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# Board of Supervisors Memorandum

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July 1, 2014

**Amendment to Pima County's 2004 Bond Ordinance  
for Painted Hills Property Acquisition**

Background

In my June 11, 2014 memorandum to the Board of Supervisors regarding the acquisition of the Painted Hills property, I indicated it would be necessary to approve a bond ordinance amendment to make the property eligible for the remainder of the City of Tucson's share of open space bond funds from the County's 2004 bond program. In 2012, the County's Conservation Acquisition Commission and Bond Advisory Committee approved such a bond ordinance amendment, but the City of Tucson's Mayor and Council felt it was premature to do so. Per the County's 2004 bond ordinance, the Board could not vote on the amendment until after Mayor and Council approved it. Therefore, at the time, I asked the Board not to vote on the amendment and indicated staff would place the amendment on a future Board agenda following action by the City's Mayor and Council. Mayor and Council are now scheduled to consider the amendment at their June 30, 2014 meeting after the required public hearing. Assuming they approve the amendment, the Board can then consider it at the July 1, 2014 meeting, also following the required public hearing.

Attached is the bond ordinance amendment in legislative style showing the recommended changes, as well as a clean version. The amendment adds the Painted Hills property to the three City of Tucson open space projects that were included in the 2004 bond program: OS1.15 Agua Caliente and Brawley Wash, OS1.16 36<sup>th</sup> Street Corridor and Valencia, and OS1.17 Habitat at 36<sup>th</sup> and Kino. It also extends the implementation periods for these three projects. A total of nine properties were purchased with the bond funds approved for these three open space projects and \$3.55 million in total remains. This ordinance amendment would allow the County to spend these remaining funds on the acquisition of the Painted Hills property.

Staff are currently working with representatives of the property owner to complete the acquisition agreement and other necessary due diligence. It is anticipated the acquisition agreement will be before the Board for approval shortly.

Recommendation

I recommend the Board of Supervisors hold the required public hearing and approve the necessary amendment to the 2004 bond ordinance to provide \$3.55 million in bond funding toward the County's purchase of the Painted Hills property, contingent on the City of Tucson's Mayor and Council taking a similar action on June 30, 2014.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "C. Huckelberry".

C.H. Huckelberry  
County Administrator

CHH/dr – June 18, 2014  
Attachment

**ORDINANCE NUMBER 2014-\_\_\_**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY ARIZONA RELATING TO GENERAL OBLIGATION AND SEWER REVENUE BOND PROJECTS AMENDING ORDINANCE NUMBER 2004-18 BOND IMPLEMENTATION PLAN, MAY 18, 2004 SPECIAL ELECTION (AS PREVIOUSLY AMENDED ) FOR THE PURPOSE OF AMENDING THE SCOPE AND IMPLEMENTATION PERIODS OF CERTAIN PROJECTS.**

**The Board of Supervisors of Pima County finds that:**

- A. The Board of Supervisors adopted Chapter 3.06 of the Pima County Code titled "Bonding Disclosure, Accountability and Implementation."
- B. In compliance with Chapter 3.06, the Board of Supervisors adopted Ordinance Number 2004-18, the "Bond Implementation Plan, May 18, 2004 Special Election." The Board of Supervisors has subsequently amended the Bond Implementation Plan Ordinance on a number of occasions in compliance with the Code.
- C. Acquisition of the Painted Hills parcel was included as Project 1.13 in the original Bond Implementation Plan Ordinance. Acquisition of the property has remained a part of the Plan since that time. The property was identified initially as a Community Open Space parcel.
- D. Officials of Pima County and the City of Tucson, in 2012, discussed amending three City of Tucson Urban Open Space projects in the Bond Implementation Plan Ordinance to include the Painted Hills parcel so that bond funds remaining in these projects could be used to acquire Painted Hills.
- E. The Bond Advisory Committee and the Conservation Acquisition Commission approved that proposed amendment to the Bond Implementation Plan Ordinance in 2012 but the City of Tucson did not formally approve it at that time.
- F. The City of Tucson has now approved that amendment and the County is ready to proceed with acquisition of the Painted Hills parcel.

**BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:**

**Section 1.** Ordinance Number 2004-18 (as previously amended) is hereby amended as follows:

**A. Question No. 1 - Sonoran Desert Open Space and Habitat Protection; Preventing Urban Encroachment of Davis-Monthan Air Force Base**

**b. Urban Open Spaces Requested by Jurisdictions**

**City of Tucson Priorities**

**1.15 Agua Caliente, and Brawley Wash and Painted Hills**

**Location:** The confluence area of the Tanque Verde Creek and Agua Caliente Wash; Brawley Wash; Painted Hills between Speedway and Anklam.

**Scope:** Purchase in fee simple or acquire conservation easements on parcels or portions of parcels, with preference for vacant lands within the floodplain and floodway of the Tanque Verde and Agua Caliente Washes. First priority of acquisition will be the vacant land downstream of Houghton Road along the Agua Caliente Wash. The scope also includes the purchase of property along the Brawley Wash, adjacent to City of Tucson-owned land, tax code parcels 208-40-0650, 0660, 213-10-001N, 215-31-039A. The scope also includes the purchase of property between Speedway and Anklam, tax code parcels 116-04-164A, 116-04-164B, 116-07-1250, 116-08-001C, 116-09-0060.

**Benefit:** Preservation of significant riparian areas, prevention of future flood damages, and conservation of saguaro-studded slopes.

**Cost:** 5,000,000

**Bond Funding:** 5,000,000

**Other Funding:** None identified at this time. If additional funding becomes necessary, options include federal or state grants, and specific appropriations from the County Flood Control District tax levy.

**Implementation Period:** 1, 2, 3, 4, 5

**Project Management:** The County Flood Control District will be responsible for managing all acquisitions, in close consultation with City of Tucson staff.

**Future Operating and Maintenance Costs:** There should be minimal costs, which will be funded through the Flood Control District.

**1.16 36th Street Corridor, and Valencia and Painted Hills**

**Location:** Corridor along 36th Street, from the Santa Cruz River west to Tucson Mountain Park; Valencia Archaeological Site at Interstate 10 and Valencia, along the Santa Cruz River; Painted Hills between Speedway and Anklam.

**Scope:** Purchase in fee simple or acquire conservation easements on properties along 36th Street to preserve a corridor from the Santa Cruz River west to Tucson Mountain Park and to serve as an expansion of Tucson Mountain Park. Pima County will seek options to preserve this corridor through public/private partnerships that do not require the purchase of entire

parcels. The scope also includes the purchase of the Valencia Archaeological Site, tax code parcel 138-01-006C. The scope also includes the purchase of property between Speedway and Anklam, tax code parcels 116-04-164A, 116-04-164B, 116-07-1250, 116-08-001C, 116-09-0060.

**Benefit:** This project will protect the viewshed of the upper foothills of the Tucson Mountains, provide public access into Tucson Mountain Park from the west end of 36th Street, protect a wildlife corridor and associated biological values from the Tucson Mountains to the Santa Cruz River, and protect investments already made by Pima County in the area of the West Branch of the Santa Cruz.

**Cost:** \$5,500,000

**Bond Funding:** \$5,000,000

**Other Funding:** \$500,000 from State Growing Smarter matching.

**Implementation Period:** 1, 2, 3, 4, 5

**Project Management:** Pima County Natural Resources, Parks and Recreation will manage this project, in close consultation with the City of Tucson.

**Future Operating and Maintenance Costs:** Based on the average cost to operate and maintain the existing open space parks system of Pima County, it is anticipated that future operating and maintenance costs of community open spaces which are added to the existing natural open space system operated and maintained by Pima County will cost, on average, approximately \$60 per year per acre of added open space park.

### **1.17 Habitat at 36th and Kino, and Painted Hills**

**Location:** Parcel is located at the Southeast corner of 36th Street and Kino Parkway; Painted Hills between Speedway and Anklam.

**Scope:** Purchase the 26-acre parcel in fee simple. The scope also includes the purchase of property between Speedway and Anklam, tax code parcels 116-04-164A, 116-04-164B, 116-07-1250, 116-08-001C, 116-09-0060.

**Benefit:** The 26-acre parcel comprises four different vegetative communities and is classified as a floodplain. A preliminary survey showed a total of 32 plant species and 22 bird species. The property is walking distance from six schools, the Holmes-Tuttle Boys and Girls Club, and the Quincie Douglas Recreation Center, all of which could benefit from nearby habitat preservation and environmental protection. Purchase of the Painted Hills property would conserve saguaro-studded slopes highly visible along Speedway and Anklam.

**Cost:** \$1,000,000

**Bond Funding:** \$1,000,000

**Other Funding:** None identified at this time. If additional funding becomes necessary, options include federal and state grants and Flood Control District appropriations; if necessary, however, acquisition cost is limited to the cost guidelines in the Ordinance.

**Implementation Period:** 1, 2, 3, 4, 5

**Project Management:** Pima County Natural Resources, Parks and Recreation and Flood Control District will manage this acquisition, in close consultation with the City of Tucson.

**Future Operating and Maintenance Costs:** There should be minimal costs, which will be funded through either Natural Resources, Parks and Recreation or the Flood Control District.

**AS AMENDED** by the Board of Supervisors of Pima County, Arizona, on this 1<sup>st</sup> day of July, 2014.

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Chair, Board of Supervisors

Attest:

Reviewed by:

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Clerk, Board of Supervisors

*C. Dulubay*  
\_\_\_\_\_  
County Administrator

Approved as to Form:

*Regina Nassen*  
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Civil Deputy County Attorney  
**REGINA NASSEN**