

## **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, March 11, 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

\* Supervisor Miller attended the meeting telephonically.

### **1. INVOCATION**

The invocation was given by Pastor Dane Miller, Serenity Baptist Church.

### **2. PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

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

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

### **4. PRESENTATION/PROCLAMATION**

Presentation of a proclamation to Javier Herrera, Director, Arizona L.U.L.A.C.- District III, proclaiming the day of Friday, March 14, 2014 to be: "L.U.L.A.C. YOUTH CONFERENCE LEADERSHIP DAY"

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

Supervisor Valadez made the presentation.

## **DEVELOPMENT SERVICES**

### **5. Final Plat With Assurances**

P1209-034, Vista del Lago Norte, Lots 1-198 and Common Areas A-1 thru A-2, B-1 thru B-4, C-1 thru C-2, D-1 thru D-2, E and F-1 thru F-2. (District 4)

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

### **6. Final Plat With Assurances**

P1206-045, Mariposa Trail, Lots 118-169 and Common Areas A and B. (District 1)

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**

### **7. Liquor License**

14-02-9170, Steven Lee Nannini, Foothills Retail Plaza, 2120 W. Ina Road, Tucson, Series 13, Domestic Farm/Winery, 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.

### **8. Liquor License**

14-03-9171, Brian Edwin Metzger, Poppy Kitchen, 3770 E. Sunrise Drive, Tucson, Series 12, Restaurant, 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.

9. **Bingo License**

14-07-8029, Todd Billis, William Crass, Jr., Eldon Jackson, Barbara Jackson, Northwest Tucson Moose Lodge 2543, 2660 W. Ruthrauff Road, Tucson, Class A - Small Game.

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 Revenue.

**DEVELOPMENT SERVICES**

10. **~~Zoning Code Text Amendment~~ Pima County Code Text Amendment**

Co8-11-06, RENEWABLE ENERGY INCENTIVE DISTRICT (REID)  
AMENDMENT NO. 2

An ordinance of the Board of Supervisors of Pima County, Arizona; amending Section 14.04.010 REID Site Maps of Chapter 14.04 Maps of Title 14 Renewable Energy Incentive District (REID) of the Pima County Code to add Tax Code Parcels 303-09-002B, 002R, 002S, 002T, 002U, 002V, 002Y, 002X, 002W, and 303-09-0070 as designated REID sites excepting the portions of each parcel designated "Important Riparian Area" according to the Pima County Comprehensive Plan's Maeveen Marie Behan Conservation Lands System. The subject area is Sections 10 and 15 of T16S, R14E, less the designated "Important Riparian Areas", located on the west and southwest side of S. Swan Road, approximately five miles south of Interstate 10. The REID ordinance provides incentives to develop utility-scale solar facilities on designated REID sites. The ordinance also specifies REID site criteria; establishes performance standards for facility development; and provides a process for amending REID site criteria and designating new REID sites. On motion, the Planning and Zoning Commission voted 7 - 1 (Commissioner Holdridge voted "Nay," Commissioners Bain and Neeley were absent) to recommend APPROVAL. Staff recommends APPROVAL. (District 2)

If approved pass and adopt: Ordinance No. 2014 - 5

Arlan Colton, Planning Director, provided the staff report and explained this amendment added two sections of land. He noted there had been one individual who had raised concerns, however these were resolved after discussion.

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

## 11. Rezoning

Co23-13-01, CONTINENTAL FARMS SPECIFIC PLAN (REZONING) Request of Farmers Investment Co., represented by LVA Urban Design Studio, for a rezoning of approximately 1095 acres from RH (Rural Homestead) and RH-BZ (Rural Homestead) (Buffer Overlay Zone) to SP (Specific Plan, Continental Farms Specific Plan) and SP-BZ (Specific Plan)(Buffer Overlay Zone) on property located east of Interstate 19, southwest of Whitehouse Canyon Road, spanning both sides of Continental Road. The proposed specific plan (rezoning) conforms to the Pima County Comprehensive Plan which designates the property for RT, LIR, LIU 1.2, LIU 3.0, MIU, MHIU, NAC and CAC. On motion, the Planning and Zoning Commission voted 9-0 (Commissioner Neeley was absent) to recommend APPROVAL WITH STANDARD AND SPECIAL CONDITIONS AS AMENDED. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 4)

The following conditions may reside within the specific plan document:

1. Not more than 60 days after the Board of Supervisors approves the Specific Plan, the owner(s) / developer(s) shall submit to the Planning Director the specific plan document, including any necessary revisions of the specific plan document reflecting the final actions of the Board of Supervisors, and the specific plan text and exhibits in an electronic and written format acceptable to the Planning Division.
2. Submittal of a development plan, or acceptable site development plan, if determined necessary by the appropriate County agencies.
3. Recording of a covenant holding Pima County harmless in the event of flooding.
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, Document Services.
6. There shall be no subdividing or lot splitting for residential purposes without the written approval of the Board of Supervisors.
7. In the event of a conflict between two or more requirements in this specific plan, or conflicts between the requirements of this specific plan and another Pima County regulation not listed in Section 18.90.050B3, the more restrictive requirement shall apply.
8. This specific plan shall adhere to all applicable Pima County regulations that are not explicitly addressed within this specific plan. The specific plan's design standards shall be interpreted to implement the specific plan or relevant Pima County regulations.
9. Prior to the issuance of any permits, this specific plan is subject to the approval of a Master Subdivision Block Plat for the entire site. The subdivision block plat shall make all dedications (including roads, sewer, drainage, trails and open space), unless otherwise specified in a development agreement, and the plat shall identify all necessary improvements and provide a design and construction phasing plan. Upon submittal of the block plat, the studies, reports, information required by these specific plan conditions and the specific plan document itself shall be provided for review and approval of the applicable Pima County department or departments. Subsequent site development requires submittal of subdivision plats or development plans prepared in accordance with the subdivision block plat. The exceptions parcels referenced in figure 45 and condition #10 may be issued a C of C prior to Master Block Plat approval.
10. No building permits shall be issued until all applicable specific plan requirements for or affecting the site are satisfied and the Planning Director issues a Certificate of Rezoning Compliance (C of C). A C of C may be issued prior to the master block plat as described in condition #9 for developed parcels 6 and 7, and portions of 1,3, and 5 as indicated by figure 45 in the Specific Plan.

11. Adherence to the specific plan document as approved at the Board of Supervisor's public hearing.
12. Transportation Department requirements:
  - A. All arterials, collector and local streets required for development shall be designed to provide sufficient capacity for the entire development of the specific plan site. All development related internal transportation improvements for the specific plan shall be provided by the developer.
  - B. A Transportation Impact Study for the entire specific plan area shall be submitted for approval by the Department of Transportation prior to approval of the first plat for the specific plan site. The traffic impact study shall be updated with the submittal of each plat or development plan submitted within specific plan. The Transportation Impact Study shall address phasing and funding of the required improvements.
  - C. Prior to the approval of any development showing access onto Whitehouse Canyon Road, a transportation study will need to be approved addressing the intersection of Whitehouse Canyon Road and the Union Pacific Railroad right-of-way. Right-of-way shall be dedicated as necessary to implement roadway improvements on Whitehouse Canyon Road.
  - D. The property owner/developer(s) shall provide onsite and offsite improvements to Continental Road, Whitehouse Canyon Road, Camino De La Canoa, and Campbell Road as determined necessary by the Transportation Impact Study.
  - E. Each block shall be designed to establish coordinated pedestrian, bicycle and transit connection within the specific plan and for future connections beyond the limits of the specific plan.
13. Regional Flood Control District requirements:
  - A. Watercourses that are tributary to the SCR shall be designed to re-establish the natural features of the floodplain, including flood conveyance, flood attenuation, habitat restoration and recreation. Terraces similar to that proposed for the SCR should be used, if feasible.
  - B. The property owner(s) shall dedicate in fee-simple the post-development improved drainageways associated with the Santa Cruz River and all tributaries with a base flood peak discharge of 5,000 cfs or more to Pima County Regional Flood Control District.
  - C. The remaining tributary watercourse shall be designated as necessary for drainage and riparian preservation (flood control) and open space purposes. Separate parcels or private maintenance easements shall be created that establish and disclose the purpose and maintenance responsibility of these areas.
  - D. An easement for the De Anza trail shall be dedicated to the County if proposed to be located within the Specific Plan boundary as determined in the Master Plan for the Anza National Historic Trail.
  - E. A Development Agreement shall be created that establishes:
    - 1) Maintenance responsibilities and financing for maintenance of the low flow channel improvements, erosion mitigation measures, overbank areas, including recreational areas, habitat and vegetation for the Santa Cruz River tributaries with base flood peak discharges over 5000 cfs as well as privately maintained tributary watercourses.
    - 2) Phasing of construction of erosion protection and overbank areas.
    - 3) Potential cost sharing for projects that have an additional public benefit, such as protection of sewers, roadways, etc.
  - F. Post development improved drainageways and floodplains associated with the SCR and tributaries shall be designated permanent open space.
  - G. Conditional Letter of Map Revision (CLOMR) and Letter of Map Revision (LOMR) are required when changes to the FEMA Special Flood Hazard Area are proposed. CLOMRs shall be approved by the District and submitted to FEMA prior to approval of the Master Block Plat, approval of development for the Master Block Plat Exception Parcels (shown on Figure 45), or prior to approval of improvements within the Special Flood Hazard Area. LOMRs are required prior to Release of Assurances for subdivisions or Certificate of Occupancy for Development Plans.

- H. When modifying a FEMA-designated floodway, approval of the LOMR by FEMA is required prior to the issuance of any building permits.
  - I. Existing agricultural berms shall not be relied upon to contain flows or to provide erosion mitigation.
  - J. The construction of bank protection is required prior the issuance of any building permits within the designated erosion hazard setback.
  - K. Off-site improvements associated with the west breakout of the SCR, if determined to be required, shall be constructed prior to development of the adjacent Blocks.
  - L. All-weather access shall be provided to all lots to meet concurrency requirements.
  - M. Water conservation measures identified in the Preliminary Integrated Water Management Plan shall be implemented with the development. Where necessary, some measures may also be required to be included in the project's CC&Rs and a Final Integrated Water Management shall be submitted to the District for review and approval at the time of development.
  - N. If storm water detention is waived, on-site retention through first flush water harvesting shall be provided to enhance riparian vegetation. Where practicable, water harvesting shall be used to augment watercourse areas by creating additional vegetative buffer.
  - O. A Riparian Habitat Mitigation Plan shall be required for any disturbance to Pima County Regulated Riparian Habitat.
14. Regional Wastewater Reclamation Department
- 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. By accepting this rezoning, the owner / developer acknowledges that treatment and conveyance capacity in the downstream sewerage system may not be available when new development within the rezoning area is to occur.
  - B. No more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review, the owner/developer shall obtain written documentation that sanitary sewerage treatment and conveyance capacity for the proposed development will be available when needed to serve the development.
  - 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, provide the necessary treatment and conveyance capacity in the downstream public sewerage system via a mutually acceptable mechanism, or obtain authorization from the Pima County Department of Environmental Quality to utilize on-site sewage disposal facilities to develop the property.
  - D. The owner / developer shall prepare a written project detail of the rezoning area and appropriate off-site areas, at his or her sole expense, for the purposes of determining the routing and sizing of all off-site and on-site public sewers necessary to provide both capacity and treatment service to the rezoning area.
  - E. Upon approval of the written project details, the owner / developer shall enter into a master sewer service agreement with Pima County that specifies the improvements to be made to Pima County's public sewerage system and their timing.
  - F. The written project details must be approved by the Pima County Regional Wastewater Reclamation Department before the owner / developer submits for review any tentative plat, development plan, sewer construction plan, or request for building permit showing a connection to Pima County's public sewer system.
  - G. At the time of Block Platting, a financial analysis of all viable options shall be required to establish the method of sewer service and required capacity.
  - H. Unless authorized and approved by the Pima County Department of Environmental Quality to utilize on-site sewage disposal facilities within the rezoning area, 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.
- I. 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.
  - J. The owner / developer shall enter into a written agreement addressing the funding, design and construction of off-site and on-site sewers to accommodate flow-through from any properties adjacent and up-gradient to the rezoning area that do not have adequate access to Pima County's public sewer system, 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.
  - K. The owner / developer shall provide all weather, unrestricted vehicular access to all new public sewer manholes within the rezoning area. The owner / developer shall obtain all necessary public sewer easements within the rezoning area prior to approval of a master block plat, any tentative plat, development plan, sewer construction plan, or request for building permit at his/her own expense.
  - L. 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.
15. Department of Environmental Quality: The Department has no objection provided that on-site wastewater treatment and disposal shall be restricted to Parcel 9; residential lots greater than or equal to one acre in size.
16. Natural Resources, Parks and Recreation Department requirements:
- A. Local area trails and neighborhood pathways shall be maintained by a Homeowners Association (HOA).
  - B. Neighborhood pathways are not sidewalks and shall not be attached to curb on local streets. Sidewalks shall not be counted towards recreation credit
  - C. The Linear Greenway Park shall have amenities provided by the developer that may include seating area, picnic tables, shade structures, par course and vegetation.
  - D. Pocket parks shall be constructed and maintained by a Homeowners Association in compliance with the amenities for parks less than one acre as stated in the Recreation Area Design Manual.
  - E. Residential recreation areas requirements shall be met with land and amenities; in lieu fees will not be accepted unless a written request is approved by the Director of NRPR.
  - F. Santa Cruz River Park RP005 shall be dedicated to Pima County after terracing is constructed for the Santa Cruz River and recreation elements are constructed as shown in Pima Regional Trail System Master Plan.
17. Cultural Resources requirement: 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/or ARS 41-844 require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. 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.
18. In the event the subject property is annexed, the owner(s) / developer(s) shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.

19. The property owner shall execute and record the following disclaimer regarding Prop 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."
20. As described in the Specific Plan, much of Development Parcel 9 is identified as Agricultural Open Space. Allowed uses within this designation include active farming (including areas that can be temporarily fallow), agricultural preserves, or the land can be allowed to permanently go fallow and restore naturally to its pre-agricultural riparian condition. Within 6 months of the adoption of the Specific Plan, Farmers Investment Co. (FICO) and the Coalition for Sonoran Desert Protection will develop management opportunities and strategies to facilitate restoration of sustainable native habitat areas of agricultural preserves, in the event that Farmers Investment Co or its successors in interest elect to change the proposed use of these areas to a permanently fallowed condition.
21. Within 6 months of the adoption of the Specific Plan, FICO and the Coalition for Sonoran Desert Protection will develop plant palettes for the Santa Cruz River, the Development Parcel 9 drainage tributary channels, and the portions of the West Tributary Channels to emphasize riparian restoration and enhancement consistent with the requirements of this Specific Plan, taking into consideration any required pecan tree buffers and identify opportunities to integrate wildlife-friendly features into the design of the Development Parcel 9 drainage tributary channel open space corridors. The applicant shall be responsible to provide the Pima County Planning Director a written update of the efforts within 6 months of adoption.
22. The following Development Parcel 9 drainage tributary channels (as referenced in the Farmers Investment Co. Continental Farms River Master Plan Report, March 2013) will be located within open space corridors with the minimum widths specified below:
  - Drainage E-1100 will have a minimum set aside width of 1000 feet.
  - Drainage E-1200 will have a minimum set aside width of 600 feet.
  - Drainage E-1400 will have a minimum set aside width of 1000 feet.

Mark Reddie, LVA Urban Design Studio, presented a brief summary of the project and asserted that the project had the support of staff, the Planning and Zoning Commission, Green Valley Council Planning Committee and the community.

Chris Poirier, Assistant Planning Director, provided the staff report and emphasized that the specific plan conditions took into consideration that a development agreement was to be entered into before submittal and approval of a block plat. He recognized that it could be 30-40 years before the level of engineering needed to submit a development agreement was reached and was supportive of the concept of a preliminary development agreement coming before the Board in the future before the block plat was ready. Mr. Poirier also pointed out there would be deviation to Special Area Policy S-11 regarding building height limits, buffering, setbacks and neighboring building heights. He also stated that for a rezoning of a property this size, there had been no opposition and three letters of support.

The following speakers addressed the Board:

- Mary Murphy
- Rodney Reck, Legends Homeowners' Association
- Robert King
- Christina McVie, Coalition for Sonoran Desert Protection
- Chuck Catino

They offered the following comments:

- Drainageway issues in the area needed to be addressed.
- Continental Road had already been a public safety hazard at the ingress/egress of the Safeway Plaza Shopping Center.
- Legends HOA was not opposed to the project but encouraged proper management of alterations to the river flow pattern and banks to reduce flooding.
- Some neighboring residents, believing their properties were within the area to be rezoned, were concerned about how this would affect their property taxes.
- The project complied with the intent and spirit of the Conservation Land System.
- The developer agreed to work on a plan for phasing in native vegetation if there came a time when existing pecan groves were not maintained and irrigated.
- The critical landscape linkage of this property would be maintained with this project.
- The owners of this property had been wonderful stewards of their lands for the last sixty years.

It was moved by Supervisor Carroll, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearing and approve Co23-13-01, subject to standard and special conditions as amended, with the additions of Condition Nos. 20-22 as recommended by staff.

## 12. **Rezoning**

Co9-13-08, SANCHEZ / MARIN - N. SHANNON ROAD Request of Vicente Sanchez for Claude Marin for a rezoning of approximately 0.8 acres from SH (Suburban Homestead) to CI-2 (General Industrial), on property located on the west side of N. Shannon Road (4915) and approximately 570 feet south of W. Diamond Street. The proposed rezoning conforms to the Pima County Comprehensive Plan Co7-00-20 of UI (Urban Industrial). On motion, the Planning and Zoning Commission voted 9-0 (Commissioner Neeley was absent) to recommend APPROVAL WITH STANDARD AND SPECIAL CONDITIONS AS AMENDED. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 3)

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 development without the written approval of the Board of Supervisors.
7. Transportation conditions:
  - A. The property owner(s) shall dedicate 20 feet of right-of-way for Shannon Road along the eastern property boundary, resulting in 20 feet of right-of-way for the entire frontage of the development site.
8. Regional Wastewater Reclamation Department conditions:
  - 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.
9. 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(1)."

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Bronson, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and approve Co9-13-08, subject to standard and special conditions, as amended.

### 13. **Rezoning**

Co9-13-15, VIRGIL SMITH - MARY ANN CLEVELAND WAY Request of Kelly Lee of the Planning Center for Virgil Smith for a rezoning of approximately 25 acres from RH (Rural Homestead) to CR-5 (Small Lot Option), on property located southwest of Mary Ann Cleveland Way and northeast of Old Vail Road. The proposed rezoning conforms to the Pima County Comprehensive Plan of MIU (Medium Intensity Urban). On motion, the Planning and Zoning Commission voted 9-0 (Commissioner Neeley was absent) to recommend APPROVAL WITH STANDARD AND SPECIAL CONDITIONS AS AMENDED. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS (District 4).

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

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.
6. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
7. Transportation Conditions:
  - A. Written certification from 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.
  - B. The property owner shall provide paved, legal access to the site, from Mary Ann Cleveland Way.
  - C. Urban street standards shall apply within the rezoning site.
8. Cultural Resources condition: Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
9. Adherence to the sketch plan as approved at public hearing.
10. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.

11. The property owner shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."
12. Upon the effective date of the rezoning ordinance associated with this rezoning, 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 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.
13. Natural Resources, Parks and Recreation Conditions:
  - A. The developer shall provide decomposed granite trails within the landscape bufferyards, with final width to be determined at time of tentative plat. Alternative parks and recreational features may be substituted for the trail with the approval of Pima County Natural Resources, Parks and Recreation Department.
  - B. When a tentative plat is submitted for this project, a recreation area plan shall be submitted and meet the requirements of 18.69.090.
14. Wastewater Conditions:
  - 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
  - C. 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.
  - D. 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.
  - E. The owner/developer shall connect all development within the rezoning area to Pima
  - F. 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.
  - G. 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.
  - H. 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.

15. Regional Flood Control District Conditions:
  - A. Prior to development the property owner shall submit to the Pima County Flood Regional Control District for review and approval; a drainage report that addresses the impacts of development to the federally mapped floodplain and local area drainage and to determine maximum encroachment limits, building sites, elevations and setbacks.
  - B. Maximum encroachment limits shall be shown on the plat.
  - C. Post-development floodplains and flood control improvements shall be set-aside as separate parcels and/or dedicated as right-of-way or easements for drainage and maintenance purposes.
  - D. Pima County Regulated Riparian Habitat (including mitigation areas) shall be set-aside as separate parcels and/or dedicated as right-of-way or easements for preservation, mitigation and monitoring purposes to the Pima County Flood Control District and/or the Homeowners Association.
  - E. Water conservation measures identified in the Preliminary Integrated Water Management Plan shall be implemented with the development. Where necessary, some measures may also be required to be included in the project's CC&Rs and a Final Integrated Water Management shall be submitted to the District for review and approval at the time of development.
16. Development plans or plats shall be within the densities of the comprehensive plan and applicable zoning ordinance. Final lot configuration and internal subdivision design shall be responsive to the conditions identified in this approval and generally consistent with the rezoning exhibits.

Tom Coyle, Principle Planner, provided the staff report and noted the modification to Condition No. 13A as recommended by the applicant and accepted by the Natural Resources, Parks and Recreation Department.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Carroll, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearing and approve Co9-13-15, subject to standard and special conditions as amended, including the modification to Condition No. 13A.

#### 14. **Rezoning Ordinance**

ORDINANCE NO. 2014 - 6, Co9-13-11, AZ Square No. 7, L.L.C. - Nogales Highway Rezoning. Owner: AZ Square No. 7, L.L.C. (District 2)

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

**15. Rezoning Resolution**

RESOLUTION NO. 2014 - 22, Co9-07-11, Gugino - Esperero Vista Trail Easement Rezoning. Owner: Robert and Karolyn Gugino. (District 1)

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

**16. Rezoning Resolution**

RESOLUTION NO. 2014 - 23, Co9-08-08, Riverside Associates, et al. - River Road No. 2 Rezoning. Owner: Riverview Ventures, L.L.C. (District 1)

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

**TRANSPORTATION**

**17. Traffic Ordinance**

ORDINANCE NO. 2014 - 7, of the Board of Supervisors, regulating the turning of vehicles on Cardinal Avenue in Pima County, Arizona. Staff recommends APPROVAL. (District 5)

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

**18. Traffic Ordinance**

ORDINANCE NO. 2014 - 8, of the Board of Supervisors, regulating parking on Curtis Road 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 Valadez, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and adopt the Ordinance.

19. **Traffic Ordinance**

ORDINANCE NO. 2014 - 9, of the Board of Supervisors, regulating the turning of vehicles on La Cholla Boulevard at Magee 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 Valadez, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and adopt the Ordinance.

20. **Traffic Ordinance**

ORDINANCE NO. 2014 - 10, of the Board of Supervisors, regulating the turning of vehicles at the intersection of Magee Road and La Cholla Boulevard 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 Valadez, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and adopt the Ordinance.

21. **Traffic Ordinance**

ORDINANCE NO. 2014 - 11, of the Board of Supervisors, establishing prima facie reasonable speed limits for motor vehicles on Thornydale 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 Valadez, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and adopt the Ordinance.

22. **Abandonment of County Highway**

RESOLUTION NO. 2014 - 24, of the Board of Supervisors of Pima County, abandoning a county highway within the incorporated limits of the City of Tucson for the Cherry Avenue IGA Road Improvement Project from Broadway Boulevard to 13th Street. (District 2)

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

23. **Abandonment of County Highway**

RESOLUTION NO. 2014 - 25, of the Board of Supervisors of Pima County, abandoning a county highway within the incorporated limits of the City of South Tucson for the Paving and Chip Sealing IGA Road

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

24. **Abandonment of County Highway**

RESOLUTION NO. 2014 - 26, of the Board of Supervisors of Pima County, abandoning a county highway within the incorporated limits of the City of Tucson for the Alvernon Heights Neighborhood Association IGA Road Improvement Project within T14S, R14E, Section 22. (District 2)

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

**BOARD OF SUPERVISORS**

25. **Waiver**

Waiver of attorney-client privilege regarding February 26, 2014 memorandum from Chief Civil Deputy Attorney Christopher Straub to the Pima County Board of Supervisors and County Administrator. Discussion/Action. (District 2)

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

**COUNTY ADMINISTRATOR**

26. **Davis-Monthan Air Force Base**

RESOLUTION NO. 2014 - 27, of the Pima County Board of Supervisors, in support of Davis-Monthan Air Force Base and the A-10 Mission; requesting additional flying missions; supporting expansion and extension of base military operations.

Chuck Huckelberry, County Administrator, provided a brief summary of the efforts to support and maintain the activities at Davis Monthan Air Force Base.

The following speakers addressed the Board in support of the Resolution:

- Brent DeRaad, Visit Tucson
- Christopher Cole
- Linda Morales, DM50

They offered the following comments:

- Appreciation of the Board's support of Davis-Monthan, the A-10 and future missions at DM was expressed.
- The A-10 fulfilled a mission requirement that no other aircraft in the Air Force inventory could do effectively; carried a wide variety of accurate ordnances and could sustain heavy damage while remaining flyable and survivable.
- It made sense to have at least one active flying wing at DM to support base infrastructure and the Gila Bend Gun Range.

It was moved by Supervisor Valadez and seconded by Supervisor Carroll to adopt the Resolution. After discussion, Supervisor Valadez offered an amendment to the motion asking for the distribution of the Resolution to all municipalities in the region with encouragement to adopt their own Resolutions. Supervisor Carroll accepted the amendment to the motion. Upon the vote, the motion carried 4-0, Supervisor Elías was absent for the vote.

## **CONTRACT AND AWARD**

### **27. Natural Resources, Parks and Recreation**

The Tucson Girls Chorus Association, Inc., to provide a lease for property located at 4020 E. River Road, contract amount \$36,000.00 revenue/15 year term (CTN-PR-14-36)

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

### **28. Real Property**

PICOR Commercial Real Estate Services, Inc., to provide commercial real estate brokerage services for leasing of County property, General Fund (25%) and Certificates of Participation Fund (75%), contract amount not to exceed \$250,000.00 (CT-PW-14-325)

Without objection, this item was removed from the agenda.

## **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 Miller, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to approve the Consent Calendar in its entirety.

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### **CONTRACT AND AWARD**

#### **Development Services**

1. Michael J. Marks, to provide Hearing Administrator/Hearing Officer services, Development Services Enterprise Fund, contract amount \$12,000.00 (CT-DSD-14-311)
2. Thomas Sayler-Brown, to provide Hearing Administrator/Hearing Officer services, Development Services Enterprise Fund, contract amount \$12,000.00 (CT-DSD-14-312)
3. James V. Portner, to provide Hearing Administrator/Hearing Officer services, Development Services Enterprise Fund, contract amount \$15,000.00 (CT-DSD-14-313)

#### **Health**

4. Green Valley Fire District, Amendment No. 4, to provide childhood immunizations and extend contract term to 11/2/14, no cost (CTN-HD-12-54)

#### **Procurement**

5. **Award**  
Amendment of Award: MA No. 13-433, Version 2, Teksystems, to provide staffing services, extend contract term to 4/8/15, and increase contract amount by \$1,500,000.00; Funding Source: General Fund. Administering Department: Information Technology.
6. **Award**  
Amendment of Award: Requisition No. 0900778, for automotive OEM replacement parts, extend contract term to 9/17/14 and increase the total award amount by \$60,000.00. Funding Source: Internal Service Fund. Administering Department: Fleet Services.

Contractor/HQ/MA No.

Watson Chevrolet/Tucson, AZ/B506143

Kay Automotive Distributors d.b.a. One Source Automotive/Van Nuys, CA/B506153

7. **Award**

Amendment of Award: Requisition No. 0901500, for automotive OEM replacement parts, extend contract term to 9/17/14 and increase the total award amount by \$90,000.00. Funding Source: Internal Service Fund. Administering Department: Fleet Services.

Contractor/HQ/MA No.

Jim Click Ford/Tucson, AZ/B506379  
Holmes Tuttle Ford/Tucson, AZ/B506381  
Jim Click Dodge/Tucson, AZ/B506851  
Tucson Dodge/Tucson, AZ/B506383  
Desert Toyota/Phoenix, AZ/B506384  
Precision Toyota/Tucson, AZ/B506385

8. **Award**

Low Bid: Award of Contracts, Requisition No. 14-188, for spay and neuter services to be provided in the annual amount of \$300,000.00. Three contracts awarded for a one-year term and include four one-year renewal periods. The award includes the authority for the Procurement Department to reallocate the award amounts among the contracts considering actual usage and anticipated requirements without further action by the Board of Supervisors provided that the sum of the revised contract amounts does not exceed the sum of the contract award amounts. Funding Source: Health Department-PACC Fund. Administering Department: Health.

Primary Contractor/HQ Location/Annual Amount

Animal Welfare Alliance of Southern Arizona (AWASA)/Tucson, AZ/\$200,000.00

Secondary Contractor/HQ Location/Annual Amount

Spay & Neuter Solutions/Tucson, AZ/\$50,000.00  
The Animal League of Green Valley/Green Valley, AZ/\$50,000.00

9. **Award**

Low Bid: Award of Contract, Solicitation No. 110448, in the amount of \$302,439.25 to the lowest responsive bidder, Clear Contracting Co. (Headquarters: Oro Valley, AZ) for the construction of the Centennial Elementary, Flowing Wells Jr. High Safe Routes To School Transportation Enhancement Project. The contract term is six months with the ability to extend the term for contract completion. Construction is to be complete within 60 working days from Notice to Proceed. Funding Source: Federal Transportation Enhancement Fund (94%), DOT-57 HURF Bond Fund (6%). Administering Department: Transportation.

**GRANT APPLICATION/ACCEPTANCE**

10. **Acceptance - Community Services**

United Way, to provide for the Emergency Food and Shelter Program, Department of Homeland Security-Federal Emergency Management Agency Fund, \$111,727.00

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

### **11. Metropolitan Education Commission**

Appointment of Diego Martinez Barrera, MEC Youth Advisory Council/Tucson Teen Congress, to replace Julieta Valenzuela. Term expiration: 2/18/17. (Commission recommendation)

### **12. Workforce Investment Board**

- A. Staff requests a change in membership category from Other to Business, currently filled by member Steven Banzhaf.
- B. Staff requests the membership category Title V Older Worker Program, be represented by current member Hank Atha, to fill the category vacancy created by Jean Maldonado. Term Expiration: 9/30/15. (Staff recommendation)
- C. Appointments of Bev Paul to fill the vacancy created by Linda Nichols and Julia Strange to fill the vacancy created by Meredith Wilson, Business representatives. Term expirations: 9/30/15. (Staff recommendations)

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

- 13. Rachele Shannon Peterson, Diaper Bank of Southern Arizona, The Westin La Paloma Resort and Spa, 3800 E. Sunrise Drive, Tucson, May 2, 2014.
- 14. William V. Buhs, Knights of Columbus No. 13272, St. Elizabeth Ann Seton Catholic Church, 8650 N. Shannon Road, Tucson, March 8, 2014.
- 15. Edward P. Sheffer, St. Thomas the Apostle Life Teen, St. Thomas the Apostle Parish, 5150 N. Valley View Road, Tucson, April 26, 2014.
- 16. William Dean Woodruff, Corpus Christi Catholic Church, 300 N. Tanque Verde Loop Road, Tucson, March 21, 2014.

## **ELECTIONS**

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

### **RESIGNATIONS-PRECINCT-PARTY**

Jeffrey D. Bales-009-REP; Homer Parker-129-REP

### **APPOINTMENT-PRECINCT-PARTY**

Marcella M. Reed-174-REP

## **FINANCE AND RISK MANAGEMENT**

### **18. Duplicate Warrants - For Ratification**

Hemco Electric Motor Sales & Rep \$28.11; Samuel Charles Doak \$360.00; Ramon Aguayo \$22.00; Carmen Dolny \$431.67; Michael Nastiuk \$95.99; Metropolitan Tucson Convention \$24,502.93; Lucila A. Malvido \$49.29; Schroer Mfg. Co. \$4,450.77; Patricia L. Komorowski \$14.24; Tuller Trophy Factory, Inc. \$27.03; Jamie McNeely \$78.00

## **TREASURER**

### **19. Duplicate Warrants - For Ratification**

Kathleen Beetle \$235.01; Ahmed Mahmoud Attia Elbanna \$54.70; Ahmed Mahmoud Attia Elbanna \$71.57

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### **31. CALL TO THE PUBLIC**

Keith Van Heyningen addressed the Board regarding a Vail Voice newspaper article and the Constitution.

Geri Ottoboni spoke on road conditions and taxes.

Bob Dorson commented on the official report detailing his removal from the Pima County Administration building.

Mary Murphy spoke about her upcoming trial and Green Valley drainage issues.

### **32. ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 10:28 a.m.

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CHAIR

ATTEST:

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CLERK