Board was asked to approve the rezoning request.
- The project proposal is a good use of the piece of land and is well situated in Catalina.
- There is about 70% open space in the design which are the areas of substantial vegetation and drainage.
- A lot of community amenities were built into the project.
- The developer had worked closely with the neighbors to address their concerns.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Elías was not present for the vote, to close the public hearing and approve Co9-07-24, with standard and special conditions.

13. **DEVELOPMENT SERVICES: ZONING CODE TEXT/FEE AMENDMENT**

Co8-12-01, GUEST HOUSE AND DWELLING UNIT KITCHENS TEXT AMENDMENT

An ordinance amending the Pima County Zoning Code, Title 18, Section 18.03.020 to revise the definition of a guest house and dwelling unit as it relates to kitchens, and amend Section 18.09.020 to relax the kitchen regulations in a guest house and secondary dwelling, to decrease the minimum distance between a guest house and a main dwelling and to repeal the subsection related to temporary kitchens. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Cook and Smith were absent) to recommend APPROVAL. Staff recommends APPROVAL. (All Districts)

If approved, pass and adopt:

ORDINANCE NO. 2012 - 22

Chris Poirier, Assistant Planning Director, explained this change to the Code would allow an easier mechanism for providing care to sick and elderly relatives at home and also in response to a national trend from production builders towards multi-generational households. He stated it would not allow for a rental situation to occur. Staff had received letters of support from the American Institute of Architects – Southern Arizona and Southern Arizona Homebuilders Association. Several emails had been received expressing concern from neighbors in the Indian Ridge Neighborhood. He stated that the concern from neighbors centered on the possibility of a rental situation occurring if the text amendment was approved.

The following individual addressed the Board:

David Godlewski, Southern Arizona Homebuilders Association (SAHBA)

His comments were:

- SAHBA supported the code text amendment.
- The proposed amendment realized the growing trend in housing and helped provide flexibility for multi-generational families.
- He asked for a periodical review of the amendment and asked that adjustments be made, if necessary.

Supervisor Carroll agreed that there seemed to be some confusion with this request and a Board of Adjustment case which involved an assisted living unit. He felt that if staff met with the neighborhood to explain the situation, they would be able to alleviate their concerns.

On consideration, it was moved by Supervisor Carroll and seconded by Supervisor Elías, to continue the item to the Board of Supervisors' Meeting of May 1, 2012, so that staff could meet with the Indian Ridge Neighborhood over their concerns prior to adoption of the ordinance.

Supervisor Elías stated continuing the item was premature and felt the Board was ready to vote on the item, but pointed out that the neighborhood had to be educated on the code amendment request. Supervisor Carroll withdrew the motion.

It was thereupon moved by Supervisor Carroll to continue the item for one week. The motion died for lack of a second.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to close the public hearing, approve Co8-12-01 and adopt Ordinance No. 2012 - 22, with direction to staff to meet with residents of the Indian Ridge Neighborhood to address their concerns and provide them with information regarding the intent of the code text amendment.

14. **DEVELOPMENT SERVICES: ZONING CODE TEXT/FEE AMENDMENTS**

Co8-12-02, DEVELOPMENT SERVICES FEE AMENDMENT

An ordinance relating to fees for subdivision and development review services provided by the Development Services Department; amending Ordinance No. 2011-25, Section 1 and Exhibit A; and suspending fee increases under Ordinance No. 1997-46, Section 4, for the period of July 1, 2012 to June 30, 2013. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Cook and Smith were absent) to recommend APPROVAL. Staff recommends APPROVAL. (All Districts)

If approved, pass and adopt:

ORDINANCE NO. 2012 - 23

Carmine DeBonis, Development Services Director, explained the proposed changes would provide added relief to applicants for development related approvals. He added that the Board had taken similar action and suspended the fee increase for the current fiscal year.

Supervisor Bronson asked about the fee structure charged by other jurisdictions.

Mr. DeBonis responded that there was a range of fees charged by other jurisdictions. The Town of Oro Valley and the Town of Sahuarita charged a flat fee. The City of Tucson required \$500.00 plus 50% of the original approval fee, and the Town of Marana does not charge a fee for extensions.

The following individual addressed the Board:

David Godlewski, Southern Arizona Homebuilders Association (SAHBA)

His comments were:

- SAHBA supported the proposed amendment.
- Any reductions of fees or suspension of fee increases for projects would help in the continued momentum of moving forward in our economy.
- The proposed amendment was consistent with the idea expressed in the County's economic development report.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to close the public hearing, approve Co8-12-02 and adopt Ordinance No. 2012 - 23.

15. **DEVELOPMENT SERVICES: ZONING CODE TEXT/FEE AMENDMENTS**

Co8-12-04, TIME LIMITS FOR DEVELOPMENT PLANS, TENTATIVE SUBDIVISION PLATS AND TYPE II GRADING PERMITS TEXT AMENDMENT

An ordinance amending the Pima County Zoning Code, Title 18, Section 18.01.030 (application of Zoning Code) to extend the Development Services Director's authority to lengthen initial approval time limits for development plans, tentative subdivision plats and Type II grading permits from two years to three years, repeal the fee for a lengthened initial approval time limit and to extend the permitted length of time limit extensions for development plans, tentative subdivision plats and Type II grading permits from one year to three years. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Cook and Smith were absent) to recommend APPROVAL. Staff recommends APPROVAL. (All Districts)

If approved, pass and adopt:

ORDINANCE NO. 2012 - 24

Carmine DeBonis, Development Services Director, explained this amendment extended timeframes for plans. He stated there was no recommended modification of fees but extending timeframes essentially amounted to a reduction for applicants. He noted the extensions would be discretionary and staff would evaluate the projects.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to close the public hearing, approve Co8-12-04 and adopt Ordinance No. 2012 - 24.

16. **DEVELOPMENT SERVICES: REZONING ORDINANCE**

ORDINANCE NO. 2012 - 25, Co9-11-03, Underdown Trust 1/3, et al. - River Road Rezoning. Owner: Underdown Trust 1/3, et al.
(District 1)

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

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to close the public hearing and adopt Ordinance No. 2012 - 25.

17. **TRANSPORTATION: ENVIRONMENTAL ASSESSMENT AND MITIGATION REPORT**

Staff recommends approval of the Environmental Assessment and Mitigation Report for the Valencia Road: Wade Road to Mark Road Project.

Priscilla Cornelio, Department of Transportation Director, stated that the purpose of the project was to widen approximately 2.5 miles of Valencia Road with 1 mile being

a five lane roadway and the other 1.5 miles modified from a two lane to a four lane roadway with additional improvements. There would also be a new traffic signal at Wade Road. She explained that the roadway recommendations would help alleviate traffic congestion and improve bicycle and pedestrian safety. She stated that there had been significant public involvement and the Citizens Advisory Committee supported the project. Staff held two open houses and had notified the neighborhoods around the area. Each open house had been well attended and support was shown for the roadway recommendations.

The following individual addressed the Board:

Dennis Alvarez

His comments were:

- He supported the approval of the project.
- He expressed concern for the traffic congestion at Wade Road since it is the only entry/exit for the Starr Valley subdivision. It was at capacity and there were traffic delays of up to 20 minutes each morning.
- He asked the Board to support placement of a temporary traffic signal.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to close the public hearing and approve the Environmental Assessment and Mitigation Report.

18. **COUNTY ADMINISTRATOR: MEDICAL HEALTH INSURANCE FOR COUNTY EMPLOYEES NEXT FISCAL YEAR**

Staff recommends approval of the following:

1. Renewal of the premiums quoted by UnitedHealthcare with a guaranteed not-to-exceed premium increase of 18 percent for FY 2012/13, resulting in the specified employee and employer rates;
2. Approval of the four options for the Healthy Lifestyle Premium Discounts Program.

Chuck Huckelberry, County Administrator, reported there would be an 18% increase to healthcare premiums and indicated those rates had been applied across the board to the options that are provided for employees. He recommended the Board adopt a four tier discount plan that would allow employees a reduction in their premiums up to \$20.00 per pay period. If employees took advantage of all four tiers, they would not see a net increase in any category of their premium costs.

Supervisor Elías inquired about self-insurance and asked if the County was looking at that option for next fiscal year.

Mr. Huckelberry explained that it required about 12 to 18 months of preparation to go solely to self-insurance. He stated that the claims versus premiums pay ratio needed to drop below 1 and needed to consistently stay that way over a period of at least a year. He confirmed that the County was very close to that ratio and at that point self-insurance would be feasible without the County undergoing significant risks.

Paul Zucarelli, President of CBIZ Benefits and Insurance Services Incorporated, explained that it did not make economic sense to pursue self-funding because UnitedHealthcare was paying more in claims than what employees were paying in premiums. Once the premiums exceeded the claims paid on behalf of the employees, the County would have a 1 to 1 ratio and would benefit by being self-insured. He complimented the County for their leadership with high deductible health plans and stated that participants in these plans were much more engaged with the decision making of their health and well-being as opposed to other plans. These behavioral changes, packaged with health program incentives would prepare the County to be more successful under self-insurance in the future.

The following speakers addressed the Board:

- Brian Johnson
- Maya Castillo, President of Pima County Service Employees International Union (SEIU)

They provided the following comments:

- The County should have an adequate, affordable, managed health plan.
- County employees should not have to check their HSA accounts first before going to see a doctor.
- 66% of employees are enrolled in the high deductible health plan because the County doubled the employee contribution to the HMO plan.
- SEIU expressed disappointment with the renewal of the UnitedHealthcare contract.
- Disappointment was expressed towards the County's Employee Healthcare Committee and their lack of options.
- Employees continued to struggle financially.
- UnitedHealthcare does not seem to be affected by the current economic climate.
- SEIU urged the County to absorb the full premium increase and to give a small measure of relief to its employees.

Supervisor Elías questioned the effectiveness and value of the County's Employee Healthcare Committee.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to approve the recommendations with direction to the Employee Healthcare Committee to provide the Board with updates on a regular basis.

19. **COUNTY ADMINISTRATOR: ADOPTION OF THE HEALTH AND WELLNESS CHAPTER**

RESOLUTION NO. 2012 - 25, of the Pima County Board of Supervisors, adopting the Health and Wellness Chapter of the Sustainable Action Plan for County Operations.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to adopt Resolution No. 2012 - 25.

20. **COUNTY ADMINISTRATOR: FC TUCSON HOME FIELD DESIGNATION AT THE KINO SPORTS COMPLEX**

Staff recommends authorization to develop an appropriate use agreement with FC Tucson.

Chuck Huckelberry, County Administrator, explained the request was for a use agreement with FC Tucson which would give them the permanent use of Field 5 at the Kino Sports Complex, and usage of the four current soccer fields, north of Ajo Way. It would allow them to conduct amateur and professional soccer in the facilities. In addition, the bottom floor of the former Diamondbacks Minor League Clubhouse would be used for their locker room facilities. He stated the County would convert the fields back to baseball for 6 to 8 months, and then in the latter part of 2012, reconvert back to soccer fields with the assumption that the soccer use at Kino Sports Complex would continue to grow and be successful. He stated the agreement would be for a one year period, with the option to extend.

Supervisor Elías stressed that this was an important step in bringing professional sports back to the community and the approval of the use agreement would be vital to the community.

Supervisor Day expressed her support for the use agreement with FC Tucson.

The following speakers addressed the Board:

- Ted Schmidt, President of Tucson Soccer Academy
- Bruce Washburn
- Gregory Foster, Managing Member of FC Tucson Events

They provided the following comments:

- Tucson Soccer Academy expressed their support for the proposition.
- Tucson embraces soccer and has shown its support through attendance at soccer events.
- Tucson lacks soccer fields and the Board was urged to build soccer fields at Rillito. Adequate soccer fields would bring other youth soccer teams from other cities to Tucson for matches.
- Soccer is the most popular sport among youth and Tucson has the ideal setting for soccer.
- This would be an important economic development gain for our community.
- There was a possibility of a major league soccer team being brought to Tucson which would bring national exposure for the community.
- There has been tremendous support and a positive response from the community.
- Attendance at the Desert Cup Soccer Tournament in February was phenomenal.
- A multi-sport Complex at Kino Sports Complex would be the new formula for success.

On consideration, it was moved by Supervisor Elías, seconded by Chairman Valadez and unanimously carried by a 5-0 vote, to approve the development of a use agreement with FC Tucson.

21. **FINANCE AND RISK MANAGEMENT**

RESOLUTION NO. 2012 - 26, of the Pima County Board of Supervisors, providing for the issuance and sale of Pima County, Arizona, General Obligation Bonds, Series 2012A in one or more series and the issuance and sale of Pima County, Arizona, General Obligation Refunding Bonds, Series 2012B in one or more series; providing for the annual levy of a tax for the payment of the bonds; providing terms, covenants and conditions concerning the bonds; accepting a proposal for the purchase of the bonds; authorizing and directing the refunding of certain outstanding bonds; appointing an initial registrar and paying agent for the bonds; approving and ratifying all actions taken in furtherance of this resolution.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to adopt Resolution No. 2012 - 26.

22. **CONTRACT: COMMUNITY SERVICES, EMPLOYMENT AND TRAINING**

Arizona Board of Regents, University of Arizona, to provide for the operation of a Mobile Health Program for the term 7/1/11 to 6/30/12, CSBG Grant Fund, contract amount \$22,500.00 (CT-CS-12000921)

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

23. **CALL TO THE PUBLIC**

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

24. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:11 p.m.



CHAIRMAN

ATTEST:



CLERK