

## **FLOOD CONTROL DISTRICT BOARD MINUTES**

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, December 2, 2014. Upon roll call, those present and absent were as follows:

Present: Sharon Bronson, Chair  
Richard Elías, Vice Chair  
Ramón Valadez, Acting Chair  
Ally Miller, Member  
Ray Carroll, Member

Also Present: Chuck Huckelberry, County Administrator  
Chris Straub, Chief Civil Deputy County Attorney  
Robin Brigode, Clerk of the Board  
James Ogden, Sergeant at Arms

### **1. RIPARIAN HABITAT MITIGATION**

Staff requests approval of a Riparian Habitat Mitigation Plan and in-lieu fee for site security improvements at Ryan Airfield located at 9698 W. Ajo Highway within important riparian area with underlying Class H and Hydroriparian Habitat. \$30,574.17 revenue. (District 3)

It was moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to approve the item.

### **2. RIPARIAN HABITAT MITIGATION**

Staff requests approval of a Riparian Habitat Mitigation Plan and in-lieu fee for a commercial stable located at 13750 N. Bowman Road within important riparian area with underlying Xeroriparian Class B Habitat. \$30,809.63 revenue. (District 1)

It was moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to approve the item.

### **3. GRANT ACCEPTANCE**

U.S. Department of Homeland Security-FEMA, to provide for the Upper Santa Cruz Flood Risk Mapping Project, \$200,000.00 (GTAW 15-48)

It was moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to approve the item.

4. **AWARD**

Direct Select: Award of Contract, Contract No. CT-FC-15-204, in an amount not to exceed \$489,458.00, to CMG Drainage Engineering, Inc., to provide floodplain management services for the Airport Wash Basin Management Study Phase 2 Project. Funding Source: Flood Control Tax Levy. Administering Department: Regional Flood Control District.

It was moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to approve the item.

5. **CONTRACT**

PSOMAS, Inc., Amendment No. 3, to provide for design engineering services for Pantano Bank Protection and River Park: Phase 3 Tanque Verde Road to Glenn and Phase 4 Glenn to Craycroft and amend contractual language, no cost (CT-FC-13-594) Regional Flood Control District

It was moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to approve the item.

6. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:02 a.m.

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CHAIR

ATTEST:

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CLERK

## **BOARD OF SUPERVISORS' MEETING MINUTES**

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, December 2, 2014. Upon roll call, those present and absent were as follows:

Present: Sharon Bronson, Chair  
Richard Elías, Vice Chair  
Ramón Valadez, Acting Chair  
Ally Miller, Member  
Ray Carroll, Member

Also Present: Chuck Huckelberry, County Administrator  
Chris Straub, Chief Civil Deputy County Attorney  
Robin Brigode, Clerk of the Board  
James Ogden, Sergeant at Arms

### **1. PERSONAL POINT OF PRIVILEGE**

Supervisor Valadez acknowledged the passing of Felipe Lundin and spoke about his many achievements and his community service, and requested a moment of silence in memory.

### **2. INVOCATION**

The invocation was given by Pastor Brian Steely, Sahuarita Baptist Church.

### **3. PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

### **4. PAUSE 4 PAWS**

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

### **5. CALL TO THE PUBLIC**

Mary Murphy addressed the Board regarding issues in Green Valley and protests in Ferguson, Missouri.

Christopher Cole spoke regarding the Congressional District 2 recount and asked about the contingency plans should the judge throw out the recount.

Alex Bissett spoke about the Colossal Cave rehabilitation and that information needed to be developed beyond the rehabilitation cost estimate.

Merritt McGlothlin spoke regarding the deplorable condition and deterioration of the roads.

6. **CONVENE TO EXECUTIVE SESSION**

It was moved by Supervisor Valadez, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to convene to Executive Session at 9:26 a.m.

7. **RECONVENE**

The meeting reconvened at 9:53 a.m. All members were present.

**EXECUTIVE SESSION**

8. The Board of Supervisors on November 18, 2014, continued the following:

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a possible lawsuit related to the application of the Tucson/Pima County Outdoor Lighting Code to mining activities by HudBay Minerals, Inc. and its subsidiary Rosemont Copper Company at the proposed Rosemont Copper mine site located in the northeastern Santa Rita Mountains.

Chris Straub, Chief Civil Deputy County Attorney, stated this related to whether the Tucson/Pima County Outdoor Lighting Code applied to mining activities conducted by HudBay Minerals, Inc. and its subsidiary Rosemont Copper Company at the proposed Rosemont Copper mine site located in the northeastern Santa Rita Mountains.

It was moved by Supervisor Elías, seconded by Supervisor Carroll and carried by a 4-1 vote, Supervisor Miller voted "Nay," to proceed as discussed in executive session.

9. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a proposed settlement in Pima County v. Lakeshore Ventures, L.L.C., et al., Pima County Superior Court Case No. C20136322.

Chris Straub, Chief Civil Deputy County Attorney, stated this case was a result of a condemnation of an approximately 41,481 square foot vacant portion of approximate 6.39 acre parcel owned by Lakeshore Ventures, L.L.C. needed for the Julian Wash Linear Park Project: I-10 to Campbell. He stated that under the terms of a tentative settlement, the County would pay \$110,000.00 as just compensation for the acquisition, plus interest as provided by statute. He stated the County Administrator and County Attorney's Office recommended approval of the proposed settlement.

It was moved by Supervisor Elías, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to accept the recommendation.

## **COUNTY ADMINISTRATOR**

### **10. Classification/Compensation**

The Information Technology Department requests approval to create the following new classification, associated costs will be borne by the department from within its current budget:

Class Code/Class Title/ Grade Code (Range)/ EEO Code/ Overtime Status  
7716/ ITD-Project Management Officer-Unclassified/ U4(\$67,620-\$149,989)/ 1/ E\*  
\*E = Exempt (not paid overtime)

It was moved by Supervisor Miller, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to approve the item.

## **CLERK OF THE BOARD**

### **11. Petition for Refund - Faith Christian Fellowship of Tucson**

Pursuant to A.R.S. §42-11109, Faith Christian Fellowship of Tucson has petitioned the Board of Supervisors for relief of their tax year 2014 taxes and associated interest/penalty.

It was moved by Supervisor Miller, seconded by Chair Bronson and unanimously carried by a 5-0 vote, to approve the item.

## **FRANCHISE/LICENSE/PERMIT**

### **12. Wine Festival/Wine Fair License**

St. Philip's Plaza, 4280 N. Campbell Avenue, Suite 212, Tucson, December 13, 2014 from 3:00 p.m. to 8:30 p.m., for the following:

- Joseph Bechard, d.b.a. Chateau Tumbleweed
- Mark W. Beres, d.b.a. Flying Leap Vineyards, Inc.
- Ray Freitas, d.b.a. Freitas Vineyard
- Gavin Gallifant, d.b.a. Gallifant Cellars
- Gerald K. Smith, d.b.a. Gerald, Inc.
- Ann Gardner, d.b.a. Hannah's Hill Enterprises, L.L.C.
- Rodney Edward Keeling, d.b.a. Keeling Schaefer Vineyards, L.L.C.
- Charlene Manning, d.b.a. Kief-Joshua Vineyards
- Eric Glomski, d.b.a. Page Springs Vineyards & Cellars
- Arlene Domanico, d.b.a. Passion Cellars, L.L.C.
- Barbara Pierce, d.b.a. Pierce Wines Arizona, L.L.C.
- Samuel Wallace Pillsbury, d.b.a. Pillsbury Wine Company, L.L.C.
- Cory Whalin, d.b.a. Su Vino Winery
- Garrison Ellam, d.b.a. Village of Elgin Winery
- Karyl L. Wilhelm, d.b.a. Wilhelm Family Vineyards

- Mark Jorve, d.b.a. Zarpara Vineyard

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Elías, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearings, approve the licenses and forward the recommendations to the Arizona Department of Liquor Licenses and Control.

13. **Agent Change/Acquisition of Control/Restructure**

09100030, Michael Joseph Basha, Bashas' No. 79, 8360 N. Thornydale Road, Tucson, Acquisition of Control.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Elías, seconded by Supervisor Carroll 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. **Agent Change/Acquisition of Control/Restructure**

09100088, Michael Joseph Basha, Bashas' No. 160, 2000 W. River Road, Tucson, Acquisition of Control.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Elías, seconded by Supervisor Carroll 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.

15. **Agent Change/Acquisition of Control/Restructure**

09109002S, Michael Joseph Basha, AJ's No. 122, 2805 E. Skyline Drive, Tucson, Acquisition of Control.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Elías, seconded by Supervisor Carroll 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. **Agent Change/Acquisition of Control/Restructure**

07103001, Michael Joseph Basha, AJ's No. 122, 2805 E. Skyline Drive, Tucson, Acquisition of Control.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Elías, seconded by Supervisor Carroll 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. **Agent Change/Acquisition of Control/Restructure**

09100144S, Michael Joseph Basha, Bashas' No. 52, 15310 N. Oracle Road, Tucson, Acquisition of Control.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Elías, seconded by Supervisor Carroll 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.

18. **Agent Change/Acquisition of Control/Restructure**

09100028, Michael Joseph Basha, Bashas' No. 71, 6900 E. Sunrise Drive, Tucson, Acquisition of Control.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Elías, seconded by Supervisor Carroll 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.

19. **Extension of Premises/Patio Permit**

06100203, Randy D. Nations, Hot Rods Old Vail, 10500 E. Old Vail Road, Tucson, Temporary Extension of Premises for December 14, 2014.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Elías, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing, approve the permit and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

**DEVELOPMENT SERVICES**

20. **Comprehensive Plan Amendment**

The Board of Supervisors on October 21, 2014, continued the following:

Co7-14-03, CATALINA FOOTHILLS CENTER GENERAL PARTNERSHIP - N. ORACLE ROAD PLAN AMENDMENT

Request of Catalina Foothills Center General Partnership, represented by Projects International, Inc., to amend the Pima County Comprehensive Plan from Low Intensity Urban 1.2 (LIU 1.2), Medium Intensity Urban (MIU) and Resource Transition (RT) to Medium Intensity Urban (MIU), Neighborhood Activity Center (NAC) and Resource Transition (RT) for approximately 50 acres located immediately east of N. Oracle Road and immediately north and west of N. Genematas Drive, in Section 13, T13S, R13E, in the Catalina Foothills Subregion. On motion, the Planning and Zoning Commission voted 6-1 (Commissioner Membrila voted "Nay," Commissioners Bain, Cook and Neeley were absent) to recommend APPROVAL OF AMENDING AREAS TO NEIGHBORHOOD ACTIVITY CENTER (NAC) AND RESOURCE TRANSITION (RT), AND MODIFIED APPROVAL OF THE MEDIUM INTENSITY URBAN (MIU) REQUEST AREA TO LOW INTENSITY URBAN 3.0 (LIU 3.0), SUBJECT TO AMENDED REZONING POLICIES. Staff recommends APPROVAL SUBJECT TO REZONING POLICIES. (District 1)

Recommended Rezoning Policies:

- A. The Preliminary Development Plan submitted with the rezoning application shall demonstrate avoidance of regulatory floodplains and Important Riparian Area.
- B. Post-development floodplains shall be designated Resource Transition.
- C. The location of off-site properties to meet Maeveen Marie Behan Conservation Lands System (MMBCLS) mitigation guidelines should be within the same general geographic region of the Comprehensive Plan amendment site.
- D. MMBCLS off-site mitigation property should provide the same or better resource values as the original site including, but not limited to:
  1. MMBCLS designations inclusive of 2004 Conservation Bond Habitat Protection Priority designations;
  2. Vegetation community type(s);
  3. Habitat values for applicable MMBCLS Special Species (e.g., breeding, dispersal);
  4. Surface water or unique landforms such as rock outcrops; and
  5. Contribution to landscape connectivity.
- E. Demonstration that the resource and conservation values of the MMBCLS off-site mitigation property will be protected in perpetuity.
- F. The maximum residential density for the 27-acre area proposed for Low Intensity Urban 3.0 (LIU 3.0) land use designation shall be 2.75 residential units per acre.

Chris Poirier, Assistant Planning Director, stated that this was a request to amend the Pima County Comprehensive Plan.. He stated the request could generally be broken into three parts. The first would amend the comprehensive plan to Neighborhood Activity Center area along Oracle Road and he added that for the most part there had not been much public opposition. The second easterly portion had received a substantial amount of opposition to amend to Medium Intensity Urban. He reported that the Planning and Zoning Commission had recommended the area be amended to Low Intensity Urban 3.0 and that the applicant had met with neighbors and the neighborhood association and had reached a compromise of LIU 3.0 with a resident per acre (RAC) cap of 2.75 homes per acre. The third portion along the Pima Wash has been requested to be Resource Transition. He stated that if approved a new rezoning policy "F" would be added to address the LIU 3 portion with 2.75 RAC.

Jim Portner, Projects International, Inc., thanked the members of the Oracle Foothills Neighborhood Association for their hard work and input on the plan amendment.

The following speakers addressed the Board:

- Reggie Smith
- Mary Clare Jacobs
- Susan Berger
- Carol DeAngeli
- Diana Ossana
- Jay DeAngeli

They offered the following comments:

- Ingress and egress would require a new road be built.
- Concern about noise and an assisted living facility.
- The second area should be left at CR-1.
- Concern of the unknown and potential traffic.
- The owners are not from Tucson and are only interested in the return on their investment.
- The area should be maintained under the current land use of 1.2.
- Some of the neighbors have invested in other parts of the area to keep it preserved.
- Concern of reduction in property values.
- Concern that the property would be difficult to develop.

It was moved by Supervisor Miller, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing and approve Co7-14-03, subject to rezoning policies as amended to include new rezoning policy “F” to cap the density of the 27 acres of LIU 3.0 to 2.75 units per acre.

## 21. **Rezoning**

### Co9-14-12, JANICEK - SOUTH HOUGHTON ROAD REZONING

Request of Jay and Marjorie Janicek, represented by SDG Architecture, L.L.C., for a rezoning of approximately 2.1 acres at 16461 S. Houghton Road from the TR (Transitional) zone to the CB-1 (Local Business) zone. The proposal is for expansion of the existing uses on site, to include a restaurant, dance school, and retail store. The property is Lot 31 of New Tucson Unit No. 4 subdivision (Book 17 and Page 50) located at the northeast corner of Houghton Road and Vista Monte Drive. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property CAC (Community Activity Center). On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Bain and Cook were absent) to recommend APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 4)

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

1. The owner shall:
  - A. Submit a development plan if determined necessary by the appropriate County agencies.
  - B. Record a covenant holding Pima County harmless in the event of flooding.
  - C. Record the necessary development related covenants as determined appropriate by the various County agencies.
  - D. Provide development related assurances as required by the appropriate agencies.
  - E. Submit a title report (current to within 60 days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.
2. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
3. Transportation conditions:
  - A. Access shall be designed to provide cross access between the rezoning site and the adjacent property to the north and east. Cross access easements shall be provided by the property owner for all affected portions of the rezoning site to adjacent properties.
  - B. The development is limited to the access shown on the preliminary development plan, subject to approval of the driveway location by the Subdivision and Development Street Standards Modification Committee.
4. Regional Flood Control District conditions:
  - A. Prior to development the property owner shall submit to the Pima County Regional Flood Control District for review and approval; a drainage report documenting compliance with the Lee Moore Wash Basin Management Study including Development Standards and to determine basin sizing, maximum encroachment limits, building sites, elevations and setbacks.
  - B. Due to existing flooding problems, the development shall meet Critical Basin detention and retention requirements.
5. Regional Wastewater Reclamation conditions:
  - A. The owner 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 to that effect.
  - B. The owner shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) 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, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner shall enter into a written agreement addressing 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 PCRWRD.
  - C. The owner shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
  - D. The owner 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 PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
  - E. The owner shall complete the construction of all necessary public and/or private 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.

6. Adherence to the preliminary development plan as approved at public hearing including the uses and square footage of the restaurant, dance school, and retail.
7. 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.
8. 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)."
9. Upon the effective date of the rezoning ordinance associated with this rezoning, the owner(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 current any future property owner. Prior to issuance of the certificate of compliance, the owner(s) shall record a covenant, to run with the land, memorializing the terms of this condition.

Chris Poirier, Assistant Planning Director, provided the staff report. He stated that the property and building had previously served as a club house to the now defunct golf course, that no public comment had been received, and that the property was located outside the Maeveen Marie Behan Conservation Land System.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Carroll, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing and approve Co9-14-12, subject to standard and special conditions.

## 22. **Lot Split and Plat Note Waiver**

### P1203-041, TUCSON AVRA WEST III (BLOCK "A")

Request of Heater Investments, Inc., represented by Greg Carlson Engineering, L.L.C., for a lot split and plat note waiver. The applicant requests to split Block "A" of the Tucson Avra West III subdivision into three one-acre lots. Permitting Note No. 1 requires that there will be no further subdividing or lot splitting without the written approval of the Board of Supervisors. The applicant also requests to waive Permitting Note No. 7 which requires submittal of a development plan or subdivision plat for review and approval prior to the issuance of any building permits for Block "A". The subject lot is zoned CB-2 (General Business) and is located at the northeast corner of the intersection of W. Manville Road and N. Anway Road. Staff recommends APPROVAL WITH CONDITIONS. (District 3)

Staff recommended approval of the proposed lot split and plat note waiver, subject to the following conditions:

1. Uses are restricted to those permitted in the SH zone with the exception of trailers, or manufactured or mobile homes; and SH development standards shall apply.

2. All three lots shall be accessed by means of a joint access easement to Anway Road, located on the north side of Block "A", as shown on the site plan.
3. The joint access easement shall be paved to minimum Pima County standards.
4. An access control easement shall be recorded along all roadway frontage except at the joint access easement.
5. At the time development is proposed, the property owner shall submit a site plan to the Pima County Regional Flood Control District for review and approval. Provision of an engineering analysis may be required that establishes Base Flood Elevations for the proposed development and which demonstrates that the development does not increase the water surface elevation by more than 0.1 feet or the velocity by more than 10%, as measured at property lines.
6. The property owner shall execute and record the following disclaimer regarding Prop 207 rights. "Property Owner acknowledges that neither the lot split approval and plat note waiver of the Property nor the conditions of lot split approval and plat note waiver 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)."
7. Submittal of a title report (current to within 60 days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.
8. Within 90 days of Board of Supervisors' approval of the lot split, the property owner shall record covenants for conditions 1 through 6.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing and approve P1203-041.

23. **Comprehensive Plan Amendment Resolution**

RESOLUTION NO. 2014 - 114, Co7-13-03, Lawrence C. Leung, Inc. - N. Thornydale Road Plan Amendment. Owner: Lawrence C. Leung, Inc. (District 1)

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Miller, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and adopt the Resolution.

24. **Comprehensive Plan Amendment Resolution**

RESOLUTION NO. 2014 - 115, Co7-13-04, Pacific International Properties, L.L.P. - N. Thornydale Road Plan Amendment. Owner: Pacific International Properties, L.L.C. (District 1)

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Miller, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and adopt the Resolution.

25. **Comprehensive Plan Amendment Resolution**

RESOLUTION NO. 2014 - 116, Co7-13-05, Mandarin Associates. - N. Thornydale Road Plan Amendment. Owner: Mandarin Associates. (District 1)

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Miller, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and adopt the Resolution.

26. **Comprehensive Plan Amendment Resolution**

RESOLUTION NO. 2014 - 117, Co7-13-06, Hardy-Thornydale I Associates, et al. - N. Thornydale Road Plan Amendment. Owner: Hardy-Thornydale I Associates, et al. (District 1)

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Miller, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and adopt the Resolution.

27. **Comprehensive Plan Amendment Resolution**

RESOLUTION NO. 2014 - 118, Co7-14-05, T. Read Holdings, L.L.C. - N. Oracle Road Plan Amendment (No. 2). Owner: T. Read Holdings, L.L.C. (District 1)

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Miller, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and adopt the Resolution.

**TRANSPORTATION**

28. **Traffic Resolution**

RESOLUTION NO. 2014 - 119, of the Board of Supervisors, permitting the temporary closure of Bowman Road in Pima County, Arizona, for the Holualoa Tucson Marathon on Sunday, December 7, 2014. Staff recommends APPROVAL. (District 1)

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Carroll, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to close the public hearing and adopt the Resolution.

29. **Traffic Resolution**

RESOLUTION NO. 2014 - 120, of the Board of Supervisors, permitting the temporary closure of Golder Ranch Drive in Pima County, Arizona, for the Holualoa Tucson Marathon on Sunday, December 7, 2014. Staff recommends APPROVAL. (District 1)

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Carroll, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to close the public hearing and adopt the Resolution.

**COUNTY ADMINISTRATOR**

30. **Paving of Camino Escuela and Calle Angosta**

Direction is requested to approve or disapprove allowing residents to pave sections of Camino Escuela and Calle Angosta.

Chuck Huckelberry, County Administrator, reported that a request had been received to allow residents to pave portions of Camino Escuela and Calle Angosta. He added that not all residents supported paving the roads and that the role of the County would be management of the public right-of-way, issuance of a permit to pave the road and to ensure the road was paved in accordance with standard specifications. He stated the paving would be paid entirely by the residents and that the County could act as technical consultants to the residents including its contracting process. The residents would award the contract for the work. He stated the recommendation was to allow the work to proceed.

Supervisor Elías questioned whether non-supporting residents would be paying to pave the road and questioned how residents would protect their interest as this would be a County roadway and whether the County had liability by allowing the paving of the road.

Mr. Huckelberry explained it would continue to be a public right-of-way and that this was a different process than for an Improvement District.

Priscilla Cornelio, Transportation Director, reported that staff had followed the Neighborhood Mitigation Program Process used to place speed humps in neighborhoods. She added that over 64 percent of the residents supported the improvements.

Supervisor Elías questioned the exposure that the County could face if the contractor failed to perform.

Mr. Huckelberry explained that the permit issued by the County would contain conditions and terms to ensure public safety and meet performance requirements.

The following speakers addressed the Board:

- Andre Pernet
- Julia Pernet
- Greg Reihman

They offered the following comments:

- Concern of cars that swerved/zipped through knocking over saguaros.
- Residents currently walked the neighborhood with masks because of the dust.
- The roads deteriorate during rain which caused steep grades and waves.
- The Department of Transportation had been very helpful with information needed to start the project.
- A substantial majority of the residents signed the petition and an escrow bank account had been opened.
- Deterioration of the current road base required that it be redone this year and the road should be paved when that gets done.
- The paved road would improve property values and tax base.

It was moved by Supervisor Miller and seconded by Chair Bronson to approve allowing the residents to pave. Upon roll call, the motion carried by a 4-1 vote, Supervisor Elías voted "Nay."

## **CONTRACT AND AWARD**

### **FACILITIES MANAGEMENT**

31. Southern Arizona Children's Advocacy Center and Arizona Department of Child Safety, to provide a sublease for property located at 2329 E. Ajo Way, contract amount \$3,006.45/4 year term revenue (CTN-FM-15-57)

It was moved by Supervisor Elías, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to approve the item.

## **BOARD, COMMISSION AND/OR COMMITTEE**

32. **Election Integrity Commission**

Reappointment of Beth Borozan. Term expiration: 12/4/16. (District 4)

It was moved by Supervisor Elías, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to approve the item.

33. **Pima County Fair Commission**

Appointments of Jim Murphy and Alan Levin. Term expirations: 12/31/18.  
(Commission recommendations)

It was moved by Supervisor Elías, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to approve the item.

**CONSENT CALENDAR**

34. **Approval of the Consent Calendar**

**PULLED FOR SEPARATE ACTION BY SUPERVISOR MILLER**

It was moved by Supervisor Miller, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to pull Consent Calendar Item No. 3 for separate discussion and vote.

**CONTRACT AND AWARD**

**County Attorney**

3. Kathryn Kellner, d.b.a. Kellner Studio, to provide presentation skills and communication strategy professional services, Special Revenue Fund, contract amount \$50,000.00 (CT-PCA-15-141)

Supervisor Miller questioned whether the contractor was an attorney, why the service had commenced in September and why it had just now come before the Board for approval.

Chris Straub, Chief Civil Deputy County Attorney, requested the item be continued for a week to answer the questions posed.

It was moved by Supervisor Miller, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to continue the item to the Board of Supervisors' Meeting of December 9, 2014.

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It was moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to approve the remainder of the Consent Calendar in its entirety.

\* \* \*

## **CONTRACT AND AWARD**

### **Community Development and Neighborhood Conservation**

1. City of Tucson, to provide Housing Opportunities for Persons with AIDS Program, HUD Fund, contract amount \$957,424.00 (CT-CD-15-209)
2. Southern Arizona AIDS Foundation, to provide Housing Opportunities for Persons with AIDS Program, HUD Fund, contract amount \$359,128.00 (CT-CD-15-194)

### **County Attorney**

3. Kathryn Kellner, d.b.a. Kellner Studio, (PULLED FOR SEPARATE ACTION)

### **Procurement**

4. **Award**  
Low Bid: Award of Contract, Requisition No. 15-69, Medline Industries, Inc., d.b.a. Professional Hospital Supply (Headquarters: Mundelein, IL) for medical supplies in the annual amount of \$294,000.00. Contract is for a one-year term and includes four one-year renewal periods. Funding Source: General (50%) and Special Revenue (50%) Funds. Administering Department(s): Sheriff and Health.
5. DeConcini, McDonald, Yetwin & Lacey, P.C., Amendment No. 3, to provide legal representation to Merit System Commission/Law Enforcement Council and extend contract term to 12/6/15, General Fund, contract amount \$24,224.00 (MA-PO-12-315) Human Resources

### **Sheriff**

6. Phoenix Police Department, to provide for the Arizona Internet Crimes Against Children Task Force, no cost (CTN-SD-15-55)

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

7. Richard R. Roberts, The Rotary Club of Green Valley, The Shoppes at La Posada - Posada Java, 665 S. Park Centre Avenue, Green Valley, December 5, 2014.

## ELECTIONS

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

### RESIGNATIONS-PRECINCT-PARTY

Paul Coleman-096-GRN; Barbara J. Cihlar-116-GRN

## FINANCE AND RISK MANAGEMENT

9. **Duplicate Warrants - For Ratification**

DNA Labs International \$295.00; Hill Brothers Chemical, Co. \$27,331.36; Kurt Schlaefer \$2,250.00; Hill Brothers Chemical, Co. \$820.48; Priscilla Frisby \$350.00; Jason Mackey Corley \$35.60; Dunn-Edwards, Corp. \$842.43; Cabot Norit Americas, Inc. \$86,523.24; Cara Singer \$242.00

## SPECIAL TAXING DISTRICT

10. **Cortaro-Marana Irrigation District**

Pursuant to A.R.S. §16-642(B), presentation of the certified copy of the official canvass for the November 11, 2014 Election conducted by the Cortaro-Marana Irrigation District.

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35. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:02 a.m.

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CHAIR

ATTEST:

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CLERK