

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, September 3, 2013. Upon roll call, those present and absent were as follows:

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

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

* Supervisor Carroll attended the meeting telephonically.

1. CONTRACT RATIFICATION

Community Healthcare Benefit Foundation of Pima County, Amendment No. 1, to provide for the Julian Wash Projects and amend contractual language, no cost (CTN-PW-13-365)

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

2. CONTRACT

Pascua Yaqui Tribe, Pima County and Pima County Flood Control District, Amendment No. 1, to provide for the construction of the Pascua Yaqui reservation local drainage improvements and extend contract term to 6/30/16, no cost (CT-FC-12- 1179)

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

3. **CONTRACT**

Schlesinger Consulting Engineering, P.L.L.C., Amendment No. 2, to provide design engineering services for the Canada Del Oro Wash Pathway: La Cholla to La Canada, extend contract term to 9/30/15 and amend contractual language, Flood Control District Tax Levy Fund, contract amount \$232,424.15 (CT-FC-13-278)

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

4. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 10:16 a.m.

CHAIRMAN

ATTEST:

CLERK

LIBRARY DISTRICT BOARD MINUTES

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, September 3, 2013. Upon roll call, those present and absent were as follows:

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

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

* Supervisor Carroll attended the meeting telephonically.

1. RELOCATION ASSISTANCE RULES AND REGULATIONS

RESOLUTION NO. 2013 - LD2, of the Board of Directors of the Pima County Library District approving and authorizing the adoption by reference of the Relocation Assistance Rules and Regulations contained in the Uniform Relocation Assistance and Real Property Acquisition Act found at 49 C.F.R. Part 24 as required by A.R.S. §11-968.

It was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to adopt the Resolution.

2. ADJOURNMENT

As there was no further business to come before the Board, the meeting was adjourned at 10:16 a.m.

CHAIRMAN

ATTEST:

CLERK

STADIUM DISTRICT BOARD MINUTES

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, September 3, 2013. Upon roll call, those present and absent were as follows:

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

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

* Supervisor Carroll attended the meeting telephonically.

1. RELOCATION ASSISTANCE RULES AND REGULATIONS

RESOLUTION NO. 2013 - SD2, of the Board of Directors of the Pima County Stadium District approving and authorizing the adoption by reference of the Relocation Assistance Rules and Regulations contained in the Uniform Relocation Assistance and Real Property Acquisition Act found at 49 C.F.R. Part 24 as required by A.R.S. §11-968.

It was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to adopt the Resolution.

2. CONTRACT

Mountain Star Sports Group, L.L.C.-El Paso Baseball Club Series (as assignee to North County Baseball, L.L.C.), Amendment No. 2, to provide a Sports Facilities Use Agreement and Conditional Notice of Option to Renew and Extend, extend contract term to 10/31/14 and amend contractual language, contract amount \$70,000.00 revenue (CTN-KSC-13-302)

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

3. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 10:16 a.m.

ATTEST:

CLERK

CHAIRMAN

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, September 3, 2013. Upon roll call, those present and absent were as follows:

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

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

* Supervisor Carroll attended the meeting telephonically.

1. INVOCATION

The invocation was given by Reverend Cynthia Palmer, Eagles Wings of Grace.

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. PERSONAL POINT OF PRIVILEGE

Supervisor Miller commended County staff for installing handicapped parking spaces at the Northwest YMCA Dog Park.

PRESENTATION/PROCLAMATION

5. Presentation of a proclamation to Philip Grant, Pima County Public Fiduciary, proclaiming the day of Tuesday, September 10, 2013 to be: "ARIZONA PUBLIC FIDUCIARIES DAY"

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

Supervisor Elías made the presentation to Mr. Grant who thanked the Board for this recognition and the assistance in setting up the Fiduciaries Boot Camp.

6. Presentation of the Small Business Awards for 2013: the Urban Award to Casa de los Niño's Thrift Store and the Rural Award to the Second Generation, Inc., d.b.a. Ajo Transportation.

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

Ken Goodman, Chairman of the Small Business Commission, discussed the 2013 awards and recognized the award-winning companies.

Supervisor Bronson made the presentation of the Rural Award to Cathy Hutton, owner of Second Generation, Inc., d.b.a. Ajo Transportation; and Tom Moulton, Pima County Economic Development and Tourism Director, presented the Urban Award to Maureen Johns, Director of Business Operations, on behalf of the Casa de los Niño's Thrift Store.

BOARD OF SUPERVISORS

7. **Arizona Blind and Deaf Children's Foundation**
Allocation of \$5,000.00 from the Contingency Fund to the Arizona Blind and Deaf Children's Foundation for sponsorship of its Sights & Sounds Program on November 21, 2013. (District 5)

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

8. **Southern Arizona AIDS Foundation**
Allocation of \$1,500.00 from the Contingency Fund to the Southern Arizona AIDS Foundation for sponsorship of National Latino AIDS Awareness Day. (District 5)

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

INDUSTRIAL DEVELOPMENT AUTHORITY

9. **Leading Edge Academy Maricopa Charter School Project**
RESOLUTION NO. 2013 - 78, of the Board of Supervisors of Pima County, Arizona, approving the proceedings of the Industrial Development Authority of the County of Pima regarding the issuance of its not-to-exceed \$5,000,000.00 Education Facility Revenue Bonds (Leading Edge Academy Maricopa Charter School Project), Series 2013 and declaring an emergency.

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

10. **LEAD Charter Schools Project**

RESOLUTION NO. 2013 - 79, of the Board of Supervisors of Pima County, Arizona, approving the proceedings of the Industrial Development Authority of the County of Pima regarding the issuance of its not-to-exceed \$11,000,000.00 Education Facility Revenue Bonds (LEAD Charter Schools Project), Series 2013 and declaring an emergency.

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

11. **Edkey Charter Schools Project**

RESOLUTION NO. 2013 - 80, of the Board of Supervisors of Pima County, Arizona, approving the proceedings of the Industrial Development Authority of the County of Pima regarding the issuance of its Education Facility Revenue Bonds (Edkey Charter Schools Project), Series 2013A, in one or more series in an aggregate principal amount not to exceed \$35,000,000.00 and declaring an emergency.

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

COUNTY ATTORNEY

12. **Contract**

The Board of Supervisors on August 19, 2013 continued the following:

Brekan-Nava Group, Amendment No. 2, to provide for expert consultation services regarding the Pima County et al., v. Raytheon Company, TX2010-000308 and TX001041, General Fund, contract amount \$50,000.00 (CT-AS-12-1523)

Without objection, this item was continued to the Board of Supervisors' Meeting of September 17, 2013.

DEVELOPMENT SERVICES

13. **Final Plat With Assurances**

P1213-012, Riverview Commons II, Lots 46, 47, 57, 58, 63, 64, 65, 66, 77, 78, 83, 84, 85 and 86. (District 1)

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

BOARD OF SUPERVISORS

14. Appeal of Review Officer's Decision

The Board of Supervisors on August 6, 2013 continued the following:

Pursuant to Board of Supervisor's Policy D 22.10, Luis Mena appeals the decision of the Review Officer regarding the classification of Tax Parcel No. 116-16-069A to Legal Class 4.1 for Tax Year 2013.

It was moved by Supervisor Elías, seconded by Supervisor Bronson and carried by a vote of 4-1, Supervisor Miller voted "Nay," to continue the appeal to the Board of Supervisors' Meeting of October 1, 2013.

FRANCHISE/LICENSE/PERMIT

15. Fireworks Permit

Stephanie Paynter, Loews Ventana Canyon, 7000 N. Resort Drive, Tucson, October 14, 2013 at 9:00 p.m.

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

16. Extension of Premises/Patio Permit

Myron Christopher Squires, 1055 Brew Works, L.L.C., 3810 E. 44th Street, No. 315, Tucson, Temporary Extension of Premises for September 7, 14, 21 and 28, 2013.

The Chairman inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Bronson, seconded by Supervisor Miller 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.

PROCUREMENT

17. Appeal of the Procurement Director's Decision

The Board of Supervisors on August 6, 2013 continued the following:

Pursuant to Pima County Code Section 11.20.010(J), Oracle Control Systems, Inc. and Vic's HVAC Repair, L.L.C. appeal the decision of the Procurement Director regarding Solicitation No. 95799 - HVAC Services for Residential Homes.

Steve Craig, AZ Style Construction, stated his company was the number one awarded contractor on this project. He expressed concerns regarding the delay.

Supervisor Elías urged the Procurement Department to review the process of requesting proposals and ensure that the requirements were stated in a clear and forthright manner.

Supervisor Bronson felt that the Procurement Department did not act in good faith and needed to rethink how they sought solicitations. She suggested the department contact respondents to discuss missing documentation, which would be an administrative question. She added that when three bidders failed to provide the required documentation, there was a problem with our process.

Supervisor Miller posed a question regarding the legality of contacting bidders after their bids had been submitted.

Chris Straub, Chief Deputy County Attorney, commented that bidders must be given equal opportunities and that the entire process should be reviewed for fairness.

Mr. Huckelberry stated that the rule was such that if our process or the materials written in it were so vague as to cause confusion, the department should contact bidders before responses were submitted. He agreed that the County needed to find out whether the omission was due to the way the materials were written or for another reason.

It was moved by Supervisor Miller, seconded by Supervisor Elías and carried by a 4-1 vote, Supervisor Bronson voted "Nay," to close the public hearing, uphold the decision of the Procurement Director and to further direct staff to research whether bidders can be contacted during the process when the inquiry does not relate to bid pricing.

DEVELOPMENT SERVICES

18. Rezoning Time Extension

Co9-06-38, AMADO CROSSROADS, L.L.C. - ARIVACA ROAD REZONING

Request of Amado Crossroads, L.L.C., represented by Powell Development Services, L.L.C., for a five year time extension for the above referenced rezoning from RH (Rural Homestead) to CB-2 (General Business). The subject site was rezoned in 2008. The rezoning expired on April 8, 2013. The site is approximately 10 acres located on the northeast corner of Arivaca Road and Nogales Highway, approximately 500 feet east of Interstate 19. Staff recommends APPROVAL OF A FIVE YEAR TIME EXTENSION WITH MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 4 4)

If the decision is made to approve the time extension, the following standard and special conditions should be considered:

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.
6. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
7. Transportation conditions:
 - A. Written certification from Arizona Department of Transportation, stating satisfactory compliance with all its requirements shall be submitted to Development Services Department prior to approval of a Development Plan and Subdivision Plat.
 - ~~B. The owner(s)/developer(s) shall provide off-site improvements determined necessary by Arizona Department of Transportation.~~
8. Flood Control conditions:
 - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
 - B. The owner(s)/developer(s) shall obtain a Floodplain Use Permit for any development on the subject property.
 - C. A drainage report shall be submitted during the development plan process for the Flood Control District to determine 100-year water surface elevations and to analyze detention /retention requirements.
 - D. The owner(s)/developer(s) shall provide all necessary on-site and off-site drainage related improvements at no cost to Pima County that are needed as a result of the proposed development of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.
 - E. A Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) are required due to changes to and development within a FEMA 100-year floodplain.
 - F. All-weather access shall be provided to all lots to meet concurrency requirements, or a note added to the Development Plan that states the lot(s) is(are) within the floodplain, indicating that all weather access is not available to or within the site, and holding the County harmless in the event of flood.
 - ~~G. A note shall be added to the PDP indicating the depth of sheet flow across the site and the fact that it is in a floodplain and that a CLOMR/LOMR will be required.~~

HG. Storage of flammables shall not be permitted in the floodplain. For portions of the site that

9-3-2013 (6)

are removed from the floodplain through the CLOMR/LOMR process and as approved by the RFCD, storage of prepackaged flammables is permissible. Properly anchored underground fuel storage tanks, which are protected from infiltration, floatation and accidental release of flammable liquids is also permitted under the Floodplain and Erosion Hazard Management Ordinance.

9. Wastewater Management condition:

The owner(s)/developer(s) must secure approval from the Pima County Department of Environmental Quality to use on-site wastewater treatment facilities within the rezoning area at the time a tentative plat, development plan or request for building permit is submitted for review.

10. Environmental Quality conditions:

- A. The owner(s)/developer(s) shall demonstrate that the lot, as proposed, can accommodate the proposed development, along with on-site wastewater disposal system(s), while meeting all required setbacks and design standards. The size of the primary and reserve areas for the on-site disposal system(s) shall be determined by on-site soil evaluations and/or percolation testing and shall be designed in accordance with Arizona Administrative Code (A.A.C.) Title 18, Chapter 9, Unit Daily Design Table 1. This demonstration shall be made prior to issuance of the Certificate of Compliance.
- B. The owner(s)/developer(s) shall demonstrate that the nitrogen loading calculated over the property served by the on-site wastewater treatment facilities is not more than 0.088 pounds (39.9 grams) of total nitrogen per day per acre calculated at a horizontal plane immediately beneath the zone of active treatment of the on-site wastewater treatment facilities including their disposal fields; or justify a nitrogen loading that is equally protective of aquifer water quality as the nitrogen loading specified in A.A.C. subsection (A)(4)(a)(i) based on site specific hydro geological or other factors. This demonstration shall be made prior to issuance of the Certificate of Compliance.
- C. If it cannot be demonstrated, to the satisfaction of the department, that either the lot can accommodate the proposed development, while meeting all required setbacks, including the on-site wastewater treatment facilities, and/or meet the aforementioned nitrogen loading requirements pursuant to Code, on-site wastewater disposal will not be allowed and connection to public sewer, by whatever means necessary and at sole cost to the applicant, may be required.
- D. Prior to the commencement of construction of any grading, land clearing, or earthmoving of more than one (1) acre, any road construction of more than fifty (50) feet, or any trenching of more than three hundred (300) feet, an Air Quality Activity Permit shall be obtained.
- E. No building permit shall be issued for any structures utilizing an on-site disposal system prior to the issuance of a Certificate of Approval. Provisional Verification of General Permit Conformance for an on-site wastewater treatment facility shall be required.

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. Environmental Planning conditions:

- A. The site shall be inspected for the presence of the western burrowing owl by a qualified resource specialist. A report which contains survey results and dates shall be provided to Pima County immediately upon completion of the inspection. This report must be received prior to approval of a development plan or tentative plat. If any western burrowing owls are found to be present on the project site, a copy of the report shall be sent to the Arizona Game and Fish Department's Heritage Data Management System.
- B. Unless Development Services is provided with information from the U.S. Fish and Wildlife

Service which indicates a site survey is not necessary, the site shall be surveyed for Pima pineapple cactus. The survey shall be conducted by an entity qualified to perform biological surveys. Surveys shall be done according to the most recent protocol approved by the U.S. Fish and Wildlife Service. A report containing the results of these surveys and copies of any data collected shall be provided to Development Services. If any Pima pineapple cactus is found to be present on the project site, a copy of the report shall also be sent to the Arizona Game and Fish Department's Heritage Data Management System.

13. Prior to development plan approval, the Design Review Committee (DRC) shall review and approve the architectural plans for all buildings and related improvements. The following guidelines shall be used in the DRC's review of the proposed project. In general, the proposed project will complement the Amado Territory Ranch, the commercial center located directly south of the subject property in Santa Cruz County, with regards to building colors, finishes and materials, building architecture, and outdoor lighting. Specifically:
 - A. The exterior field and trim colors of all buildings will be of darker earth-tone colors consistent with the Amado Territory Ranch buildings. Pastel and other light accent tones shall be prohibited.
 - B. Building materials shall consist of masonry, wood and steel for all buildings (except for the self-storage and RV storage buildings) with stucco finishes being limited to accent applications. For the self-storage and RV storage buildings, stucco wall finishes with masonry accents (wainscots, columns, etc.) will be acceptable.
 - C. The architectural styles for the buildings shall reflect a ranch or rural western theme, generally with pitched rooflines or parapet rooflines with shed roof applications using steel roofing materials. Architectural designs for the single-story buildings, similar to those used for the Artist Studios at Amado Territory Ranch, shall be used. Spanish Colonial architectural styles and barrel tile or asphalt shingle roofs shall be prohibited.
14. The following uses shall be prohibited:
 - a) Bar, nightclub, or cocktail lounge;
 - b) Cemetery, mortuary or related uses;
 - c) Drive-in theater;
 - d) Massage establishment;
 - e) Truck-trailer repair or truck stop;
 - f) Contractor's yard or plant;
 - g) Feed yard;
 - h) Sale, rental or display of: airplanes or parts; contractor's equipment or supplies; farm equipment or machinery; manufactured or mobile homes; and monuments or tombstones.
15. 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.
16. The property owner shall execute and record the following disclaimer regarding Prop 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)."
17. Adherence to the preliminary development plan as approved at public hearing (EXHIBIT B).
18. 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.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was moved by Supervisor Bronson, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and approve a five year time extension for Co9-06-38 with modified standard and special conditions.

19. **Waiver of Rezoning Conditions (Non-Substantial Change)**

Co9-56-91, MURPHEY and OTHERS REZONING

Request of David Zapf and Karen Phillips for a waiver (non-substantial change) of the rezoning condition which prohibits use of parcels containing less area than the minimum lot size (144,000 square feet or approximately 3.31 acres) for the SR (Suburban Ranch) zone until an approved subdivision plat is recorded. The subject site is approximately 2.13 acres rezoned from SR to CR-1 (Single Residence) in 1958. The request is to split the subject parcel into two lots containing approximately 1 acre and 1.13 acres. The subject parcel is located approximately one quarter mile south of Sunrise Road and one quarter mile west of Craycroft Road. Staff recommends APPROVAL WITH CONDITIONS. (District 1)

Staff recommends the addition of the following standard and special conditions:

1. Recording of a covenant holding Pima County harmless in the event of flooding.
2. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
3. 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 Department of Transportation, Real Property Division.
4. Adherence to the site plan for the two lots as approved at public hearing. Each of the two lots is restricted to residential and related accessory uses.
5. The maximum building height shall be 24 feet.
6. Utility services to individual residences shall be underground.
7. Prior to any development on the site, a sketch plan shall be submitted to the Pima County Regional Flood Control District to determine whether a Floodplain Use Permit is required.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was moved by Supervisor Miller, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve Co9-56-91, subject to conditions.

20. **Zoning Code Text Amendment**

Co8-13-02, BARRIER REDUCTIONS FOR GREEN BUILDING An ordinance of the Pima County Board of Supervisors relating to zoning; amending the Pima County Zoning Code Title 18 by amending Chapter 18.01 (General Provisions), Section 18.01.030 (application of Zoning Code) to allow exceptions for green building structural alterations for nonconforming buildings and buildings housing nonconforming uses; amending Chapter 18.03 (General Definitions), Section 18.03.020 (Definitions) to add definitions for "cistern", "green building", "rain barrel", "rainwater harvesting system", and "vegetated roof" and to add underground cisterns and certain clothes lines to exclusions to the definition of "structure" to exclude them from zoning regulation; amending Chapter 18.07 (General Regulations and Exceptions), Section 18.07.030 (Land Use Regulations) to add

rainwater harvesting system as a permitted use in all zones subject to requirements and exceptions, and Section 18.07.050 (Development Standards Exceptions) to modify and add to development standards exceptions for projections into yards and for height limits; and amending Chapter 18.73 (Landscaping, Buffering and Screening Standards), Section 18.73.050 (Amenity Landscaping Requirements) to add vegetated roofs as an amenity landscape requirement option. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Mangold and Johns absent) to recommend APPROVAL. Staff recommends APPROVAL. (All Districts)

If approved, pass and adopt: ORDINANCE NO. 2013 - 42

The Chairman inquired whether anyone wished to be heard. No one appeared. It was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing, approve Co8-13-02 and adopt the Ordinance.

21. Plat Note Modification

Co12-93-11, SABINO ESTATES AT SABINO SPRINGS, (LOT 6)

Request of Phillip Ferranti, represented by The WLB Group, 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 Lot 6 of the Sabino Estates at Sabino Springs Subdivision (Bk. 45, Pg. 07), a portion of the Sabino Springs Specific Plan. The subject property is approximately .82 acres zoned SP (BZ) (Specific Plan) (Buffer Overlay Zone) and is located on the south side of Sabino Estates Drive, approximately 700 feet east of Bowes Road and approximately one quarter of a mile south of the Coronado National Forest. Staff recommends APPROVAL WITH A CONDITION. (District 1)

Staff recommends the addition of the following condition:

1. The property owner shall provide 980 square feet of on-site mitigation with plant/seed mix from the Buffer Overlay Zone plant list and shall include the mitigated area within the conservation easement dedication.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was moved by Supervisor Miller, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve Co12-93-11, for a plat note modification with a condition.

TRANSPORTATION

22. Traffic Resolution

RESOLUTION NO. 2013 - 81, of the Board of Supervisors, permitting the temporary closure of Ajo Well No. 1 Road, Fundicion Street, La Mina Avenue, Lomita Avenue and Plaza Street in Ajo, Pima County, Arizona, for an annual parade on Friday, September 20, 2013. Staff recommends APPROVAL. (District 3)

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

PRESENTATION/PROCLAMATION

23. Presentation of a proclamation to recognize and honor the following Airmen who have been awarded the Purple Heart:

Airman 1st Class Michael L. Kristopik II

Airman 1st Class Garron M. Reeves Jr.

Airman 1st Class Tyler Angelo

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

Chairman Valadez presented the proclamation to the Airmen and expressed the community's appreciation for their service.

COUNTY ADMINISTRATOR

24. **Workplace Ethics, Conduct and Compliance Policy**

Staff recommends approval of the Board of Supervisors Policy No . C2.1, Workplace Ethics, Conduct and Compliance Policy.

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

25. **Borderlands Theater**

Staff requests an allocation from the Board of Supervisors' Contingency Fund to Borderlands Theater in the amount of \$10,000.00.

Supervisor Miller commented that she could not support funding an arts project from the Contingency Fund and that the County should be focusing on funding core needs such as animal control.

It was moved by Supervisor Elías, seconded by Supervisor Bronson and carried by a 3-2 vote, Supervisors Carroll and Miller voted "Nay," to approve the item.

CONTRACT AND AWARD

COMMUNITY SERVICES, EMPLOYMENT AND TRAINING

26. Tucson Urban League, Inc., Amendment No. 4, to provide workforce development services, extend contract term to 9/30/13 and amend contractual language, U.S. DOL, AZ DES and other Workforce Funds, contract amount \$12,706.50 (CT-CS-12-1630)

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

NATURAL RESOURCES, PARKS AND RECREATION

27. Arizona Superior Court - Juvenile Court Center, to provide juvenile work crew services, General Fund, contract amount \$20,000.00 (CT-PR-14-10)

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

BOARD, COMMISSION AND/OR COMMITTEE

28. **Pima County Animal Care Advisory Committee**
Presentation of the Fiscal Year 2012-2013 Report of the Pima County Animal Care Advisory Committee.

Jack Neuman, Chairman of the Pima County Animal Care Advisory Committee, presented the report to the Board.

Supervisor Elías requested an analysis of the level of usage for the free spay/neuter services the County provides to determine if more funds were needed.

No Board action was taken on this item.

29. **Workforce Investment Board**
- Staff requests the following changes in membership category : from Business to Other, currently filled by member Duane Bock and from Business to Other, for current vacancy.
 - Appointment of Steven Banzhaf, Other category, to fill vacancy created by Laurie Vance. Term expiration: 9/30/15. (Staff recommendation)

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

CONSENT CALENDAR

30. **Call to the Public (for Consent Calendar items only)**

The Chairman inquired whether anyone wished to address the Board. No one appeared.

31. **Approval of the Consent Calendar**

PULLED FOR SEPARATE ACTION

Real Property

11. Primavera Foundation, to provide a lease agreement for 400 E. 26th Street, contract amount \$250.00/25 year term revenue (CTN-PW-14-33)

Without objection, this item was removed from the agenda

PULLED FOR SEPARATE ACTION BY SUPERVISOR MILLER DUE TO A POTENTIAL CONFLICT OF INTEREST

ELECTIONS

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

Appointments-Precinct-Party

Marlene E. Brown-069-REP, Allyson J. Miller-079-REP, Abraham Hamadeh-158-REP, Roxanne L. Ziegler-242-REP, Linda K. Kelly-261-REP

It was moved by Supervisor Carroll, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Miller recused herself due to a potential conflict of interest, to approve this item.

* * *

It was thereupon moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to approve the remainder of the consent calendar.

* * *

CONTRACT AND AWARD

Community Development and Neighborhood Conservation

1. Town of Marana, Amendment No. 1, to provide for the management and implementation of the Community Development Block Grant Program and extend contract term to 12/31/13, no cost (CT-CD-12-1708)

Health

2. Arizona Department of Health Services, Amendment No. 4, to provide for the Tobacco Chronic Disease Prevention Program and amend contractual language, State Grant Fund, contract amount \$1,117,000.00 revenue (CTN-HD-CMS142205)

3. Arizona Department of Health Services, Amendment No. 1, to provide for the Well Woman Healthcheck Program and extend contract term to 12/31/13, State Grant Fund, contract amount \$441,750.00 revenue (CTN-HD-13-89)

Information Technology

4. Alltel Communications Southwest Holdings, Inc., d.b.a. Verizon Wireless, Amendment No. 9, to provide a non-exclusive right-of-way use license and amend contractual language, no cost (CTN-IT-CMS140044)
5. Alltel Communications Southwest Holdings, Inc., d.b.a. Verizon Wireless, Amendment No. 10, to provide a non-exclusive right-of-way use license and amend contractual language, no cost (CTN-IT-CMS140044)
6. **Award**
Low Bid: Award of Contract, Solicitation No. 99892, in the amount of \$24,174.30 to the lowest responsive bidder, G.U.Y. Construction, L.L.C. (Headquarters: Avondale, AZ), for the construction of the Sahuarita Area Pedestrian Countdown Heads Installation Project . The contract term is twelve months with the ability to extend the term for contract completion. Construction is to be complete within 120 working days from Notice to Proceed. Funding Source: Federal Highway Safety Improvement Program. Administering Department: Transportation.
7. **Award**
Low Bid: Award of Contract, Solicitation No. 102741, in the amount of \$889,000.00 to the lowest responsive bidder, Granite Construction Company (Headquarters: Watsonville, CA), for the construction of the Arizona Forest Highway No. 39 (Catalina Highway): Mt. Lemmon Drainage Pipe Lining Project. The contract term is twelve months with the ability to extend the term for contract completion. Construction is to be complete within 126 working days from Notice to Proceed. Funding Source: Public Land Highway Discretionary Fund. Administering Department: Transportation.

Public Works Administration

8. Pascua Yaqui Tribe, Pima County and Pima County Flood Control District, Amendment No. 1, to provide for the construction of the Pascua Yaqui reservation local drainage improvements and extend contract term to 6/30/16, no cost (CT-FC-12- 1179)

Real Property

9. Vail Water Company, to provide a public utility license agreement for use of all County public right-of-way, no cost/15 year term (CTN-PW-14-30)

10. Business Development, L.L.C., to provide a Sales Agreement, Affidavit of Disclosure and Warranty Deed for the sale of property located in Section 21, T13S, R14E of the G&SRM, contract amount \$155,000.00 revenue (CTN-PW-14-32)
11. Primavera Foundation, (PULLED FOR SEPARATE ACTION)
12. Arizona State Land Department, to provide a right-of-way lease agreement for ingress/egress to an existing monitor well located in Section 36, T14S, R11E, RWRD Operations Fund, contract amount \$1,700.00/10 year term (CT-PW-14-61)

BOARD, COMMISSION AND/OR COMMITTEE

13. **Workforce Investment Board**
Appointment of Deborah Embry to fill the vacancy created by Jonathan Peck. Term expiration: 9/30/15. (Board recommendation)
14. **Tucson-Pima County Bicycle Advisory Committee**
Reappointment of David Bachman-Williams. Term expiration: 8/31/15. (Committee recommendation)
15. **Pima County Animal Care Advisory Committee**
Appointments of Angela Spencer, representing the Tucson Police Department, to fill the vacancy created by Lt. Gregory Mammana and Tamara Barrick, representing the Foundation for Animals in Risk, to fill the vacancy created by Jennifer Becker. Term expirations: 6/30/17. (Committee recommendations)
16. **Pima County Bond Advisory Committee**
 - Ratification of City of South Tucson appointment : Paul Diaz to replace Brian Flagg. Term expiration: 9/2/19. (Jurisdictional recommendation)
 - Appointment of Brian Flagg to fill the unexpired term of Jesus Gomez. Term expiration: 4/30/16. (District 5)
17. **Flood Control District Advisory Committee**
~~Ratification of the Town of Oro Valley Appointment: David Parker to replace Paul R. Jungen. No term expiration. (Jurisdictional recommendation)~~

(Note: The above item was a scrivener's error.)
18. **Technical Review Committee**
Correction to Term Expiration: Don Laidlaw, Term Expiration: 4/7/15.

19. **State Board of Equalization**

Appointment of Joseph F. Koch to fill the vacancy created by Richard W. Lyons. Term expiration: 12/31/16. (District 5)

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

20. Jose M. Alday, Our Lady of Fatima Parish, 1950 W. Irvington Place, Tucson, October 19 and 20, 2013.
21. John Lambert Ponzo, Green Valley Elks Lodge BPOE No. 2592, 2951 S. Camino Mercado, Green Valley, October 6, 2013.
22. MeMe Aguila, Gabriel's Angels, 4210 N. Saranac Drive, Tucson, September 27, 2013.
23. Patrick Stephen West, St. Rita In The Desert Catholic Church, 13260 E. Colossal Cave Road, Vail, September 13 and 14, 2013.
24. Shelby L. MacDonald, Junior League of Tucson, Inc., St. Philip's Plaza, 4280 N. Campbell Avenue, Suite 212, Tucson, September 13, 2013.
25. Kate M. Hiller, Child and Family Resources, Windmill Inns and Suites, 4250 N. Campbell Avenue, Tucson, November 2, 2013.
26. Tim J. Bentley, Mobile Meals of Tucson, St. Philip's Plaza, 4280 N. Campbell Avenue, Tucson, October 27, 2013.

ELECTIONS

27. Pursuant to A.R.S. §16-821B, approval of Precinct Committeemen appointments: (PULLED FOR SEPARATE ACTION)

FINANCE AND RISK MANAGEMENT

28. **Duplicate Warrants - For Ratification**

Michele Eileen Robbins \$176.00; 4010 E. 29th Street Corp. \$197.64; William James Howard \$116.10; Waste Management, Inc. \$11,595.26; CCH Small Firm Services \$1,431.34; TEK Systems \$12,492.00

RECORDER

29. **Ratification**

Pursuant to Resolution No. 1993-200, ratification of the Document Storage and Retrieval Fund for the month of June 2013.

TREASURER

30. Certificate of Removal and Abatement

Pursuant to A.R.S. §42-18353, staff requests approval of the Certificates of Removal and Abatement for the following:

Real Property	Abatement Nos. 400263 - 400266	\$1,069.78
Personal Property	Abatement Nos. 500832 - 500897	<u>\$127,886.32</u>
TOTAL		\$128,956.10

31. Certificates of Clearance

Pursuant to A.R.S. §42-19118, staff requests approval of the following:

Unsecured Mobile Homes:	\$ 8,216.94
Business Personal Property:	<u>\$258,536.56</u>
Total Unsecured Personal Property:	\$266,753.50

RATIFY AND/OR APPROVE

32. Warrants: August, 2013

* * *

32. CALL TO THE PUBLIC

The Chairman inquired whether anyone wished to address the Board.

Keith Van Heyningen addressed the Board regarding bonds, taxes, and lack of support for Rosemont Mine.

Marcie Velen, Chairperson of No Kill Pima County, voiced the organization's support for the Pima County Animal Care Advisory Committee efforts to follow the example of other "No Kill" communities.

33. ADJOURNMENT

As there was no further business to come before the Board, the meeting was adjourned at 10:16 a.m.

CHAIRMAN

ATTEST:

CLERK

9-3-2013 (17)