

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, April 15, 2014. Upon roll call, those present and absent were as follows:

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

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

1. **CONTRACT**

Creative Machines, Inc., to provide artists services for the Pantano Wash Bank Protection and River Park: Craycroft Road to Tanque Verde Road Project, Flood Control Tax Levy Fund, contract amount \$99,000.00/4 year term (CT-FC-14-376)

It was moved by Supervisor Carroll, seconded by Supervisor Miller 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 10:39 a.m.

CHAIR

ATTEST:

CLERK

BOARD OF SUPERVISORS' MEETING MINUTES

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Present: Sharon Bronson, Chair
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Chris Straub, Chief Civil Deputy County Attorney
Robin Brigode, Clerk of the Board
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1. **INVOCATION**

The invocation was given by Monsignor Thomas Cahalane, Our Mother of Sorrows Catholic Church.

2. **PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

3. **PERSONAL POINTS OF PRIVILEGE**

Supervisor Elías reminded audience members that although the County's official recording equipment was off, other devices may continue to record.

Supervisor Elías recognized Holy Week and the Easter ceremonies conducted by the Pascua Yaqui people.

Supervisor Carroll recognized the Passover Seder, and Alan Gross in a Cuban prison that had ended a hunger strike.

Chair Bronson noted the public participation in the community for Passover Seder this week.

4. **PAUSE 4 PAWS**

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

5. **PRESENTATION/PROCLAMATION**

Presentation of a proclamation to Chaplain Al Story, Fellowship Square; and Lois Blei, Arizona State Coordinator of National Day of Prayer, proclaiming the day of Thursday, May 1, 2014 to be: "NATIONAL DAY OF PRAYER"

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

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

The Chair inquired whether anyone wished to address the Board on any item listed under Executive Session. No one appeared.

7. **CONVENE TO EXECUTIVE SESSION**

It was moved by Supervisor Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to convene to Executive Session at 9:14 a.m.

8. **RECONVENE**

The meeting reconvened at 9:47 a.m. All members were present.

EXECUTIVE SESSION

9. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding possible legal action against the City of Tucson to recover Pima County's excess costs related to water service to the new public service center.

Chris Straub, Chief Civil Deputy County Attorney, stated that this was a claim for excess costs incurred by the County when the City required the County to replace certain lateral water lines and apply road patches using incorrect technical specifications during the construction of the new Public Service Center. He stated that the County Attorney's office sought direction on how to proceed on this matter.

It was moved by Supervisor Elías and seconded by Supervisor Carroll, to offer an extension for 90 days on the current tolling agreement and to direct staff to continue negotiations. Upon roll call, the motion carried by a 3-2 vote, Supervisors Miller and Valadez voted "Nay."

10. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding HSL TI Building v. Pima County, Arizona Tax Court Case No. TX2013-000679, Tax Parcel No. 140-42-048A for tax years 2013 and 2014.

Chris Straub, Chief Civil Deputy County Attorney, stated this case was a challenge to the valuation of real property improvements located at 6730 S. Tucson Boulevard. The proposed settlement would reduce the full cash and limited values

of the property for tax years 2013 and 2014; the values would not roll over to tax year 2015; the legal classification and assessment ratio would remain the same; would result in an estimated tax decrease of \$86,430.72 and \$84,214.48; and as part of the settlement both parties had agreed to bear their own costs, attorney's fees and litigation expenses. The Pima County Assessor and the Pima County Attorney's Office recommended the settlement.

It was moved by Supervisor Carroll, seconded by Supervisor Valadez and carried by a 4-1 vote, Supervisor Miller voted "Nay," to accept the recommendation.

11. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding DQ Vanderbilt, L.L.C. v. Pima County, Arizona Tax Court Case No. TX2011-000884, 209 subdivided single family residential building lots for tax year 2011.

Chris Straub, Chief Civil Deputy County Attorney, stated this case was a challenge to the valuation of real property on vacant subdivided land with minimal onsite improvements located at the Farmfield Five Amended Subdivision in Marana. There were approximately 208 subdivided single family residential building lots. He stated the proposed settlement would reduce the full cash value for each of the subject lots from \$18,627.00 to \$13,562.00 for tax year 2011; the values would not roll over to tax year 2012; the legal classification and assessment ratio would remain the same; the estimated tax refund would be \$24,960.87 for tax year 2011 and \$26,010.05 for tax year 2012, for an estimated total tax refund of \$50,970.92; and as part of the settlement both parties had agreed to bear their own costs and attorney's fees. The Pima County Assessor and the Pima County Attorney's Office recommended the settlement.

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

INDUSTRIAL DEVELOPMENT AUTHORITY

12. **JMF-Hope College and Career Readiness Institute**

RESOLUTION NO. 2014 - 43, 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 (JMF-Hope College and Career Readiness Institute Charter School Project), Series 2014 in an aggregate principal amount not to exceed \$11,000,000.00 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.

DEVELOPMENT SERVICES

13. Final Plat With Assurances

P09FP00041, del Lago Commerce Park, Lots 1-24 and Common Area A. (District 4)

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

FRANCHISE/LICENSE/PERMIT

14. Liquor License

14-05-9173, Deepa Kamleshkumar Patel, Mi Ranchito Carniceria, 3650 E. Benson Highway, Tucson, Series 10, Beer and Wine Store, New License.

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

15. Liquor License

14-06-9174, Jeffery Thomas Gooch, Florizona Grille, 5151 S. Country Club Road, Tucson, Series 6, Bar, Person Transfer.

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

16. Extension of Premises/Patio Permit

Frank M. Jerez, American Citizens Social Club, 811 N. 2nd Avenue, Ajo, Temporary Extension of Premises for May 3, 2014.

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

17. Extension of Premises/Patio Permit

Alek Zachary Comyford, Bodega Hospitality, L.L.C., 4340 N. Campbell Avenue, No. 164, Tucson, Temporary Extension of Premises for May 3, 2014.

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

PROCUREMENT

18. Appeal of the Procurement Director's Decision

Pursuant to Pima County Code Section 11.20.010(J), Bestway Electric Motor Service Co., Inc., appeals the decision of the Procurement Director regarding Solicitation No. 106981-Pump Repairs.

Supervisor Elías questioned whether the appellant had standing since they had not bid and questioned the entire appeal process.

George Widugiris, Procurement Director, stated that Phoenix Pumps was considered an interested party as they had the business previously and also had correspondence with the commodity contracts officer regarding this solicitation.

Chris Straub, Chief Civil Deputy County Attorney, referred to the provisions of the Pima County Procurement Code regarding this process.

Chair Bronson stated the Board would need to decide whether to uphold the decision of the Procurement Director to re-solicit the bid and asked what had been the defect in the original bid.

Mr. Widugiris explained the solicitation was complex and that it should have provided all the information necessary to respond. He added the solicitation should have been amended or have been cancelled prior to receipt of any bid.

Supervisor Elías stated that given the history with the solicitation of this bid, more care should have been exercised in the process.

Supervisors Carroll and Miller questioned whether the re-solicitation would put Bestway Electric at a disadvantage.

Michael Rusing, Rusing, Lopez and Lizardi representing Bestway Electric Motor Service Co., Inc., stated that Phoenix Pumps, the current vendor would have more knowledge on the detail of the pumps and would have had the advantage in making a bid. He reported Phoenix Pumps had not attended the pre-bid meeting nor submitted a bid and if this solicitation was re-bid, they would now have the advantage of reviewing the submission of Bestway Electric. He stated that the vendors that had submitted a bid were all substantially close.

It was moved by Supervisor Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to award Solicitation No. 106981 to Bestway

Electric Motor Service Company, to deny the decision of the Procurement Director, and to direct staff to provide clarification on the entire protest process.

DEVELOPMENT SERVICES

19. **Co9-96-09, 4-D PROPERTIES-LAVERGNE THOMPSON WHOLESALE, L.L.C. - LITTLETOWN ROAD REZONING**

A. Closure

Proposal to close an 8.75 acre portion of a 17.5 acre rezoning from the SR (AE) (Suburban Ranch) (Airport Environs) to CI-2 (AE) (General Industrial) (Airport Environs) zone. The 17.5 acre site was rezoned in 1996. The 8.75 acre subject area of the rezoning expired September 17, 2004. The site is located off Littletown Road, approximately one-half mile east of Wilmot Road. Staff recommends AGAINST CLOSURE. (District 4)

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Carroll, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to accept the recommendation against closure.

B. Time Extension

Request of Gilbert and Jeanie Clay, and Greg and Pamela Etchart, represented by JAS Engineering, for a five-year time extension for an 8.75 acre portion of a 17.5 acres rezoning from the SR (AE) (Suburban Ranch) (Airport Environs) to CI-2 (AE) (General Industrial) (Airport Environs) zone. The 17.5 acre site was rezoned in 1996. The 8.75 subject area of the rezoning expired on September 17, 2004. The site is located off Littletown Road, approximately one-half mile east of Wilmot Road. Staff recommends APPROVAL OF A FIVE-YEAR TIME EXTENSION WITH MODIFIED AND ADDITIONAL STANDARD AND SPECIAL CONDITIONS. (District 4)

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

1. 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 Department of Transportation, Real Property Division.
6. Transportation condition conditions:

~~An area consisting of the southern 200 feet of the subject property shall be reserved from development by a recorded covenant, running with the land, for a period of five years. In this instance, development means the construction of any permanent structure as defined in Pima County Code. Use of the reserved area for storage of parking shall be allowed. Any materials within the reserved area shall be removed at no cost to Pima County if any or all of the reserved area becomes public right-of-~~

~~way. The construction of a chip seal pavement over appropriate sub-grade material will be allowed within the reserved area and private access easement to provide access to the subject property until such time that the Valencia Road re-located decision is made or the five year reserve period expires. In the event that alignment Alternative II is selected for the relocation of Valencia Road within the five year reserved period, the property owner(s) shall dedicate to Pima County up to 75 feet of property adjacent to the south property line of the subject property at no cost except for the replacement costs of the existing well and ancillary equipment. In addition the property owner(s) would be under no further obligation to improve the access road. If alternate II is not selected for the relocation of Valencia Road, or if the five year reserve period expires before a selection is made, the owner(s) of the property shall construct permanent access improvements within the reserved area and private access easements according to Pima County standards.~~

- ~~A. One Plat or Development Plan shall be completed for the entire rezoning.~~
 - ~~B. The property owner shall provide onsite and offsite improvements determined necessary by Department of Transportation.~~
 - ~~C. The property owner shall provide for turnarounds at terminus of internal access streets/driveways.~~
 - ~~D. Written certification from the City of Tucson stating satisfactory compliance with all its requirements shall be submitted to the Pima County prior to the approval of the final plat.~~
7. Flood Control conditions:
- A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
 - B. All internal drainage improvement required to mitigate drainage impacts caused by the proposed development shall be constructed at no cost to the District.
 - C. At the time of development, the applicant shall submit a Final Integrated Water Management Plan consisting of the table identifying internal and external water conservations measures and a site plan showing the location of external measures. First flush retention shall be provided.
8. Wastewater Management condition:
The ~~property owner/developer or his agent~~ must secure approval from the Pima County Department of Environment Quality to use on-site individual sewage disposal systems within the proposed rezoning area at the time a tentative plat, development plan or request for building permit is submitted for review.
9. Environmental Quality conditions:
~~Subsurface sewage disposal shall not exceed 1,200 gallons per acre per day. Any further development will need to be reviewed during the development plan process to insure that the sewage disposal density limit is not exceeded. At the time when development exceeds the sewage disposal density limited then the property will be required to connect to the sewer.~~
- A. It must be documented that the total discharge of nitrogen into ground water is controlled, pursuant to Arizona Administrative Code, Title 18, Chapter 9 (R18-9-E323 4.23), prior to the construction and/or continued use of either of the following:
 - 1. an on-site wastewater treatment facility with a design flow from 3000 gallons per day to less than 24,000 gallons per day; or,
 - 2. two or more on-site wastewater treatment facilities on a property, or adjacent properties under common ownership, with a combined design flow from 3000 gallons per day to less than 24,000 gallons per day;
 - B. The Department's Air Quality Control District requires that air quality activity permits be secured by the developer or prime contractor before constructing, operating or engaging in an activity, which may cause or contribute to air pollution.
10. Cultural Resources conditions:

~~Prior to ground modification activities, an on-the-ground archaeological survey and appropriate mitigation measures shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological sites on the subject property shall be submitted at the time of, or prior to the submittal of any tentative plat or development plan. The mitigation plan shall be prepared and reviewed as described in the Pima County Site Analysis Requirements.~~

A. All work must be within the area as shown on the proposed project map in the submitted development plan.

B. A caution must be noted concerning human burials. Archaeological clearance recommendations do not exempt the construction and other ground-disturbing activities from compliance with State burial protection laws. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.

~~44. Concurrent with tentative plat or development plan submittal, a plant preservation/mitigation study and plan shall be prepared by an independent horticulturalist or other qualified professional and submitted to the Planning Division for review and approval. The developer shall preserve in place, relocated or mitigate significant on-site cacti and trees as recommended by the preservation plan, including but not limited to: Threatened or endangered plant species, plants on the Arizona Protected Plants List, areas of riparian vegetation, or significant wildlife habitat and corridors.~~

~~4211. Building heights are limited to 25 feet.~~

~~4312. Adherence to the preliminary development plan as approved at public hearing.~~

~~4413. Uses are restricted to CI-1 uses, machine or welding shop with ancillary uses, automobile repair and storage, junk, salvage, auto wrecking, impoundment storage, used materials or automobile recycling in accordance with Section 18.53.030.H (including the need for authorization by the board of adjustment for expansion such uses).~~

14. Environmental Planning condition:

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.

15. The property owner shall execute and record the following disclaimer regarding : Proposition 207 rights: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, Chapter 8, Article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R. S. § 12-1134(l)."

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

unanimously carried by a 5-0 vote, to close the public hearing and approve the five-year time extension for Co9-96-09, subject to modified and additional standard and special conditions.

20. **Co9-03-31, BACKUS - OLD SPANISH TRAIL REZONING**

A. **Closure**

Proposal to close a 3.04 acre rezoning from the SR (Suburban Ranch) to CB-1 (Local Business) (.97 acres) and SR® (Suburban Ranch-Restricted) (2.07 acres) zone. The 3.04 acre subject site was rezoned in 2003. The rezoning expired on January 20, 2014. The site is located on the southeast corner of Camino Del Garanon and Old Spanish Trail. Staff recommends AGAINST CLOSURE. (District 4)

B. **Time Extension**

Request of Peter and Deborah Backus, for a five-year time extension of a 3.04 acre rezoning from the SR (Suburban Ranch) to CB-1 (Local Business) (.97 acres) and SR® (Suburban Ranch-Restricted) (2.07 acres) zone. The 3.04 acre subject site was rezoned in 2003. The rezoning expired on January 20, 2014. The site is located on the southeast corner of Camino Del Garanon and Old Spanish Trail. Staff recommends APPROVAL OF A FIVE-YEAR TIME EXTENSION WITH MODIFIED AND ADDITIONAL STANDARD AND SPECIAL CONDITIONS. (District 4)

It was moved by Supervisor Carroll, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to continue these items to the Board of Supervisors' Meeting of May 13, 2014.

21. **Co9-03-32, LEE, ET AL. - ORANGE GROVE ROAD REZONING**

A. **Closure**

Proposal to close a 8.90 acre rezoning (approximately 9.55 original acres minus approximately .65 acres of dedicated right-of-way) from the SR (Suburban Ranch) to TR (Transitional) (5.11 acres) and SR® (Suburban Ranch-Restricted) (4.44 acres) zone. The 9.55 acre subject site was rezoned in 2003. The rezoning will expire on April 13, 2014. The site is located on the southwest corner of Orange Grove Road and San Joaquin Avenue. Staff recommends AGAINST CLOSURE. (District 1)

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Miller, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to accept the recommendation against closure.

B. **Time Extension**

Request of Lee Family Trust 3/4, et al. represented by Presidio Engineering, Inc., for a five-year time extension of a 8.90 acre rezoning (approximately 9.55 original acres minus approximately .65 acres of dedicated right-of-way) from the SR (Suburban Ranch) to TR (Transitional) (5.11 acres) and SR®

(Suburban Ranch-Restricted) (4.44 acres) zone. The 8.90 acre subject site was rezoned in 2003. The rezoning will expire on April 13, 2014. The site is located on the southwest corner of Orange Grove Road and San Joaquin Avenue. Staff recommends APPROVAL OF A FIVE-YEAR TIME EXTENSION WITH ADDITIONAL MODIFIED AND ADDITIONAL STANDARD AND SPECIAL CONDITIONS. (District 1)

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

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.
6. There shall be no further lot splitting or subdividing of residential properties without the written approval of the Board of Supervisors.
7. Transportation conditions:
 - A. The property owner(s)/developer(s) shall provide offsite improvements to Orange Grove Road as determined necessary by the Department of Transportation. These improvements shall include, but may not be limited to, construction of a right turn lane.
 - ~~B. The property owner(s) shall dedicate to Pima County 70 feet of right-of-way for Orange Grove Road and shall provide a building setback of 130 feet from the centerline of the right-of-way for Orange Grove Road.~~
 - CB. One access point shall be allowed on Orange Grove Road. No access shall be allowed via San Joaquin Avenue.
 - DC. Internal access shall be provided to the west of the property as shown on the Preliminary Development Plan.
8. Flood Control conditions:
 - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
 - B. The property owner(s) shall provide necessary on-site and off-site drainage improvements as required by the Flood Control District.
 - C. The property owner(s) shall comply with detention/retention conditions and restrictions as stated in the Floodplain Management Ordinance since the property lies within a critical basin.
 - D. Post-development floodplains and flood control improvements shall be identified on the Plat or Development Plan as separate open space parcels and/or where they are contained within development parcels dedicated as right-of-way or easements for drainage and maintenance purposes to the Pima County Regional Flood Control District and/or the Homeowners Association.
 - E. Pima County Regulated Riparian Habitat, including mitigation areas shall be identified on the Plat or Development Plan as separate open space parcels and/or where they are contained within development parcels dedicated as right-of-way or easements for preservation, mitigation and monitoring purposes to the Pima County Regional Flood Control District and/or the Homeowners Association.
 - F. At the time of development, the applicant shall submit a Final Integrated Water Management Plan consisting of the table identifying internal and

- external water conservations measures and a site plan showing the location of external measures. First flush retention shall be provided.
9. Regional Wastewater Reclamation Department Management condition:
The property owner(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.
- A. The owner/developer shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner/developer to that effect.
- B. The owner/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner/developer shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
- C. The owner/developer shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
- D. The owner/developer shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
- E. The owner/developer shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
- F. The owner/developer shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
10. Natural Resources, Parks and Recreation condition:
The property owner(s) shall provide a non-motorized public recreational trail easement over the entirety of the Pegler Wash corridor.
11. Adherence to the preliminary development plan as approved at public hearing on April 13, 2004 (EXHIBIT B).
12. A minimum of 95% of the Pegler Wash riparian area shall be preserved as natural open space as defined in the zoning code. The limits of the Pegler Wash riparian area shall be delineated using the Harris Riparian Maps generated for the Sonoran Desert Conservation Plan and shall be shown on all development plans, grading plans, and native plant preservation plans.
13. Detention/retention basins shall be revegetated with plant species native to the site. The plan for the revegetation of the basins shall be shown on the landscape plan(s) required to be submitted for review and approval by the Development Services Department.
14. 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. The following plants are prohibited anywhere within the rezoning 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 modification (substantial change) of rezoning conditions and subsequently 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 owners of property within the rezoning site and Pima County may enforce this rezoning condition against the current and any future 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.

15. Building heights shall be limited to a maximum of 34 feet. Building colors shall be earth tone and shall not exceed a light reflectivity of 60%.

16. A caution must be noted concerning human burials. Archaeological clearance recommendations do not exempt the construction from compliance with State burial protection laws. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.

17. The property owner(s)/developer(s) shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, Chapter 8, Article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(l)."

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Miller, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and approve the five-year time extension for Co9-03-32, subject to additional modified and additional standard and special conditions.

TRANSPORTATION

22. Traffic Ordinance

ORDINANCE NO. 2014 - 16, of the Board of Supervisors, regulating traffic at the intersection of Bayou Drive and Treece Way in Pima County, Arizona. Staff recommends APPROVAL. (District 1)

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

23. Traffic Ordinance

ORDINANCE NO. 2014 - 17, of the Board of Supervisors, establishing prima facie reasonable speed limits for motor vehicles on Hardy Road in Pima County, Arizona. Staff recommends APPROVAL. (District 1)

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

24. Traffic Ordinance

ORDINANCE NO. 2014 - 18, of the Board of Supervisors, repealing an ordinance establishing a non-abutting crosswalk on Kain Avenue in Pima County, Arizona. Staff recommends APPROVAL. (District 3)

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

25. Traffic Ordinance

ORDINANCE NO. 2014 - 19, of the Board of Supervisors, establishing prima facie reasonable speed limits for motor vehicles on Overton Road in Pima County, Arizona. Staff recommends APPROVAL. (District 1)

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

26. **Traffic Ordinance**

ORDINANCE NO. 2014 - 20, of the Board of Supervisors, establishing prima facie reasonable speed limits for motor vehicles on Shannon Road in Pima County, Arizona. Staff recommends APPROVAL. (District 1)

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

27. **Traffic Ordinance**

ORDINANCE NO. 2014 - 21, of the Board of Supervisors, establishing prima facie reasonable speed limits for motor vehicles on Trails End Road in Pima County, Arizona. Staff recommends APPROVAL. (District 5)

Without objection, this item was removed from the agenda.

CONTRACT AND AWARD

FACILITIES MANAGEMENT

28. Accelerate Diagnostics, Inc., Amendment No. 2, to provide a lease for property located at 3950 S. Country Club Road, Suites 440 and 420, expand the premises and amend contractual language, contract amount \$168,843.80 revenue (CTN-FM-13-55)

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

CONSENT CALENDAR

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

The Chair inquired whether anyone wished to address the Board on any item listed on the Consent Calendar. No one appeared.

30. **Approval of the Consent Calendar**

It was moved by Supervisor Carroll, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to pull Consent Calendar Item No. 8 for separate vote.

PULLED FOR SEPARATE VOTE BY SUPERVISOR CARROLL

8. AECOM Technical Services, Inc., Amendment No. 10, to provide architectural services for the Downtown Court Complex and amend

contractual language, Certificates of Participation, contract amount \$176,100.00 (CT-PO-11021149-P) Facilities Management

Supervisor Carroll stated that he could not support the use of Certificates of Participation to fund this item.

It was moved by Supervisor Carroll and seconded by Supervisor Miller to deny the contract. Upon roll call, the motion failed by a 2-3 vote, Supervisors Elías, Valadez and Chair Bronson voted "Nay."

It was thereupon moved by Supervisor Valadez and seconded by Supervisor Elías to approve the item. Upon roll call, the motion was approved by a 3-2 vote, Supervisors Carroll and Miller voted "Nay."

CONFLICT OF INTEREST

1. THE FOLLOWING ITEM MAY PRESENT A POTENTIAL CONFLICT OF INTEREST FOR SUPERVISOR CARROLL

FINANCE AND RISK MANAGEMENT Duplicate Warrants - For Ratification

Nestle Waters North America \$559.79; Viola Estelle Wilson \$82.25; Veronica Adela Martinez \$29.34; Closed Caption Productions, Inc. \$450.00; Jocelyn Gonzvar \$104.58; Frederick S. Klein \$333.73; Monica Jean May-Dunn \$14.24; Jill Labrie \$30.78; Swift Office Solutions, Inc. \$703.91; James Roat \$102.92; Nancy Chow \$1,450.00; TNI Partners/Arizona Daily Star \$185.08; AT&T Mobility II, L.L.C. \$1,808.78; Southwest Hazard Control \$3,485.25; Republic Services of AZ Haulin \$11,557.93; Karin Lynne Merritt \$66.31; *Lovitt & Touche, Inc. \$50.00; Natalie Franco \$911.95; The University of Arizona \$10,000.00; Flor Gill \$100.00; Charles Mark Young \$49.35.

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

* * *

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

* * *

CONTRACT AND AWARD

Community Development and Neighborhood Conservation

2. Salvation Army of Tucson, to provide for the CASA for Families II Supportive Housing Program, SHP Federal HUD Fund, contract amount \$103,412.00 (CT-CD-14-377)

Community Services, Employment and Training

3. The Salvation Army, to provide for the Emergency Services Network Project, STCS/TANF State (74%), General (10%) and CSBG (16%) Funds, contract amount \$29,625.00 (CT-CS-14-380)
4. Catholic Community Services, d.b.a. Community Outreach for the Deaf Program, to provide for One Stop Staff, U.S. DOL, ADES WIA Grant Fund (90%) and other Workforce Funds (10%), contract amount \$68,892.00 (CT-CS-14-381)

Health

5. Rincon Valley Fire District, Amendment No. 1, to provide childhood immunization services and extend contract term to 11/12/14, no cost (CTN-HD-13-115)
6. Arizona Department of Health Services, to provide for gaining public health accreditation, contract amount \$45,000.00 revenue (CTN-HD-14-156)

Information Technology

7. Corona De Tucson Fire Department, to provide subscriber services and repair of portable and mobile radio equipment, contract amount \$2,371.08 revenue (CTN-IT-14-142)

Procurement

8. AECOM Technical Services, Inc., (PULLED FOR SEPARATE VOTE)
9. WSM Architects, Inc., Amendment No. 7, to provide for the new Fleet Services Facilities and amend contractual language, Certificates of Participation, contract amount \$4,100.00 (CT-FM-11046556-P) Facilities Management
10. DOWL HKM, L.L.C., Amendment No. 1, to provide construction management services for Orange Grove Road: Camino de la Tierra to La Cholla Boulevard Project and extend contract term to 3/30/15, no cost (CT-PW-13-777) Public Works Administration

11. Structural Grace, Inc., Amendment No. 1, to provide roadway planning and design engineering services for Sunset Road: Silverbell Road to River Road Project, extend contract term to 5/3/18 and amend contractual language, Tucson Mountain Area Impact Fee Fund, contract amount \$81,320.00 (CT-TR-14-181) Transportation
12. **Award**
Low Bid: Award of Contract, Requisition No. 14-106, Arnold Machinery Company, Inc. (Headquarters: Salt Lake City, UT) for five new front end loaders for a one-time amount of \$825,500.00. Funding Source: Internal Service Fund. Administering Department: Fleet Services.

Real Property

13. Stewart Title & Trust of Tucson Trust No. 2549, to provide two slope easements, temporary construction easement and right-of-way on Tax Parcel No. 140-36-005A for the Valencia Road: Alvernon Way to Wilmot Road Improvement Project, RTA Fund, contract amount \$1,000.00 (CT-PW-14-373)

Regional Wastewater Reclamation

14. Raftelis Financial Consultants, Inc., to provide for service fee review and evaluation project, RWRD Enterprise Fund, contract amount not to exceed \$107,600.00 (CT-WW-14-385)

GRANT APPLICATION/ACCEPTANCE

15. **Acceptance - Community Service, Employment & Training**
Arizona Attorney General's Office, to provide job training and employment search services for foreclosure impacted individuals, \$270,097.00
16. **Acceptance - Community Service, Employment & Training**
Arizona Department of Economic Security, Amendment No. 12, to provide for Rapid Response and to correct a typographical error, no cost
17. **Acceptance - Health**
Arizona Department of Health Services, Amendment No. 1, to provide immunizations, U.S. Department of Health and Human Services Fund, \$225,000.00
18. **Acceptance - Sheriff**
Arizona Department of Homeland Security, to provide for overtime and mileage for Operation Stonegarden, U.S. Department of Homeland Security Fund, \$69,500.00

BOARD, COMMISSION AND/OR COMMITTEE

19. Pima County/City of Tucson Outdoor Lighting Code Committee

- Ratification of Reappointment: Buell T. Jannuzi, Astronomy Representative. Term expiration: 4/12/18. (City of Tucson recommendation)
- Ratification of Appointment: Austin Green, Licensed Contractor, to fill the vacancy created by Earl Zoeller. Term expiration: 4/7/18. (City of Tucson recommendation)

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

20. Margery E. Bates, Tucson Waldorf Education Association, Tucson Waldorf School, 3605 E. River Road, Tucson, May 3, 2014.
21. Scott Arthur Anderson, American Legion Madera Post 131, 249 W. Esperanza Boulevard, Green Valley, April 12, 2014.

ELECTIONS

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

APPOINTMENTS-PRECINCT-PARTY

Clifford Paul Stapleton-Smith-227-DEM; Michelle L. Mozdzen-165-REP;
Mark P. Lamm-181-REP

RECORDER

23. Pursuant to Resolution No. 1993-200, ratification of the Document Storage and Retrieval Fund for the month of February, 2014.

TREASURER

24. **Duplicate Warrants - For Ratification**
Yen Tran \$2,966.87; Rachelle B. Casanova \$1,769.29

PROCLAMATION

25. Proclaiming Monday, April 21, 2014 to be:
"POWERTALK 21® DAY"

RATIFY AND/OR APPROVE

26. Minutes: March 18, 2014

* * *

31. CALL TO THE PUBLIC

Christopher Cole addressed the Board regarding a study on equal pay for women.

Mary Murphy spoke regarding Canoa Ranch scale model for the Green Valley Library, treating foreign nationals at the new hospital in Green Valley and congratulated Linda Ronstadt on her induction to the Hall of Fame.

Brian Johnson, SEIU, addressed the Board regarding the history of pay increases for Pima County employees.

John Becerra, SEIU Chairman, spoke regarding raises for employees who get paid the least.

32. ADJOURNMENT

As there was no further business to come before the Board, the meeting was adjourned at 10:39 a.m.

CHAIR

ATTEST:

CLERK