

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 17, 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

1. CONTRACT

Tetra Tech, Inc., Amendment No. 3, to provide consultant services for the Arroyo Chico/ Tucson Arroyo Project, extend contract term to 9/14/15 and amend contractual language, Flood Control Tax Levy Fund, contract amount \$49,999.00 (CT-FC-11011132-P)

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

2. ADJOURNMENT

As there was no further business to come before the Board, the meeting was adjourned at 2:11 p.m.

ATTEST:

CHAIRMAN

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 17, 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

1. **E-COMMERCE POLICY**

Staff recommends approval of the revisions to Board of Supervisor's Policy No. D32.13, Pima County Public Library - E-Commerce Policy.

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

2. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 2:11 p.m.

CHAIRMAN

ATTEST:

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, September 17, 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

1. INVOCATION

The invocation was given by Pastor Michael Sentigar, Midvale Christian Center.

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.

PRESENTATION/PROCLAMATION

4. Presentation of a proclamation to Bruce Hamilton, representing Employer Support of the Guard and Reserve, proclaiming the week of September 22 through September 28, 2013 to be: "NATIONAL EMPLOYER SUPPORT OF THE GUARD AND RESERVE WEEK"

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

Supervisor Miller made the presentation to John Chernoski, Ombudsman for Employer Support of the Guard and Reserve.

5. Presentation of a proclamation to Casey Townsend, founder of Tucson AquaPonics Project, proclaiming the day of Saturday, September 21, 2013 to be: "AQUAPONICS DAY"

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

Supervisor Carroll read the proclamation for the record.

6. **CALL TO THE PUBLIC (for Executive Session items only)**

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

7. **CONVENE TO EXECUTIVE SESSION**

It was moved by Supervisor Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to convene to Executive Session at 9:20 a.m.

8. **RECONVENE**

The meeting reconvened at 10:20 a.m. All members were present.

EXECUTIVE SESSION

9. Pursuant to A.R.S. §38-431.03(A) (3), for legal advice regarding the proposed Amendment No. 2 of the Brekan-Nava Group expert services contract to assist the Assessor in his appeal of the State Board of Equalizations determinations of the value of the Raytheon Company's IPR's for tax years 2011 and 2012.

Chris Straub, Chief Deputy County Attorney, stated the item had been for information only. The Board took no action.

10. Pursuant to A.R.S. §38-431.03(A)(3) and (4), for legal advice and direction regarding the possible filing of an Amicus Curiae Brief in the Arizona Court of Appeals, Case No. CA-CV 13-0364, Cheatham/Huey v. Diciccio/Phoenix/PLEA.

Chris Straub, Chief Deputy County Attorney, stated the County Attorney's office sought authority to file a Friend of the Court Brief as discussed in Executive Session.

It was moved by Supervisor Miller, seconded by Supervisor Bronson and carried by a 3-2 vote, Supervisors Carroll and Elías voted "Nay," to accept the County Attorney's recommendation and proceed as discussed in Executive Session.

11. Pursuant to A.R.S. §38-431.03(A)(3) and (4), for legal advice and direction regarding a settlement proposal from the Estate of Cherie Adams and other matters related to the ongoing litigation by Ginger Rodgers Rappeport and the Estate of Jack Rappeport against the Pima County Public Fiduciary.

Chris Straub, Chief Deputy County Attorney, stated the case concerned a proposed settlement offer in the amount of \$10,000.00 from the Estate of Cherie Adams. The County would then give up any right to indemnification from the Adams Estate should the County be found liable to the Estate of Jack Rapoport for actions undertaken by the Public Fiduciary to protect Ms. Adams while she was alive. He stated that Ronna Fickbohm, outside counsel, recommended the County not accept the offer.

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

COUNTY ADMINISTRATOR

12. Revisions to Merit System Rules and Personnel Policies

Staff recommends approval of revisions to the following Merit System Rules and Personnel Policies:

- Merit System Rule 6 - APPLICATION FILES
- Merit System Rule 7 - CERTIFICATION AND APPOINTMENT
- Merit System Rule 8 - PROMOTION, DEMOTION, REAPPOINTMENT, OPEN RANGE REAPPOINTMENT REASSIGNMENT AND DETAIL
- Merit System Rule 11 - TERMINATIONS
- Merit System Rule 12 - DISCIPLINARY AND OTHER PERSONNEL ACTIONS
- Merit System Rule 14 - MERIT SYSTEM COMMISSION APPEALS
- Personnel Policy 8-107 - Special Leaves of Absence with Pay
- Personnel Policy 8-111 - Outside Employment
- Personnel Policy 8-119 - Rules of Conduct

A motion was made by Supervisor Carroll and seconded by Supervisor Bronson to approve the revisions to the Merit System Rules and Personnel Policies. No vote was taken at this time.

Supervisor Miller questioned the inclusion of Personnel Policy 8-119(Y-9), "Make a political contribution and/or solicit or collect political contributions for any candidates for any elected County office." She felt individuals should maintain the right to choose. She also questioned why the following language was being struck from Personnel Policy 8-119(V). "Do not engage in unethical or illegal behavior with minors who are employed with the County or who participate in any County program or activity. ~~Relationships between employees and minors that include dating or romantic involvement are strictly prohibited.~~"

Chuck Huckelberry, County Administrator, explained that the changes to the Merit System Rules and Personnel Policies had been reviewed and input received from several areas including the Merit System Commission. He stated that Personnel Policy 8-119(Y-9), was a rule which related to the elimination of the appearance or the act of undue influence by candidates who may ask County employees for political contributions.

Allyn Bullzomi, Human Resources Director, explained that Personnel Policy 8-119(V) was being amended as it had been deemed unenforceable.

Supervisor Elías stated he felt it was important to keep a line of separation between employees and candidates and to support that policy.

A substitute motion was then made by Supervisor Miller and seconded by Supervisor Carroll, to continue the item to the Board of Supervisors' Meeting of October 1, 2013. The motion carried 2-3, Supervisors Bronson and Elías and Chairman Valadez voted "Nay." The vote was then taken on the original motion to approve the revisions to the Merit System Rules and Personnel Policies and carried by a 3-2 vote, Supervisors Carroll and Miller voted "Nay."

13. **Catastrophic Leave Bank Program**

Staff recommends approval of the Catastrophic Leave Bank Program to replace the current practice of employee-to-employee donations of accrued time and approval of changes to the following Pima County Personnel Policies supporting the Catastrophic Leave Bank Program:

- Personnel Policy 8-102 - Premium Pay
- Personnel Policy 8-105 - Annual Leave
- Personnel Policy 8-106 - Sick Leave
- Personnel Policy 8-108 - Leaves of Absence Without Pay

Monica Nicholas, SEIU Member, addressed the Board and stated the item represented collaborations between SEIU members and management which created a more positive and equitable program. SEIU had been working on notifying and encouraging all eligible employees to join and explained they needed maximum participation in order for the program to work.

Allyn Bullzomi, Human Resources Director, explained employees would be notified by email and hard copy would be sent to all departments. He provided an overview of the program and said approximately fifty percent of the County employees would need to enroll to make the program sustainable.

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

14. **Quarterly Report on Collections**

Staff recommends acceptance of the Quarterly Report on Collections for the period ending June 30, 2013, and approval of the write-off requests in the amount of \$320,718.00.

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

ASSESSOR

15. Redemptions of the Waivers of Tax Exemptions

Pursuant to A.R.S. §42-11153(B), the Pima County Assessor has determined that all the applications for Redemptions of the Waivers of Tax Exemptions for the year 2013 qualify for exemptions under the applicable statutes and requests the Board of Supervisors redeem the Waivers of Tax Exemptions.

It was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to redeem the Waivers of Tax Exemptions.

COUNTY ATTORNEY

16. Contract

The Board of Supervisors on August 19 and September 3, 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)

Supervisor Miller questioned the amount that had been spent on outside attorneys while pursuing the tax case against Raytheon, the location/ownership of the property involved in the case and the estimated loss of tax revenues if this case were dropped.

Bill Staples, Pima County Assessor, explained the approximate expenditures to date, that this case involved City of Tucson property located near the Tucson International Airport and the improvements on possessory rights. He also provided an estimate of the tax information for 2013.

Supervisor Elías stated the Assessor had the obligation to protect the tax roll even though it intersected with the politics of the community. He then made a motion to approve the contract. The motion died for a lack of a second.

Supervisor Bronson questioned whether there was a way to remove the Board of Supervisors from this contract as the majority of the Board respectfully disagreed with the Assessor regarding this matter.

Chris Straub, Chief Deputy Civil County Attorney, stated this was a contract approval and that type of action should be placed on a future agenda.

It was then moved by Supervisor Bronson, seconded by Supervisor Elías and carried by a 3-2 vote, Supervisors Carroll and Miller voted "Nay," to approve the contract with funding from the Assessor's General Fund budget.

BOARD OF SUPERVISORS

17. Appeal of Review Officer's Decision

Pursuant to Board of Supervisor's Policy D 22.10, the Pima County Assessor appeals the decision of the Review Officer regarding the classification of Tax Parcel No. 224-27-2810 to Legal Class 3 for Tax Year 2013.

Tom Burke, Review Officer/Finance and Risk Management Director, explained this property was owned by Beijing Properties, L.L.C., which was owned by the family trust of Alex Izzard with the trust beneficiaries being Mr. and Mrs. Izzard, husband and wife. He stated the owners had acquired a residence, transferred title to an L.L.C., and have lived in the home for eight years. Mr. Burke stated his recommendation was for this parcel to be considered a primary residence. He added that the issue at hand was whether a limited liability company could own a primary residence and in the past he had made the same recommendation.

Supervisor Miller questioned if there was any guidance in the statutes on how limited liability companies are handled if it is a personal residence.

Mr. Burke responded there was no specific guidance or clear direction from the State of Arizona. He added that the Internal Revenue Service ignored the L.L.C. designation for tax purposes.

The Chairman reported that the property owner, Mr. Izzard, had to leave the hearing but provided a comment which indicated he was in agreement with the Review Officer's decision.

Bill Staples, Pima County Assessor, stated his office did not treat limited liability companies as a primary residence.

Supervisor Miller questioned why the Assessor had withdrawn a similar appeal.

The Assessor stated he withdrew the appeal because the limited liability company had put the property back into the property owner's name.

It was moved by Supervisor Bronson, seconded by Supervisor Miller and carried by a 4-1 vote, Supervisor Elías voted "Nay," to close the public hearing and uphold the decision of the Review Officer on the property for tax year 2013.

18. Appeal of Review Officer's Decision

Pursuant to Board of Supervisor's Policy D 22.10, the Pima County Assessor appeals the decision of the Review Officer regarding the classification of Tax Parcel Nos. 109-25-006B, 109-25-006E, 110-10-001B, 110-10-001D, 110-10-002B and 110-10-005B to Legal Class 3 for Tax Year 2013.

Tom Burke, Review Officer/Finance and Risk Management Director, explained this was an appeal of a classification of six parcels. He stated Mr. Paul Manley owned 13 parcels which contained his house and other buildings and that he had considered the parcels that contained the access road, parking area and stables as one consolidated grouping that formed the owner's residence. Since the time of the written decision, he had learned from the Pima County Assessor that there was a statutory requirement that the property owner combine the parcels to get the benefit of one, otherwise the Assessor would continue to treat them as non-residential.

Bill Staples, Assessor, explained the owner could file a form to combine the properties and that there was no cost involved with that process. He also stated there could be numerous reasons the property owner would choose not to combine. Mr. Staples said the statutory definition for the class three property clearly stated "on a single parcel."

Supervisor Carroll requested the appeal be delayed and that the Assessor's Office meet with the homeowner to explain the statute provisions and how the homeowner could remedy this matter.

It was moved by Supervisor Carroll, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to continue the hearing on the appeal to the Board of Supervisors' Meeting of October 8, 2013.

FRANCHISE/LICENSE/PERMIT

19. Extension of Premises/Patio Permit

Randy D. Nations, Hot Rods Old Vail, 10500 E. Old Vail Road, Tucson, Temporary Extension of Premises for November 7 and 21, 2013.

The Chairman inquired whether anyone wished to address the Board. 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, approve the license and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

DEVELOPMENT SERVICES

20. Comprehensive Plan Amendment

Co7-13-01, SABINO CANYON ROAD PROPERTIES, L.L.C. - N. SABINO CANYON ROAD PLAN AMENDMENT

Request of Sabino Canyon Road Properties, L.L.C., represented by Erin Harris, Star Consulting of Arizona, Inc., to amend the Pima County Comprehensive Plan from Low Intensity Urban 3.0 (LIU-3.0) to Medium-High Intensity Urban (MHIU) for approximately 15.14 acres located at the northeast corner of N. Sabino Canyon Road and E. Cloud Road, in Section 29, T13S, R15E, in the Catalina Foothills

Subregion. On motion, the Planning and Zoning Commission voted 6-3 (Commissioners Neeley, Richey, and Johns voted "Nay," Commissioner Bain was absent) to recommend MODIFIED APPROVAL. Staff recommends MODIFIED APPROVAL. (District 1)

Arlan Colton, Planning Director, provided the staff report and stated if approved, a rezoning of the property would be necessary and a set of public hearings would be conducted. He stated that the staff recommendation was for modified approval for Medium Intensity Urban which would reduce the permitted units to 10 rather than the 13 units per acre as requested. The Planning and Zoning Commission also recommended Medium Intensity Urban. Mr. Colton reported public comment had been extensive on this matter and estimated they had received 66 letters/emails in opposition including petitions and a survey letter with 103 responses, and 27 letters/emails in support of the project.

Robert Gugino, Aerie Development, explained the benefits of the project to the Board. He stated it met the criteria for the Growing Smarter Act, was an excellent site for high density development and had the benefit of having three access points so there would be less traffic impact. He said the development would offer a different choice in housing which was in demand as opposed to single-family residences. He stated they had been working with the homeowners directly affected and that those homes would be separated by a 20 foot alley owned by the County and that an additional buffer would be provided.

The following speakers addressed the Board:

- Sonya Slovikosky
- Anne Garcia
- Stanley Kissinger
- Gary Moss
- David Kelly
- Esther Blumenfeld
- Mike Varney

They offered the following comments:

- The increase in density would affect the wildlife habitat.
- Concerns were expressed regarding infrastructure and traffic.
- The character of the project didn't match with the area.
- The builder should retain the low density designation.
- The rentals were not luxury.
- The density will impact neighbors.
- Developments like this increased the risk of crime in the area.
- This would be a good use of the property and would not be a threat to property values or increase traffic issues.

Supervisor Bronson questioned the decision to build this type of development instead of apartment units.

Mr. Gugino explained they felt that multi-story housing wouldn't be appropriate and that single-story would fit best with the character of the surrounding neighborhoods and had the best chance at succeeding.

Supervisor Miller stated the regional plan policies promoted the protection of existing neighborhoods. She said she believed everyone had property rights but there had been an overwhelming response against this development by the neighbors; the roads were at or above capacity as stated in the report; and there had been a recent approval of a high density development across the street which would have a significant impact on the neighborhoods.

It was thereupon moved by Supervisor Miller and seconded by Supervisor Carroll, to close the public hearing and recommend denial of the Comprehensive Plan Amendment as presented.

Supervisor Carroll asked whether other compromises or ideas had been discussed regarding this project.

Supervisor Miller stated that would be up to the developer to bring forward any new plans or ideas which would then need to be presented to the neighbors for their review and comment.

Upon the vote being taken, the motion carried 2-3, Supervisors Bronson and Elías and Chairman Valadez voted "Nay."

It was then moved by Supervisor Bronson, seconded by Supervisor Elías and carried by a 4-1 vote, Supervisor Miller voted "Nay," to close the public hearing and approve Co7-13-01, Comprehensive Plan Amendment at Medium-High Intensity Urban (MHIU) with a cap of 13 residents per acre.

Supervisor Carroll stated he voted with the majority to allow for the possibility of reconsideration.

21. **Comprehensive Plan Amendment**

Co7-13-02, SMITH VIRGIL B. REVOCABLE LIVING TRUST - S. FREEMAN ROAD ALIGNMENT PLAN AMENDMENT

Request of Virgil B. Smith Revocable Living Trust, represented by Steve Lenihan, Vail Smith, L.L.C., to amend the Pima County Comprehensive Plan from Low Intensity Rural (LIR) to Medium Intensity Urban (MIU) for approximately 25.0 acres located on the east side of S. Freeman Road alignment, approximately one-half mile south of Mary Ann Cleveland Way and one-quarter mile north of the Union Pacific Railroad, in Section 5, T16S, R16E, in the Rincon Southeast/Santa Rita Subregion. On motion, the Planning and Zoning Commission voted 9-0 (Commissioner Bain was absent) to recommend APPROVAL. Staff recommends APPROVAL. (District 4)

Chris Poirier, Assistant Planning Director, provided the staff report and stated no public comment had been received and that the Planning and Zoning Commission and staff have recommended approval which would continue the compact land use pattern in the area.

The Chairman 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 approve Co7-13-02.

22. **Comprehensive Plan Amendment**

Co7-13-07, TITLE SECURITY OF ARIZONA TR 2055 - E. TANQUE VERDE ROAD PLAN AMENDMENT

Request of Title Security of Arizona TR 2055, represented by The WLB Group, Inc., to amend the Pima County Comprehensive Plan from Resource Transition (RT) to Low Intensity Urban 1.2 (LIU 1.2) for approximately 53.0 acres located on the north side of E. Tanque Verde Road, approximately 2,300 feet east of N. Houghton Road and 1,150 feet west of N. Tanque Verde Loop Road, in Section 36, T13S, R15E, in the Catalina Foothills Subregion. On motion, the Planning and Zoning Commission voted 5-2 (Commissioners Membrilia and Johns voted "Nay," Commissioners Neely, Cook and Bain were absent) to recommend MODIFIED APPROVAL SUBJECT TO REZONING POLICIES. Staff recommends APPROVAL. (District 4)

Arlan Colton, Planning Director, provided the staff report and stated they had received 380 form letters in opposition; seven single party letters, one in support of the design change, one with questions, and five in opposition; and three letters and 115 petition signatures. Mr. Colton reviewed illustrations which depicted the site in relation to the wash, an overlay of the Conservation Land System, and an overlay of the request. He explained the difference between the Planning and Zoning Commission recommendation that included two rezoning policies and staff's recommendation which matched the original request. He reported the Flood Control District had revisited their comments and altered what could be developed. Mr. Colton added a rezoning and platting process still needed to be completed for the project.

Rob Longaker, The WLB Group, explained the project would follow the same essential footprint from the previous plat, that the land use was consistent with the immediate area, commercial services were already available and utility services were established. He asked that the specific percentages for the Conservation Land System requirements be detailed during the rezoning process. Mr. Longaker stated a meeting had been conducted with neighbors and he realized continued dialogue needed to occur during the rezoning process.

Supervisor Carroll stated a discussion was needed regarding further mitigation for conservation moving forward that would include the Coalition for Sonoran Desert

Protection. He asked if the north border of the property would be held in reserve for a possible river park expansion.

Chuck Huckelberry, County Administrator, stated the land that would remain undeveloped could be dedicated to Pima County and then become part of the river park system. He explained these details would be included in the rezoning.

Supervisor Miller asked for an explanation on the objections to the project.

Mr. Longaker summarized discussions with neighbors that included buffer yards, traffic levels, flooding, disturbance of riparian area, two story homes, the northwest corner of the site, nature of the existing vegetation, lighting, equestrian access, recreational use of the wash, density and character of the Tanque Verde Valley.

Supervisor Carroll discussed the potential of flooding and the acquisition of flood prone property by the County. He provided a history of the attempts to develop this project site since he took office and added he believed this would be the last comprehensive plan amendment for the Tanque Verde Valley. He stated this seemed to be a hybrid development that would be the least intrusive to the neighborhood.

The following speakers addressed the Board:

- Pam Minor
- Patricia Wright
- Carol Grubb
- Craig Grubb
- Carolyn Campbell, Coalition for Sonoran Desert Protection
- Scott Rumel

They offered the following comments:

- Drainage and equestrian access to the wash were a concern.
- There would be a decline in the depth for well-water.
- The character and landscape would be altered.
- There were flood plain concerns.
- The riparian area was being diminished and the wash was deteriorating.
- All Conservation Land System guidelines should be followed.
- The riparian environment should be preserved.

It was moved by Supervisor Carroll, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to close the public hearing and approve Co7-13-07 as recommended by staff, with a rezoning policy stating that the footprint of developed area be roughly the same as the approved tentative plat on file with Pima County, that the post development flood plain would remain Resource Transition and that the Conservation Land System be addressed before the rezoning.

23. Rezoning Time Extension

Co9-97-53, ALI, ET AL. - ORACLE ROAD REZONING

Request of Assunta Ali, et al., represented by Frank Ali, for a five-year time extension for a rezoning from GR-1 (GZ) [(Rural Residential) (Gateway Overlay)] to CB-1 (GZ) [(Local Business) (Gateway Overlay)] of 3.40 acres located on the east side of Oracle Road, approximately 600 feet south of Mainsail Boulevard (Catalina). The subject site was rezoned in 1998 and expired in 2013. Staff recommends APPROVAL OF A FIVE-YEAR TIME EXTENSION WITH MODIFIED 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. Recording a covenant to the effect that there will be no further subdividing or lot splitting of residential lots without the written approval of the Board of Supervisors.
6. Prior to the preparation of development related covenants and any required dedication, a title report evidencing ownership of the property shall be submitted to the Development Services Department, Document Services Section.
7. Transportation conditions:
 - A. Shared access with the property to the north and south shall be provided. Maintenance and access agreement shall be provided to staff for review and approval prior to approval of the Development Plan.
 - B. Elimination of direct access unless modification request is approved per Subdivision and Development Street Standards Chapter 9.
 - C. A written certification from the Arizona Department of Transportation stating satisfactory compliance with all of the requirements shall be submitted to the Development Services Department prior to approval of a Development Plan and/or Subdivision Plat.
 - ~~D. The property owner(s)/developer(s) shall provide offsite 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. At the time development is proposed, the property owner shall submit to the Pima County Regional Flood Control District a drainage report that includes (Hydrologic Analysis, Hydraulic Analysis and Erosion Hazard Setback Reduction Analysis) for review and approval. Based on this analysis, specific limitations may apply to the number of lots, the layout of the site or the number of structures in order to ensure that the provisions of the Ordinance are met.~~
 - ~~B. The property owner(s) shall grant flowage easements for drainage purposes, as determined necessary by the Flood Control District during the plan review process.~~
 - ~~C.B.~~ The property owner(s) shall provide all necessary drainage related improvements created by the proposed development both on-site and off-site of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.
9. Wastewater Management conditions:
 - A. The property owner(s)/developer(s) shall connect to the public sewer system at the location and in the manner specified by Wastewater Management at the time of review of the tentative plat, development plan, or request for building permit. On-site wastewater disposal shall not be allowed.

- B. On-site sewers shall be owned, operated and maintained on a private basis.
10. The proposed project shall be reviewed by the Pima County Design Review Committee pursuant to Comprehensive Plan Special Area Policy S-5 Oracle Corridor/Northern Gateway.
11. Prior to ground modification activities by the property owner(s)/ developer(s), an on-the-ground archaeological and historic sites survey shall be conducted on the subject property, and submitted to Pima County for review. 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 plat or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate. Following rezoning approval, any subsequent development requiring a Type II grading permit shall 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. Plants to be used for landscaping and revegetation shall be drought tolerant native species which are compatible with native vegetation endemic to the project area. Revegetated areas shall establish multiple height layers of vegetation that create a ground cover layer, a shrub mid-story layer, and a canopy layer. Under no circumstances shall the following exotic plant species be planted anywhere on the site:
- Fountain grass (*Pennisetum setaceum*)
 - Buffelgrass (*Pennisetum ciliare*)
 - Johnson grass (*Sorghum halapense*)
 - Giant reed (*Arundo donax*)
 - Common crabgrass (*Digitaria sanguinalis*)
 - Pampas grass (*Cortaderia selloana*)
 - Red brome (*Bromus rubens*)
 - Mediterranean grass (*Schismus spp.*)
 - Tree of heaven (*Ailanthus altissima*)
 - African sumac (*Rhus lancea*)
 - Russian olive (*Eleagnus angustifolia*)
 - Salt cedar/Tamarisk (*Tamarix pertandra* & *T. ramosissima*)
 - Bermuda grass (*Cynodon dactylon*) excluding sod hybrid Bermuda
 - Lovegrasses (*Eragrostis spp.*) excluding Plains lovegrass (*Eragrostis intermedia*)
- B. ~~Should the Board approve the 5-year time extension~~ 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 owner(s) of the property within the rezoning site and Pima County may enforce this rezoning condition against the current and any future property owner(s). 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.
13. Building heights are limited to 24 feet and one story.
14. Adherence to the preliminary development plan as approved at public hearing, except that the south 110 feet of the site, commencing from the south boundary northward, shall remain as natural area with allowance of an access drive within this area toward the Oracle Road frontage. Slopes exterior to the developed area shall be revegetated with drought tolerant native species which are compatible with native vegetation endemic to the project area.
15. ~~Unless the U.S. Fish & Wildlife Service provides information to the contrary, the site shall be surveyed for the presence/absence of the cactus ferruginous pygmy owl by an entity qualified to perform biological surveys and who possesses a valid permit from the U.S. Fish & Wildlife Service to perform such surveys. Surveys shall be done according to the most current protocol approved by the U.S. Fish & Wildlife Service. Or, heavy construction activity shall occur only between August 1 and January 31 of any given calendar year. If surveys are performed, results of these surveys and copies of any data collected shall be provided to the Development Services Department.~~

The Chairman inquired whether anyone wished to address the Board. 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 Co9-97-53, with modified standard and special conditions.

24. **Plat Note Modification**

Co12-93-11, SABINO ESTATES AT SABINO SPRINGS (Lots 1, 4, 9, 11, and 42)
Request of Nicholas Loffredo (Lot 1, approximately .96 acres), Donald Davern (Lot 4, approximately 1.04 acres), Wallace Petersen (Lot 9, approximately 1.31 acres), Leonard Loffredo (Lot 11, approximately .76 acres), and Keith Davern (Lot 42, approximately 1.00 acre) all 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 Lots 1, 4, 9, 11, and 42 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 and south side of Sabino Estates Drive, approximately 450 feet south of the Coronado National Forest. Staff recommends APPROVAL. (District 1)

The Chairman inquired whether anyone wished to address the Board. 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.

25. **Rezoning Ordinance**

ORDINANCE NO. 2013 - 43, Co9-13-06, Trubee - N. Bear Canyon Road Rezoning. Owner Tanya Trubee. (District 4)

The Chairman inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Carroll, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and adopt Ordinance No. 2013 - 43.

PRESENTATION/PROCLAMATION

26. Presentation of a proclamation to Elena West, Director of Las Artes, proclaiming Saturday, September 28, 2013 to be: "MARY H. MELTON DAY"

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

Chairman Valadez made the presentation to Elena West.

27. Presentation of a proclamation to Lindsey Jones, Executive Director of the Diaper Bank of Southern Arizona, proclaiming the week of September 15, 2013 through September 21, 2013 to be: "DIAPER NEED AWARENESS WEEK"

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 Lindsey Jones.

COUNTY ADMINISTRATOR

28. RESOLUTION NO. 2013 - **85**, of the Board of Supervisors, to extend military leave to and create benefit options for employees who are reservists and/or are called to active duty in support of Operation Enduring Freedom.

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

CONTRACT AND AWARD

PROCUREMENT

29. Achen-Gardner Construction, Inc., B&F Contracting, Inc. and KE&G Construction, Inc., Amendment No. 1, to provide a job order master agreement for conveyance and related facilities maintenance, repair, rehabilitation and construction services, extend contract term to 6/30/14 and amend contractual language, RWRD Obligation Fund, contract amount \$12,500,000.00 (MA-WW-13-303) Regional Wastewater Reclamation Department

It was moved by Supervisor Bronson, seconded by Supervisor Carroll and carried by a 4-1 vote, Supervisor Elías voted "Nay," to approve the item.

BOARD, COMMISSION AND/OR COMMITTEE

30. **Trial Court Appointments - Nominating Committee District 1**

Appointment of Randy Hannon, Republican, to replace Elizabeth Isaak. No term expiration.

It was moved by Supervisor Bronson, seconded by Supervisor Carroll and carried by a 4-1 vote, Supervisor Elías voted "Nay," to approve the item.

31. **Parks and Recreation Commission**

Appointment of Karen Cesare, to replace James Mazzocco. Term expiration: 6/30/18. (District 1)

It was moved by Supervisor Bronson, seconded by Supervisor Carroll and carried by a 4-1 vote, Supervisor Elías voted "Nay," to approve the item.

CONSENT CALENDAR

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

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

33. Approval of the Consent Calendar

PULLED FOR SEPARATE ACTION

6. Award

Low Bid: Award of Contract, Solicitation No. 103853, in the amount of \$9,974,990.20 to the lowest responsive bidder, Select Development & Construction, Inc., (Headquarters: Tucson, AZ), for the construction of the Magee Road Improvements: La Cañada Drive to Oracle Road Project. The contract term is 36 months with the ability to extend for contract completion. Construction is to be complete within 300 working days from Notice to Proceed. The Department of Transportation requests that the Procurement Director's Change Order authority be increased up to \$500,000 per change order, not to exceed a cumulative total of \$1.5 million, for this project. Funding Source: Federal Surface Transportation Program (53%), RTA (29%), and DOT-06 HURF Bond (18%). Administering Department: Transportation.

Without objection, this item was continued to the Board of Supervisors' Meeting of October 1, 2013.

* * *

It was moved by Supervisor Elías and seconded by Supervisor Bronson to approve the Consent Calendar as amended. A substitute motion was made by Supervisor Miller and seconded by Supervisor Carroll, to remove Item No. 16 for separate vote.

PULLED FOR SEPARATE ACTION BY SUPERVISOR MILLER

16. Minutes: August 6, 2013 and August 19, 2013

Supervisor Miller stated the meeting minutes of August 19, 2013 did not accurately reflect what she had said at the meeting. She cited Minute Item Nos. 19, 24, and 39 where her detailed statements had not been incorporated. Supervisor Miller also stated that she had pulled Consent Calendar Item No. 1 (Jose Gabriel Loyola, Contract CT-CED-14-30) for

separate vote and the item had never been voted upon. She requested this item be placed on the next meeting agenda for a vote.

Robin Brigode, Clerk of the Board, responded a review of the items in question could be conducted and added that the motion regarding the approval of the consent calendar items had been reexamined.

Supervisor Miller then moved that this item be placed on the next agenda to be voted upon. Chairman Valadez did not recognize the motion. He then posed questions to the County Attorney regarding suspension of the Board Rules and possible constitutional issues as it related to contract approval.

Chris Straub, Chief Civil Deputy County Attorney, said it could possibly be considered a breach issue, but not constitutionally. He offered that effectively on August 19th, Supervisor Miller's motion had been superceded by the motion to approve the consent calendar in its entirety which could then be considered a substitute motion for the approval of the contract.

Chairman Valadez further explained that at the meeting of August 19, the Chairman had not recognized Supervisor Miller's motion. He stated that at this point, the Board of Supervisors' Rules regarding reconsideration would need to be suspended to reconsider a vote on the contract.

Supervisor Miller stated that she had pulled the request for reconsideration from the agenda for the meeting of September 10, 2013, as she did not believe that the contract had ever been voted upon. Supervisor Miller also stated for the record that she did not support approval of the contract (Jose Gabriel Loyola CT-CED-14-30) in question.

Supervisor Elías offered that going forward Board members make a motion to remove items from the Consent Calendar.

It was moved by Supervisor Miller to continue the approval of the minutes of August 19, 2013, to the Board of Supervisors' Meeting of October 1, 2013. Chairman Valadez stated there was an original motion and a substitute motion on the floor. He asked that the maker and seconder of the original motion to withdraw. Supervisors Elías and Bronson withdrew. He then asked the maker and the seconder of the substitute motion to withdraw. Supervisors Miller and Carroll withdrew.

It was then moved by Supervisor Miller, seconded by Supervisor Bronson, and unanimously carried by a 5-0 vote, to continue the approval of the minutes of August 19, 2013 to the Board of Supervisors' Meeting of October 1, 2013.

* * *

It was thereupon moved by Supervisor Bronson, seconded by Supervisor Miller and carried by a 5-0 vote, to approve the remainder of the Consent Calendar as amended.

* * *

CONTRACT AND AWARD

Community Development and Neighborhood Conservation

1. Catholic Community Services, to provide for the Information and Referral Robles Junction Program, CDBG Fund, contract amount \$41,000.00 (CT-CD-14-66)
2. Pima Prevention Partnership, to provide for the Pima County Teen Court Volunteer Program, CDBG Fund, contract amount \$15,000.00 (CT-CD-14-86)

County Attorney

3. Arizona Attorney General, to provide six full time employees for legal processing support, and operating expenses, State Grant Fund, contract amount \$247,400.00 revenue (CTN-PCA-14-39)

Procurement

4. Award

Amendment of Award: Requisition No. 0900778, Amendment No. 5, for Automotive OEM Replacement Parts, extend two contract expiration dates to March 17, 2014 (Watson Chevrolet B506143; Kay Automotive, d.b.a. One Source Automotive B506153). No additional funding is required for extended term. Funding Source: Internal Service Fund. Administering Department: Fleet Services.

5. Award

Limited Competition: Retroactive Award of Contract, Requisition No.14-65, Kropp Holdings, Inc. d.b.a. AVCARD (Headquarters: Cockeysville, MD) for the Aviation Air Card Program in the annual amount of \$547,200.00. Contract is for a five-year term effective July 1, 2013. Funding Source: General Fund. Administering Department: Sheriff.

6. Award

Low Bid: Award of Contract, Solicitation No. 103853, (PULLED FOR SEPARATE ACTION)

7. Award

Low Bid: Award of Contract, Requisition No. 14-39, to Diggins & Sons Power Sweeping, Inc. (Headquarters: Tucson, AZ) for roadway sweeping services in the amount of \$259,900.00. Contract is for a one-year term and includes four one-year renewal periods. The award includes the authority for the Procurement Department to execute the four renewal periods without further action by the Board of Supervisors provided that renewals do not exceed the original BOS approved annual award amount. Funding Source: Transportation Operating. Administering Department: Transportation.

8. PSOMAS, Amendment No. 2, to provide for roadway design engineering services for the Valencia Road: Alvernon Way to Wilmot Road Project and amend scope of work/ contractual language, RTA Fund, contract amount \$135,236.50 (CT-TR-10048537-P) Transportation

Sheriff

9. City of Tucson, to provide for the incarceration of municipal prisoners, General Fund, contract amount \$6,336,946.00 estimated revenue (CTN-SD-13-372)
10. Arizona Department of Homeland Security, to provide for law enforcement equipment, Federal Grant Fund, contract amount \$62,346.72 revenue (CTN-SD-14-48)

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

11. Armando Guzman, VFW Post No. 5990, 15850 W. El Tiro Road, Marana, September 7, 2013.

ELECTIONS

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

APPOINTMENTS-PRECINCT-PARTY

Michael T. Jenkins-133-REP, Mark E. Morrison-179-REP

FINANCE AND RISK MANAGEMENT

13. Duplicate Warrants - For Ratification

Gopher Bearing SW, L.L.C. \$1,348.38; Stillwell Software, Inc. \$11,147.50; Christopher C. Nadler \$173.00; Suzanna S. Cuneo \$140.17; Paul L. Eckerstrom \$38.00; Paul L. Eckerstrom \$96.00; Latin-American Periodicals \$21,400.20; Western Surety Company \$50.00; Hill Brothers Chemical Company \$4,940.31; Hill Brothers Chemical Company \$10,148.48; Spartan Promotional Group \$4,324.00; Fazle Karim \$66.89; Carlos Silva \$500.00; Johnson Controls, Inc. \$820.39; John William Lovell \$40,411.77

RECORDER

14. Ratification

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

REAL PROPERTY

15. Grant of Easement

Grant of Easement to Metropolitan Domestic Water Improvement District for waterline purposes across Pima County Tax Parcel No. 104-01-095A, described in Docket 8555 at Page 383, and located in T13S, R13E, Section15, G&SRB&M, Pima County, Arizona. \$300.00 revenue. (District 1)

RATIFY AND/OR APPROVE

16. Minutes: August 6, 2013
August 19, 2013 (PULLED FOR SEPARATE ACTION)

* * *

34. CALL TO THE PUBLIC

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

35. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 2:11 p.m.

CHAIRMAN

ATTEST:

CLERK