

MINUTES, FLOOD CONTROL DISTRICT BOARD

AUGUST 20, 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, August 20, 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. **AWARD**

Highest Scoring Proposal: Award of Contract for Solicitation No. 49226 to Schlesinger Consulting Engineering, P.L.L.C. (Headquarters: Tucson, AZ), the highest-ranked respondent for design engineering services for Canada Del Oro Wash Pathway: La Cholla to La Canada Drive Project, in an amount not to exceed \$300,000.00. In the event a fee agreement cannot be reached with the highest ranked firm, request authorization to negotiate with the next highest ranked firms in the following order: McGann & Associates, URS Corporation and L.J. Design Consulting, until a contract is executed or the final list is exhausted. Funding Source: Flood Control District Tax Levy Fund. Administering Department: Regional Flood Control District.

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

2. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 10:32 a.m.


CHAIRMAN

ATTEST:


CLERK

MINUTES, LIBRARY DISTRICT BOARD

AUGUST 20, 2012

The Pima County Library 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, August 20, 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. **PUBLIC LIBRARY COMMUNITY IMPACT PLAN**

Staff and the Library Advisory Board recommend approval of the Pima County Public Library Community Impact Plan for 2013-2016.

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

2. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 10:32 a.m.



CHAIRMAN

ATTEST:



CLERK

MINUTES, STADIUM DISTRICT BOARD

AUGUST 20, 2012

The Pima County Stadium 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, August 20, 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. **CONTRACT**

North County Baseball, L.L.C., to provide a Sports Facilities Use Agreement for the Tucson Padres to utilize the Kino Sports Complex, contract amount \$70,000.00 revenue (CT-CED-13000198)

Without objection, this item was continued to the Board of Supervisors' Meeting of September 4, 2012.

2. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 10:32 a.m.



CHAIRMAN

ATTEST:



CLERK

MINUTES, BOARD OF SUPERVISORS' MEETING

AUGUST 20, 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, August 20, 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 Raven Gaston, Catalina United Methodist Church.

2. **PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

3. **PERSONAL POINT OF PRIVILEGE**

Supervisor Elías recognized August 20, 2012 as the 237th Birthday of Tucson and indicated it was important to honor those that have come before us.

Supervisor Elías requested a moment of silence to acknowledge the passing of Larry Toledo. Mr. Toledo was a film maker and former high school athlete who spent much of his time mentoring young student athletes in the community.

4. **PAUSE 4 PAWS**

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

5. **PRESENTATION/PROCLAMATION**

Presentation of a proclamation to Susanne Collins recognizing Bernhardt Wm. Collins.

Supervisor Bronson presented the proclamation to Susanne Collins and members of her family. Mrs. Collins thanked the Board and recounted that Bernie always believed in community service and appreciated his appointment to the Industrial Development Authority.

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. PRESENTATION/PROCLAMATION

Presentation of a proclamation to Levi Fallavollita, Author, and Gabe Villa, Illustrator of *The Good, The Bad, and The Bullies*, proclaiming August 20, 2012, to be:

“ANTI-BULLYING DAY”

Supervisor Carroll presented the proclamation to Levi Fallavollita and Gabe Villa. They expressed their hope that the book would help other kids suffering from a bullying situation.

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

... EXECUTIVE SESSION

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, that the Board convene to Executive Session at 9:22 a.m.

7. RECONVENE

The meeting reconvened at 9:40 a.m. All members were present.

8. LITIGATION

Pursuant to A.R.S. §38-431.03(A)(3), for legal advice regarding the County’s proposed lease to Accelr8 Technology Corporation and the related loan agreement with Arizona Commerce Authority.

Chris Straub, Chief Civil Deputy County Attorney, stated this item was informational only, the Board took no action.

9. CONSENT CALENDAR: For consideration and approval

A. CALL TO THE PUBLIC

The Chairman inquired whether anyone wished to be heard on any item listed for action on the Consent Calendar.

The following speaker addressed the Board:

Judy Rich, CEO of Tucson Medical Center

She provided the following comments:

- Thanked the Board for its support in creating the opportunity for a partnership with Pima County.
- Explained that Tucson Medical Center's eligibility to participate in a draw down of federal funding was due to its teaching program and its disproportionate share of indigent care.
- Reported that the County's investment would be matched two to one by Federal Funding.

PULLED FOR SEPARATE ACTION BY SUPERVISOR CARROLL

1. CONTRACTS AND AWARDS

E. Institutional Health

10. RESOLUTION NO. 2012 - 70, approving an Intergovernmental Agreement with the Arizona Health Care Cost Containment System, to provide for Graduate Medical Education Funding, General Fund, contract amount \$2,041,967.94 (CT-IH-13000124)
11. RESOLUTION NO. 2012 - 71, approving an Intergovernmental Agreement with the Arizona Health Care Cost Containment System, to provide for Graduate Medical Education Funding, General Fund, contract amount \$2,128,531.12 (CT-IH-13000125)
12. RESOLUTION NO. 2012 - 72, approving an Intergovernmental Agreement with the Arizona Health Care Cost Containment System, to provide for Disproportionate Share Hospital Funds, General Fund, contract amount \$1,229,500.94 (CT-IH-13000160)

On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to adopt Resolution Nos. 2012- 70, 2012- 71 and 2012- 72.

PULLED FOR DISCUSSION

1. **CONTRACTS AND AWARDS**

D. **Facilities Management**

8. Southern Arizona Community Sports, Inc., to provide an Operating Agreement for the gymnasium at Curtis Park Community Recreational Facility, General Fund, contract amount \$2,478,430.00; operator's contribution \$699,843.00 revenue/10 year term (CT-FM-12001256)

Award

9. Low Bid: Award of Contract, Requisition No. 51192, to the lowest responsive bidder, D.L. Withers Construction, L.C. (Headquarters: Phoenix, AZ) for base bid only for the Southern Arizona Indoor Sports Center at Curtis Park, in the amount of \$4,169,000.00. The contract is for a twelve month period and may be extended for project completion. Funding Source: Certificates of Participation (COPS). Administering Department: Facilities Management.

Chuck Huckelberry, County Administrator, noted that the partnership with Southern Arizona Community Sports, Inc., to build a major indoor sports arena would promote the health and wellness of our community and youth.

Supervisor Bronson recognized that the partnership would benefit the community and have positive economic consequences in the next decade.

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 remainder of the Consent Calendar.

CONSENT CALENDAR ITEMS ARE AS FOLLOWS:

1. **CONTRACTS AND AWARDS**

A. **Community Development and Neighborhood Conservation**

1. Drexel Heights Fire District, Amendment No. 1, to provide for the purchase of fire hydrants, extend contract term to 12/31/12 and amend contractual language, CDBG Grant Fund, contract amount \$9,566.00 (CT-CD-12001598)

2. Picture Rocks Fire District, Amendment No. 1, to provide for the installation of an electronic message board and extend contract term to 12/31/12, no cost (CT-CD-12002010)

B. Community Services Employment and Training

3. Rise, L.L.C., d.b.a. Rise Equipment Recycling Center, Amendment No. 2, to provide employment and training services, extend contract term to 7/31/13 and amend contractual language, U.S. DOL and WIA Grant Funds, contract amount \$38,188.80 (CT-CS-12001268)
4. Grace Temple Baptist Church of Tucson, Amendment No. 2, to provide participant recruitment and assistance in employment through the Faith/Community Partners Initiative Project, extend contract term to 6/30/13 and amend contractual language, WIA Fund, contract amount \$35,000.00 (CT-CS-12001351)

C. County Attorney

5. Arizona Criminal Justice Commission, Amendment No. 1, to provide additional Victim Compensation, State Grant Fund, contract amount \$31,232.81 revenue (CTN-PCA-12000021)
6. State of Arizona, Office of the Attorney General, to provide for the FY2013 Victims' Rights Program, State Grant Fund, contract amount \$245,200.00 revenue (CTN-PCA-12000647)

D. Facilities Management

7. University Physicians Healthcare for Kino Hospital Campus, Amendment No. 1, to provide a Lease Agreement for Kino Hospital Campus and amend contractual language, no cost (CT-FM-12002152)
8. Southern Arizona Community Sports, Inc., to provide an Operating Agreement for the gymnasium at Curtis Park Community Recreational Facility, General Fund, contract amount \$2,478,430.00; operator's contribution \$699,843.00 revenue/10 year term (CT-FM-12001256)

Award

9. Low Bid: Award of Contract, Requisition No. 51192, to the lowest responsive bidder, D.L. Withers Construction, L.C. (Headquarters: Phoenix, AZ) for base bid only for the Southern Arizona Indoor

Sports Center at Curtis Park, in the amount of \$4,169,000.00. The contract is for a twelve month period and may be extended for project completion. Funding Source: Certificates of Participation (COPS). Administering Department: Facilities Management.

E. Institutional Health

10. RESOLUTION NO. 2012 - 70.
(PULLED FOR SEPARATE ACTION)
11. RESOLUTION NO. 2012 - 71.
(PULLED FOR SEPARATE ACTION)
12. RESOLUTION NO. 2012 - 72.
(PULLED FOR SEPARATE ACTION)

F. Information Technology

13. Zayo Group, L.L.C., to provide for a Non-Exclusive Right-of-Way Use License for a communication system, contract amount \$3,000.00 revenue (CTN-IT-13000008)

G. Procurement

14. GCA Services Group Mountain States, L.P., d.b.a. GCA Services Group, Amendment No. 1, to provide janitorial services for the Abrams Facilities and amend contractual language, General Fund, contract amount \$181,285.00 (MA-PO-12000656)

Awards

15. Amendment of Award: MA No. B507473-BC Version 10, W. W. Grainger, Inc., to provide hand tools in the amount of \$95,000.00. Funding Source: RWRD Enterprise Fund. Administering Department: Regional Wastewater Reclamation Department.
16. Amendment of Award: MA No. B505971-BC Version 5, U.S. Foodservice, Inc., to provide food for inmates in the amount of \$240,000.00. Funding Source: General Fund. Administering Department: Sheriff.

H. **Regional Wastewater Reclamation**

17. Town of Marana, Amendment No. 3, to provide billing and collection of sewer user fees, extend contract to 5/18/13 and amend contractual language, RWRD Enterprise Fund, contract amount \$45,000.00 (CT-WW-12001117)

I. **Sheriff**

18. Governor's Office of Highway Safety, to provide DUI Enforcement, Federal Grant Fund, contract amount \$115,000.00 revenue (CTN-SD-13000018)
19. Governor's Office of Highway Safety, to provide School Zone and Bus Enforcement, Federal Grant Fund, contract amount \$20,000.00 revenue (CTN-SD-13000019)
20. Governor's Office of Highway Safety, to provide Selective Traffic Enforcement, Federal Grant Fund, contract amount \$43,760.00 revenue (CTN-SD-13000020)
21. Arizona Attorney General's Office/Victims' Rights Program, to provide for the Victims' Rights Laws, State Grant Fund, contract amount \$56,600.00 revenue (CTN-SD-13000027)

2. **CONSOLIDATED JUSTICE COURTS**

Judge Pro Tempore

Appointment of Ruben Esparza as Judge Pro Tempore for the period July 1, 2012 through June 30, 2013.

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

A. **Bond Advisory Committee**

Ratification of Town of Marana appointment: Tom Dunn to replace Dan Sullivan. Term expiration: 8/31/18. (Jurisdictional recommendation)

B. **Metropolitan Education Commission**

1. Appointment of Jennifer Flores, representing Arizona Education Association – Teachers, Grades 5 through 9, to fill unexpired term of John Fife. Term expiration: 8/13/13. (Commission recommendation)

2. Reappointment of JoAnn Sayre, representing Regionally Accredited Private Institutions. Term expiration: 8/3/15. (Commission recommendation)

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

- A. Laura B. Brumbelow, Rincon Institute, 12500 E. Old Spanish Trail, Tucson, September 15, 2012.
- B. Patrick O'Brien, Knights of Columbus Assembly 2308, 8650 N. Shannon Road, Tucson, August 25, 2012.

FINANCE AND RISK MANAGEMENT

5. **Duplicate Warrants – For Ratification**

University High School Parent Association	\$5,000.00
Lyla Theobald	\$ 140.00
Keith M. Campbell	\$ 41.80
Susan B. Spaniol	\$ 41.80
Tucson Physical Therapy	\$ 637.50
Bradley John Gagnepain	\$ 156.00
Chuck Sunday	\$ 185.00
Virginia Dillon	\$ 155.00
Republic Services of Arizona Hauling	\$ 327.50
Republic Services of Arizona Hauling	\$ 327.50
Town of Marana Utilities Department	\$ 246.60
Danzita Elias	\$ 200.00
Water Tec of Tucson	\$ 687.33
Sally Valenzuela	\$ 120.00
Stacy M. Portillo	\$1,115.00
Judith Lugers	\$ 22.25
Elizabeth Peckenpaugh	\$ 140.00
AzAtsa	\$ 860.00
L.N. Curtis & Sons	\$2,459.81
Janjira M. Pallanes	\$ 65.80
Stephen Bleich	\$ 140.00
William Warren Hays	\$ 8.01
Paul Rondelli	\$7,236.00
Regina Jean Deil-Amen	\$ 59.60

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(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, 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:

G & Y Investments, d.b.a. Sparkle Car Wash, Case No. C2012-08. The proposed settlement is \$1,000.00 in accordance with the Industrial Wastewater Enforcement Response Plan.

7. **RATIFY AND/OR APPROVE**

Minutes: July 10, 2012

REGULAR AGENDA/ADDENDUM ITEMS

10. **BOARD OF SUPERVISORS**

Allocation of \$2,500.00 from the Contingency Fund to the Arizona Blind and Deaf Children's Foundation for sponsorship of its Sights & Sounds Program on November 9, 2012. (District 5)

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

11. **BOARD OF SUPERVISORS: Tax Levy**

A. Adoption of the Fiscal Year 2012/2013 Tax Rates and establishing Tax Levy amounts.

If approved, pass and adopt:

RESOLUTION NO. 2012 - 73

B. RESOLUTION NO. 2012 - 74, authorizing delivery of the tax statements and the collection of the 2012 taxes.

Supervisor Carroll stated that he had previously opposed this tax rate and could not in good conscience vote for the budget or the tax levy amounts. He noted that he did approve of some of the County Administrator's proposed budget but felt there had not been enough done to reduce the tax load on the citizens. He did not agree with the recommendations regarding the County's reserves and urged the Board to reduce taxes next year. Supervisor Carroll recommended for the next budget cycle that the Board start earlier and have outside budget review discussions.

Supervisor Day also did not agree with the recommendation regarding the Reserve Fund, but stated she had voted for the budget because she wanted to leave her colleagues with a sense of encouragement to continue budget reforms.

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

Supervisor Bronson read the following into the record:

	Fiscal Year 2012/13 Rate	Fiscal Year 2012/13 Levy
Primary - General Fund	\$3.4178	\$275,951,044
County Free Library	0.3460	28,081,413
Debt Service	0.7800	63,735,453
Flood Control District	0.2635	19,089,598
Fire District Assistance	0.0447	3,650,680
Total County	\$4.8520	\$390,508,188

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías, to close the public hearing and adopt Resolution No. 2012 - 73, with the rates as read into the record and adopt Resolution No. 2012 - 74. Upon the roll call vote being taken, the motion carried 4-1, with Supervisor Carroll voting "Nay."

12. FRANCHISE/LICENSE/PERMIT: Liquor License

12-20-9117, Wendy Kristina Cross, 49ers Country Club, 12000 E. Tanque Verde Road, Tucson, Series 12, Restaurant, New License.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing, approve the license and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

13. FRANCHISE/LICENSE/PERMIT: Liquor License

12-21-9118, Thomas Robert Aguilera, Corners Ice House, 3750 S. Old Spanish Trail, Tucson, Series 6, Bar, Person Transfer.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing, approve the license and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

14. **FRANCHISE/LICENSE/PERMIT: Liquor License**

12-22-9119, Phillip George Ferranti, El Cisne Restaurant, 4717 E. Sunrise Drive, Tucson, Series 12, Restaurant, New License.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing, approve the license subject to the Sheriff's Report and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

15. **FRANCHISE/LICENSE/PERMIT: Liquor License**

12-23-9120, Jason Hartnett Hartenbach, Tohono Chul Tea Room, 7366 N. Paseo del Norte, Tucson, Series 12, Restaurant, New License.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing, approve the license and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

16. **FRANCHISE/LICENSE/PERMIT: Agent Change/Acquisition of Control/Restructure**

12-02-0032, Miguel Angel Soto, Silver Springs Retirement Community, 500 W. Camino Encanto, Green Valley, Agent Change.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing, approve the license and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

17. **FRANCHISE/LICENSE/PERMIT: Fireworks Permit**

Stephanie Paynter, Loews Ventana Canyon Resort, 7000 N. Resort Drive, Tucson, September 1, 2012 at approximately 8:30 p.m.

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

18. **DEVELOPMENT SERVICES: Rezoning**

Co9-12-02, GATEWAY HACIENDA, L.L.C. – RIVER ROAD REZONING

Request of Gateway Hacienda, L.L.C., represented by Projects International, Inc., for a rezoning of approximately 7.24 acres from SR (Suburban Ranch) to TR (Transitional), on property located at the southeast corner of River Road and Hacienda Del Sol. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 9-0 (Commissioner Membrila was absent) to recommend APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 1)

Completion of the following requirements 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. Transportation conditions:
 - A. The property owner/developer shall provide continuous pedestrian path along one side of the drainageway located midway through the site between River Road and the Rillito River Park Trail.
 - B. The property owner/developer shall provide curb and sidewalk along River Road frontage as required by the Department of Transportation. If drainage or other physical constraints make curb infeasible, then a continuous pedestrian pathway may be allowed in place of curb and sidewalk as approved by the Department of Transportation.
 - C. The property owner/developer shall provide offsite improvements determined necessary by Department of Transportation. A Traffic Impact Study shall be submitted if determined necessary by the Department of Transportation.
 - D. Existing access on River Road west of the drainage way shall be eliminated.
 - E. River Road access shall be located east of the drainage way and shall not be the main or only access to the site.
 - F. The property owner/developer shall design the development with the main entrance/access on the west property boundary (southerly extension of Hacienda del Sol). This will allow for left turn into and from the site at the signalized intersection of Hacienda del Sol and River Road.
7. Flood Control conditions:
 - A. Fifty feet from the top of the Rillito River bank protection shall be required for drainageway maintenance and public access purposes.
 - B. Hacienda del Sol Wash shall be restored to a semi natural state by measures proposed within the Site Analysis and shown on the preliminary development plan (PDP), including re-contouring to provide water harvesting for native riparian plant species to be included on the landscaping plan and a natural channel design.
 - C. The Development Plan shall show graphically and by notation that the Hacienda del Sol Wash connection to the Rillito River will be made underneath the river park path.
8. Wastewater Reclamation conditions:
 - A. The final parking lot layout will be accepted by PCRWRD with the Preliminary Sewer Layout on the Development Plan.

- B. The owner/developer shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner/developer to that effect.
 - C. The owner/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner/developer shall have the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the Pima County Regional Wastewater Reclamation Department.
 - D. 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.
 - E. The owner/developer shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the Regional Wastewater Reclamation Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
 - F. The owner/developer shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, sewer construction plan or request for building permit.
 - G. The owner/developer shall 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.
9. Environmental Quality condition:
Air quality activity permits be secured by the developer or prime contractor before constructing, operating or engaging in an activity, which may cause or contribute to air pollution.
10. Adherence to the preliminary development plan (including internal access, and landscaping and path features for portions of the plan outside of the rezoning site) as approved at public hearing.
11. The maximum building height shall be 24 feet and one story for all buildings except the skilled nursing facility which shall have a maximum building height of 34 feet and two stories as depicted on the preliminary development plan.
12. Non-residential buildings shall not front River Road and shall be oriented to the westerly and southerly portions of the site. Rear sides of non-residential buildings shall not face the Rillito River. Non-residential buildings shall be designed with four-sided architecture.
13. Access to River Road shall be limited to right-in and right-out per rezoning policy RP-124(B).
14. Meet sustainability commitments as outlined in Section II-A.2.f on pages 56 and 57 of the rezoning site analysis.
15. Uses are limited to an Assisted Living/Skilled Nursing Facility (with ancillary uses) and Professional Medical Offices in accordance with the uses as approved in Rezoning Policy 124.
16. Sustainability and Conservation conditions:
- A. Those areas as shown in Exhibit II-E.1.a.(1) which are to be re-vegetated and landscaped for purposes of complying with the Conservation Lands System shall be done in accordance with the vision and designs presented in the Site Analysis especially Exhibits II-E.1.a.(2), II-E.2.a, II-E.2.b, and II-E.2.c.
 - B. Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those below. 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.

Invasive Non-Native Plant Species Subject to Control

Ailanthus altissima	Tree of Heaven
Alhagi pseudalhagi	Camelthorn
Arundo donax	Giant reed
Brassica tournefortii	Sahara mustard
Bromus rubens	Red brome
Bromus tectorum	Cheatgrass
Centaurea melitensis	Malta starthistle
Centaurea solstitialis	Yellow starthistle
Cortaderia spp.	Pampas grass
Cynodon dactylon	Bermuda grass (excluding sod hybrid)
Digitaria spp.	Crabgrass
Elaeagnus angustifolia	Russian olive
Eragrostis spp.	Lovegrass (excluding E. intermedia, plains lovegrass)
Melinis repens	Natal grass
Mesembryanthemum spp.	Iceplant
Peganum harmala	African rue
Pennisetum ciliare	Buffelgrass
Pennisetum setaceum	Fountain grass
Rhus lancea	African sumac
Salsola spp.	Russian thistle
Schinus spp.	Pepper tree
Schismus arabicus	Arabian grass
Schismus barbatus	Mediterranean grass
Sorghum halepense	Johnson grass
Tamarix spp.	Tamarisk

17. Parks and Recreation conditions:
 - A. The developer shall record Public Non-Motorized Trail Easements for trails as shown on the Preliminary Development Plan.
 - B. The developer shall build pedestrian and equestrian trails through the project as shown the Preliminary Development Plan.
 - C. The developer shall construct the drainage channel(s) exiting the site to drain beneath the Rillito River Park path.
 - D. The developer shall construct the divided urban pathway as shown on the Preliminary Development Plan for the Rillito River Park.
18. Cultural Resources condition:

A caution must be noted concerning human burials. Archaeological clearance recommendations do not exempt the development from compliance with State burial protection laws. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State Laws ARS 41-865 and/or ARS 41-844 require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
19. 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.
20. The property owner shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the

conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I).”

21. Either the property shall be addressed from Hacienda del Sol or on-site directional signage shall be provided directing traffic to the Hacienda del Sol primary access/entrance.
22. A Final Integrated Water Management Plan (FIWMP) including water harvesting shall be approved prior to development plan approval.

Arlan Colton, Planning Director, offered the staff report and stated that three notices of public comment were received but only one in opposition from a neighbor within 500 feet. Mr. Colton noted for the record that Condition No. 11 allowed for the 34 foot height for one building.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and approve Co9-12-02, subject to standard and special conditions.

19. **DEVELOPMENT SERVICES: Plat Note Modification**

Co12-93-11, SABINO ESTATES AT SABINO SPRINGS (LOTS 43, 44 and 45)
Request of Jacob Family Revocable Trust, represented by Randel Jacob Design Group, P.L.L.C., for a plat note modification of administrative control note No. 20(B) to increase the area of development envelope from 9,200 square feet to 11,000 square feet on Lots 43 (6.19 acres), 44 (1.02 acres), and 45 (.98 acre) of the Sabino Estates at Sabino Springs subdivision (Bk. 45, Pg. 07), a portion of the Sabino Springs Specific Plan. The subject properties are zoned SP (BZ) (Specific Plan) (Buffer Overlay Zone) and are located on the north side of Sabino Estates Drive, approximately one quarter mile north of Houghton Road, south of the Coronado National Forest, and three quarters of a mile east of Bowes Road. Staff recommends APPROVAL. (District 4)

Arlan Colton, Planning Director, provided the staff report and noted that the Board had previously approved a similar request and may see more in the future given the topography of the sites to allow for access.

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 Co12-93-11.

20. **DEVELOPMENT SERVICES: Rezoning Ordinance**

ORDINANCE NO. 2012 - 44, Co9-85-13, Armenta – Tanque Verde Road Rezoning. Owner: Comanchero Associates, L.L.C. (District 4)

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to close the public hearing and approve Ordinance No. 2012- 44.

21. REGIONAL WASTEWATER RECLAMATION: Pima County Code Text Amendment

ORDINANCE NO. 2012 - 45, of the Pima County Board of Supervisors, amending the Pima County Code, Title 13, Chapter 20, Sanitary Sewer Construction, Connections And Fees by making previous revisions retroactive and instituting a limited new Refund/Credit Program.

Supervisor Elías inquired if there were changes made to the proposed Refund/Credit Program.

Chuck Huckelberry, County Administrator, reported that the proposed Refund/Credit Program was written as approved previously by the Board.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Bronson, seconded by Supervisor Carroll and carried by a 4-1 vote, Supervisor Elías voting “Nay,” to close the public hearing and approve Ordinance No. 2012- 45.

22. TRANSPORTATION: Establishment of County Highway

RESOLUTION NO. 2012 - 75, of the Pima County Board of Supervisors, establishing a County highway within the incorporated limits of the City of Tucson for the Ajo Way IGA Road Improvement Project: Park Avenue to Second Avenue. (District 2)

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing and approve Resolution No. 2012- 75.

23. TRANSPORTATION: Traffic Ordinances

A. ORDINANCE NO. 2012 - 46, of the Board of Supervisors, establishing prima facie reasonable speed limits for motor vehicles on Ina Road in Pima County, Arizona. Staff recommends APPROVAL. (Districts 1 and 3)

B. ORDINANCE NO. 2012 - 47, of the Board of Supervisors, establishing an abutting school crosswalk for Centennial Elementary School on Wetmore Road at La Cholla Boulevard in Pima County, Arizona. Staff recommends APPROVAL. (District 3)

- C. ORDINANCE NO. 2012 - 48, of the Board of Supervisors, regulating parking on Wetmore Road in Pima County, Arizona. Staff recommends APPROVAL. (District 3)

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 and approve Ordinance Nos. 2012- 46, 2012- 47, and 2012- 48.

24. **COUNTY ADMINISTRATOR: Relocation of the Emerging Out-of-State Biotechnology and Life Science Company, Accelr8 Technology Corporation, to the Herbert K. Abrams Public Health Center**

Staff recommends approval of the following:

- A. Lease Agreement with Acceler8 Technology Corporation (Contract No. CTN-FM-13000055).
- B. RESOLUTION NO. 2012- 76, approving and authorizing a Loan from the Arizona Commerce Authority to the County for the purpose of financing tenant improvement to the fourth floor of the Abrams Building required by a lease with Accelr8 Technology Corporation in the amount of \$700,000.00; and that the above be repaid within two years; with the condition that after repayment, said funds will remain available for similar economic development and job creation for our region's jurisdictions for a period of three additional years.
- C. Authorize the use of \$700,000.00 from the Pima Health System Transition Fund to complete tenant improvements for Accelr8 Technology Corporation, on the fourth floor of the Herbert K. Abrams Public Health Center.
- D. Find that this action will assist in the creation and retention of jobs and will improve or enhance the economic welfare of the inhabitants of Pima County.

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 - 76 and approve the recommendations.

25. **OFFICE OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY**

RESOLUTION NO. 2012 - 77, of the Pima County Board of Supervisors, accepting the State of Arizona, Department of Emergency and Military Affairs, Arizona Division of Emergency Management Award in the amount of \$286,338.00.

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 - 77.

26. **CONTRACTS**

A. **Community Development and Neighborhood Conservation**

1. U.S. Department of Housing and Urban Development, to provide for the CASA for Families II Project, HUD Fund, contract amount \$434,713.00 revenue (CTN-CD-13000043)
2. Pima Association of Governments, to provide for the Regional Planning Project, General Fund, contract amount \$298,000.00 (CT-CD-13000120)

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

3. U.S. Department of Housing and Urban Development, to provide for the La Casita Project, HUD Fund, contract amount \$221,935.00 revenue (CTN-CS-13000052)

C. **Facilities Management**

4. University Physicians Healthcare, Inc., to provide a lease agreement at the Abrams Public Health Building for the Family Medicine and Diabetic Clinic and Teaching Kitchen, contract amount \$2,145,495.00 revenue (CTN-FM-13000054)

D. **Health Department**

5. Pima Council on Aging, to provide direct health services and supportive counseling, contract amount \$22,922.00 revenue (CTN-HD-13000045)
6. State of Arizona, Department of Corrections, Amendment No. 3, to provide an inmate labor pool to support Pima Animal Care Center and extend contract term to 8/31/13, General Fund, contract amount \$28,000.00 (CT-HD-12000619)

E. **Real Property**

7. Crown Atlantic Company, L.L.C., to provide a Government Entity Tower License Agreement to collocate communication equipment related to the Pima County Wireless Integrated Network, Special Revenue Fund, contract amount \$54,000.00/5 year term (CT-PW-13000196)

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

27. **BOARD, COMMISSION AND/OR COMMITTEE: Pima County Parks and Recreation Commission**

Reappointment of Thomas J. Drzazgowski and James L. Mazzocco. Term expirations: 6/30/18. (District 1)

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

28. **DEVELOPMENT SERVICES: Final Plat with Assurances**

P1212-026, Las Campanas, Block C, Phase 1B1, Lots 46-57 and Common Areas A and B. (District 4)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to approve P1212-026.

29. **FRANCHISE/LICENSE/PERMIT: Extension of Premises/Patio Permit**

Chad Douglas Pitlik, Holiday Inn Hotel and Suites, 4550 S. Palo Verde Road, Tucson, Temporary Extension of Premises for September 5, 6, 7, 8 and 9, 2012.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to close the public hearing, approve the license and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

30. **CALL TO THE PUBLIC**

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

Chuck Fatum addressed the Board regarding the protocol to recommend revision of the existing Pima County Code, which refers to protest and review of Sanitary Sewer User Fees.

Mariana Parker requested that the Board review letters submitted by various volunteers, members of rescue groups and concerned citizens containing issues, concerns and recommendations regarding the Pima Animal Care Center.

Ralph Armenta appeared and provided the Board with alternative suggestions for the Broadway Boulevard Road Project that would preserve the First Assembly of God Church.

31. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 10:32 a.m.



CHAIRMAN

ATTEST:



CLERK