

## LIBRARY DISTRICT BOARD MINUTES

The Pima County Library District Board met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, March 17, 2015. 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  
Thomas Weaver, Chief Civil Deputy County Attorney  
Robin Brigode, Clerk of the Board  
James Ogden, Sergeant at Arms

### 1. **AWARD**

Most Qualified: Award of Contracts, Requisition No. 15-171, in the cumulative amount of \$1,923,400.00 for E-Rate Category One Wide Area Network (WAN) and Internet Services as defined by the list below to the responsive and responsible respondents that submitted the highest ranked/most qualified responses as specified in the solicitation. Contracts are for a five year term and include the option to extend for one (1) additional three year term and a two (2) year term thereafter. The award includes the authority for the Procurement Department to renew the contracts considering actual usage and anticipated requirements without further action by the Board of Supervisors provided that the contract amounts do not exceed the contract annual award amounts. Funding Source: Library District. Administering Department: Information Technology.

Contractor (HQ Location)/ Award Amount

Cox Business (Phoenix, AZ)/ \$1,555,360.00 (WAN Services)

Cox Business (Phoenix, AZ)/ \$233,040.00 (Internet Services)

Trans-West Telephone Company, Inc. (Phoenix, AZ)/ \$135,000.00 (WAN Services - Ajo Library only)

It was moved by Supervisor Miller, seconded by Supervisor Valadez 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 11:21 a.m.

\_\_\_\_\_  
CHAIR

ATTEST:

\_\_\_\_\_  
CLERK

## **BOARD OF SUPERVISORS' MEETING MINUTES**

The Pima County Board of Supervisors met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, March 17, 2015. 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  
Thomas Weaver, Chief Civil Deputy County Attorney  
Robin Brigode, Clerk of the Board  
James Ogden, Sergeant at Arms

### **1. INVOCATION**

The invocation was given by Pastor Lupe Rodriguez, Agape Christian Fellowship Church.

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

All present joined in the Pledge of Allegiance.

### **3. PERSONAL POINT OF PRIVILEGE**

Supervisor Elías acknowledged the passing of community leader and activist Esther Tang and the Board remembered her accomplishments and contributions to the community.

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

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

### **PRESENTATION/PROCLAMATION**

5. Presentation of a proclamation to Jay Young, Southwest Fair Housing Council, Inc.; Gail Bouchee, Direct Center for Independence; and Dr. Stephanie A. Parker, proclaiming the month of April, 2015 to be: "FAIR HOUSING MONTH"

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

6. Presentation of a proclamation to Greg Fahey and Michael Greenbaum, American Parkinson Disease Association Arizona Chapter, proclaiming the month of April, 2015 to be: "PARKINSON'S AWARENESS MONTH"

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 to Greg Fahey.

7. **CALL TO THE PUBLIC**

The following speakers addressed the Board in support of the proposed bond package:

- Pastor Steve Springer, Dove of Peace Lutheran Church/Job Path
- Nancy March
- Bridget Stephenson
- Robert Tancer, Arizona Opera
- Anne Lyman
- James Ojeda
- Gene Einfrank, Menlo Park Neighborhood Association
- Randy Serraglio, Center for Biological Diversity and Coalition for Sonoran Desert Protection
- Michael Bylsma, Tucson Museum of Art
- Barbie Urias
- Kevin Burnett, Sundt Companies
- Michael Keith, Downtown Tucson Partnership and City of Tucson Bond Committee
- Art Mendoza, Service Employees International Union Arizona and JobPath
- Helen Erickson, Tucson Convention Center and Tucson Historic Preservation Foundation
- Karla Van Drunen Littooy, TCC Today
- Barbara Levy, Tucson Symphony

They offered the following comments:

- Job Path and Pima County Interfaith Council supported the bond package as presented by the Pima County Bond Advisory Committee.
- Restoring the downtown cultural center would attract entertainment dollars and make Pima County a place businesses would want to relocate.
- The bond issue encompassed many different areas, interests and needs.
- It was the right time for the bond and the right thing to do for economic development and the community.
- The Menlo Park Neighborhood Association issued a proclamation supporting the bond.
- Many people have worked hard for a long time to put together the bond package.

- The bond included much needed capital improvements, facilities repairs, affordable housing and public health, cultural and recreational initiatives that would improve quality of life and stimulate additional tourism, jobs and investment in the community.
- The package was diverse, fair and balanced between economic development, parks, tourism and social agencies.
- There were no other alternatives on the table to meet the needs addressed in the bond package.
- Service Employees International Union Arizona supported the bond as a worthy investment in the County's future.

The following did not speak but attended in support of the proposed bond package:

- Bonnie Kampa
- Joshua Borths

The following speakers addressed the Board in opposition to the proposed bond package:

- Geri Ottoboni
- Christopher Cole, Pima County Libertarian Party

They offered the following comments:

- There were concerns the bond money would not be used as promised.
- Arts organizations should apply for grants, instead of using bond money.
- The quality of the roads, sewer system and infrastructure were more critical priorities than the projects included in the bond package.

The following speakers addressed the Board regarding primitive roads in the Montanas Vistas Subdivision:

- Julia Granone
- Johana Haugen
- Patricia Dent

They offered the following comments:

- Inclusion into the Pima County Road Maintenance System was requested.
- Being in the maintenance system would entitle residents to traffic law enforcement and regulation by the Departments of Transportation and Flood Control.
- Poor road conditions made it difficult for residents to receive services, including home health care, taxi or public transportation, school buses and U.S. Mail delivery.

Lou Sampson discussed responsible spending and spoke in opposition to sewer rate and gas tax increases.

Mary Murphy spoke regarding corruption.

Ed Moore, Historic Rillito Racetrack, Inc., addressed the Board in opposition to the destruction of historic barns that could result in the termination of horseracing.

8. **CONVENE TO EXECUTIVE SESSION**

It was moved by Supervisor Valadez, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to convene to Executive Session at 10:14 a.m.

9. **RECONVENE**

The meeting reconvened at 10:32 a.m. All members were present.

**EXECUTIVE SESSION**

10. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction concerning Rosemont Copper Company and a planned lawsuit and proposed tolling agreement related to the applicability of the Tucson/Pima County Outdoor Lighting Code to the mine site.

Thomas Weaver, Chief Civil Deputy County Attorney, stated this related to the applicability of the Outdoor Lighting Code to the proposed Rosemont Mine site. The Pima County Attorney's Office sought authority to accept the tolling agreement as discussed in Executive Session.

It was moved by Supervisor Valadez, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to proceed as discussed in Executive Session.

**REAL PROPERTY**

11. RESOLUTION NO. 2015 - 15, of the Board of Supervisors, designating the Trails End and Robles Pass parcels, recently acquired from the Arizona State Land Department, as part of the Pima County Parks System.

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

**BOARD OF SUPERVISORS**

12. **Hearing - Appeal of Review Officer's Decision**

Pursuant to Board of Supervisor's Policy D 22.10, Frank R. and Cheryl Hecht appeal the decision of the Review Officer regarding the classification of Tax Parcel No. 305-24-4440 to Legal Class 3 for Tax Year 2015.

At the request of staff and without objection, this item was removed from the agenda.

## **FRANCHISE/LICENSE/PERMIT**

### **13. Hearing - Liquor License**

06100126, Randy D. Nations, Skyline Country Club, 5200 E. Saint Andrews Drive, 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 Miller and unanimously carried by a 5-0 vote, to close the public hearing, approve the license and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

### **14. Hearing - Liquor License**

12104355, Leobardo Garcia, Leo's Real Mexican Food, 9725 N. Thornydale Road, No. 149, 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 Miller 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. Hearing - Liquor License**

07100168, Christopher James Kearns, USA Raceway, 4300 E. Los Reales Road, Tucson, Series 7, Beer and Wine 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 Miller 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. Hearing - Liquor License**

11103089, Theresa B. Keeley, Clarion Hotel and Conference Center Tucson Airport, 4550 S. Palo Verde Road, Tucson, Series 11, Hotel-Motel, New License.

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 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.

**17. Hearing - Fireworks Permit**

Denese Veek, Caterpillar Inc., 5000 W. Caterpillar Trail, Green Valley, April 7, 2015 at 8:00 p.m.

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 close the public hearing and approve the permit.

**18. Hearing - Extension of Premises/Patio Permit**

06100203, Randy D. Nations, Hot Rods Old Vail, 10500 E. Old Vail Road, Tucson, Temporary Extension of Premises for April 2, 11, 25, May 7, 9 and 23, 2015.

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 close the public hearing, approve the permit and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

**19. Hearing - Agent Change/Acquisition of Control/Restructure**

12103501, Scott Robert Kilpatrick, Sauce Pizza and Wine, 7117 N. Oracle Road, Tucson, Agent Change and Acquisition of Control.

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 close the public hearing, approve the license and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

**DEVELOPMENT SERVICES**

**20. Hearing - Type II Conditional Use Permit - Solar Farm**

P21-14-022, ASARCO, INC. - E. PIMA MINE RD.

Request of Avalon Solar, L.L.C. (c/o Clenera, L.L.C.), on property located at 915 E. Pima Mine Rd. (Multiple tax codes), in the RH and GR-1 Zones, for a Conditional Use Permit for an Expansion of a Solar Farm (a.k.a. Solar Power Plant). Chapter 18.97 in accordance with Sections 18.13.030B35 and 18.14.030B22 of the Pima County Zoning Code allows a Solar Farm as a Type II conditional use in the RH and GR-1 zones. The Hearing Administrator recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 2)

Standard Conditions per the Pima County Zoning Code

1. Receive an approved Type II conditional use permit.
2. Receive an approved Development Plan.



#### Special Conditions

1. This conditional use permit approval is for a solar farm (solar power plant) and its ancillary/support activities only, the type and character of which are depicted on the submitted development plan (DP). No other uses of a commercial nature are permitted.
2. The development of the property shall proceed in general conformance with the site layout and improvements as shown on the submitted DP.
3. The maximum height of the solar panels shall be no more than nine feet (9').
4. Barbed wire, as shown on the security fencing depicted in the submitted development plan, is not permitted under the Zoning Code. The applicant will either eliminate the barbed wire or shall pursue approval of a variance from the Board of Adjustment.
5. The entry drive from the solar panel field to Pima Mine Road shall be treated with a suitable dust-control measure such as gravel, a surface palliative treatment, or conventional asphalt paving. The applicant shall coordinate appropriately (prior to, or during, the formal Development Plan review process) with the Central Arizona Project (CAP) so as to insure that CAP retains suitable access for conducting all required monitoring activities in accordance with its Arizona Department of Water Resources (ADWR) permit.
6. Access is approved off of Pima Mine Road at the same location that the Central Arizona Project (CAP) currently accesses the Pima Mine Recharge Facility. In the future, should Pima County develop the Sonoran Corridor, alternative access may be required if determined by DOT. In such case, the applicant will work with Pima County Department of Transportation and ASARCO, L.L.C. (the landowner) to provide an alternate access.
7. The utility poles that will service the solar farm, from the solar farm project substation to the southern boundary of the ASARCO, L.L.C. property at Pima Mine Rd., shall be spaced generally following the existing 138kv line located approximately 50 feet west of the western ASARCO, L.L.C. property line.

Jim Portner, Hearing Administrator, provided the staff report and explained this was the expansion of an existing facility.

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 approve P21-14-022, subject to standard and special conditions.

#### **21. Hearing - Zoning Code Text Amendment**

##### Co8-14-01, STORMWATER HARVESTING SYSTEM ZONING CODE AMENDMENT

An ordinance of the Board of Supervisors of Pima County, Arizona; Relating to Zoning; Amending the Pima County Code by amending Chapter 18.03 (General Definitions); Chapter 18.07 (General Regulations and Exceptions); Chapter 18.09 (General Residential and Rural Zoning Provisions); Chapter 18.39 (General Commercial Standards); Chapter 18.73 (Landscaping, Buffering and Screening Standards); and Chapter 18.75 (Off-Street Parking and Loading Standards) to add definitions, standardize terminology, and provide regulations, standards and incentives for the use of stormwater harvesting systems, and to renumber subsequent sections accordingly. On motion, the Planning and Zoning Commission voted 9-0 (Commissioner Bain was absent) to recommend APPROVAL. Staff recommends APPROVAL. (All Districts)

If approved, pass and adopt: ORDINANCE NO. 2015 - 7

Mark Holden, Principal Planner, provided the staff report.

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 close the public hearing and adopt the Ordinance.

## 22. Hearing - Rezoning

### Co9-14-09, LIN JIAHORNG AND CHIHUA WU REVOCABLE TR. - W. RIVER ROAD REZONING

Request of the Lin Jiahong and Chihua Wu Revocable Tr., represented by the WLB Group, for a rezoning of approximately 2.3 acres from the CR-4 (Mixed Dwelling Type) zone to the CB-1 (Local Business) zone for an expansion of the existing shopping center located at the northeast corner of River and Oracle Roads. The property is located on the north side of W. River Road approximately 350 feet east of N. Oracle Road. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property as Neighborhood Activity Center. On motion, the Planning and Zoning Commission voted 6-0 (Commissioners Matter, Membrilla, Cook and Bain were absent) to recommend APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 1)

1. The property owner shall:
  - A. Submit a development plan if determined necessary by the appropriate County agencies.
  - B. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
  - C. Provision of development related assurances as required by the appropriate agencies.
  - D. 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.
2. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
3. Transportation Conditions:
  - A. Traffic Impact Study shall be submitted for review and approval by the Department of Transportation. Offsite improvements determined necessary as a result of the Traffic Impact Study shall be provided by the property owner/developer, subject to approval by Pima County, the City of Tucson, and ADOT, as appropriate. The developer shall not be required to modify driveway access from Oracle Road on the adjacent property to the west, and said access shall be considered a grandfathered existing condition.
  - B. The property owner/developer shall provide the following offsite improvements to River Road.
    - a. Expansion or redesign of the right turn lane on westbound River Road.
    - b. Closing the existing curb cut on River Road as shown on the PDP.
  - C. ~~Written certification from Arizona Department of Transportation, stating satisfactory compliance with all its requirements shall be submitted to Development Services Department prior to approval of a Site Development Permit.~~

- DC. The property shall be limited to 1 access point located on River Road as shown on the preliminary development plan.
  - ED. Access shall be designed to provide cross access between the rezoning site and the adjacent property to the east and west. Cross access easements shall be provided by the property owner for all affected portions of the rezoning site to adjacent properties.
4. Regional Flood Control District Conditions:
- A. First flush retention (retention of the first ½ inch of rainfall) shall be provided for all newly disturbed and impervious surfaces. These requirements shall be made a condition of the Site Construction Permit.
  - B. 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 Plan shall be submitted to the District for review and approval at the time of development.
5. Wastewater Reclamation 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.
6. Cultural Resources Condition:
- In the event that cultural resources are revealed during ground-disturbing activities, all construction shall cease, and consultation shall be initiated with Arizona State Museum (ASM) to assess the potential significance of any unearthed materials (ARS §41-841). If human skeletal remains or funerary objects are discovered, ASM will be contacted immediately (ARS §41-865 & §41-844).

7. Adherence to the preliminary development plan as approved at public hearing, however per Policy S-2 no building shall exceed 24 30 feet in height. Per Rezoning Policy 122 the buildings shall be constructed with four-sided architecture, and direct pedestrian access shall be provided for property to the east in addition to any required sidewalk along River Road.
8. 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.
9. 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.
10. 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)."

Chris Poirier, Assistant Planning Director, provided the staff report and stated this was an expansion of an existing shopping center.

Paul Oland, WLB Group, reviewed the proposed expansion of the shopping center and requested the conditions be amended by the removal of Condition 3C and modifications to Condition 3A. He explained it was impossible to meet the Arizona Department of Transportation's request to move the current Oracle Road entrance because said entrance was not located on property owned by the applicant.

Supervisor Elías expressed safety concerns regarding the proximity of the Oracle Road entrance to a bus stop.

It was moved by Supervisor Miller, seconded by Chair Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve Co9-14-09, subject to standard and special conditions as amended by the removal of Condition 3C and modification to Condition 3A as proposed by the developer.

## 23. Hearing - Rezoning Time Extension

### Co9-99-17, ALI, ET AL. - ORACLE ROAD REZONING

Request of CAPT Properties, L.L.C., represented by Anselmo Alleva, R.A., for a five year time extension for the above-referenced rezoning from SH (Suburban Homestead) to CB-1 (GZ-1) (Local Business - Urban Gateway Overlay). The subject site was rezoned in 1999. The rezoning expired on October 12, 2014. The site is approximately 1.30 acres located on the east side of Oracle Road, approximately 300 feet south of Lupine Place. Staff recommends APPROVAL OF A FIVE YEAR TIME EXTENSION SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 1)

Staff's recommendation is subject to original and modified standard and special conditions as follows:

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.~~
- ~~32.~~ Recording of the necessary development related covenants as determined appropriate by the various County agencies.
- ~~43.~~ Provision of development related assurances as required by the appropriate agencies.
- ~~54.~~ 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.
- ~~65.~~ There shall be no further lot splitting or subdividing for residential development without the written approval of the Board of Supervisors.
- ~~76.~~ Transportation conditions:
  - A. Only one (1) access point to Oracle Road shall be allowed. The property owner(s) shall provide for internal traffic circulation and shared site access with the adjacent properties to the north and south.
  - B. The location and design of access to the subject property from the Tucson-Florence Highway (Oracle Road) shall need written approval by the Arizona Department of Transportation (ADOT) prior to any plan approvals from Pima County.
  - C. A written certification from ADOT stating satisfactory compliance of all its requirements for access to the Tucson-Florence Highway (Oracle Road) shall need to be submitted to Pima County prior to final building inspection.
- ~~87.~~ 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 all necessary drainage related improvements created by the proposed development both on-site and off-site of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.
  - C. A riparian mitigation plan shall be required for development in designated riparian areas.
  - D. First flush retention (retention of the first ½ inch of rainfall) shall be provided for all newly disturbed and impervious surfaces.
  - E. As provided for in Pima County Code Section 18.70.080 Modification of Development Standards shall be proposed at the time of development in order to avoid Regulated Riparian Habitat.
- ~~98.~~ Wastewater Reclamation conditions:

~~The property owner must connect to the public sewer system at the location and in the manner specified by Wastewater Reclamation unless a waiver is received from the Pima County Department of Environmental Quality to allow use of a private on-site sewage disposal system.~~

- 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 have 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 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 the PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
  - 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 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.
409. If during construction, materials that may be human remains and associated burial items are discovered, ground disturbing activities in the vicinity of the site shall cease, the discovery site shall be secured, and the Arizona State Museum shall be immediately notified.
14. ~~The proposed project shall be reviewed and approved by the Pima County Design Review Committee pursuant to Comprehensive Plan Special Area Policy S-5, Oracle Corridor, Northern Gateway.~~
4210. Building heights are restricted to a maximum of 24 feet and two stories.
4311. Adherence to the preliminary development plan as approved at public hearing (attached hereto as EXHIBIT B). Uses are restricted to nonresidential CB-1 uses.
44. ~~The property owner(s) shall connect to public sewer system at the location and in the manner specified by Wastewater Reclamation at the time of review of the tentative plat, development plan or request for building permit.~~
4512. Prior to grading, fencing shall be placed to delineate the wash area to be conserved.
4613. All work shall be within the area as shown on the rezoning application.
4714. 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 shall 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 shall be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.

1815. Under no circumstances shall the following exotic plant species be planted anywhere on the site:

Fountain grass (*Pennisetum setaceum*)  
Buffel grass (*Pennisetum ciliare*)  
Johnson grass (*Sorghum halepense*)  
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 (*Elaeagnus angustifolia*)  
Salt cedar/Tamarisk (*Tamarix portandra* & *T. ramosissima*)  
Bermuda grass (*Cynodon dactylon*) excluding sod hybrid Bermuda  
Love grasses (*Eragrostis spp.*) excluding Plains love grass (*Eragrostis intermedia*)  
African rue (*Peganum harmala*)  
Iceplant (*Mesembryanthemum crystallinum*)  
Arabian Grass (*Schismus arabicus*)  
Natal Grass (*Melinis repens* (= *Rhynchelythrum repens*))

Upon the effective date of the Ordinance Resolution, the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those below. 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.

Invasive Non-Native Plant Species Subject to Control:

*Ailanthus altissima* Tree of Heaven  
*Alhagi pseudalhagi* Camelthorn  
*Arundo donax* Giant reed  
*Brassica tournefortii* Sahara mustard  
*Bromus rubens* Red brome  
*Bromus tectorum* Cheatgrass  
*Centaurea melitensis* Malta starthistle  
*Centaurea solstitialis* Yellow starthistle  
*Cortaderia* spp. Pampas grass  
*Cynodon dactylon* Bermuda grass (excluding sod hybrid)  
*Digitaria* spp. Crabgrass  
*Elaeagnus angustifolia* Russian olive  
*Eragrostis* spp. Lovegrass (excluding *E. intermedia*, plains lovegrass)  
*Melinis repens* Natal grass  
*Mesembryanthemum* spp. Iceplant  
*Peganum harmala* African rue  
*Pennisetum ciliare* Buffelgrass  
*Pennisetum setaceum* Fountain grass  
*Rhus lancea* African sumac  
*Salsola* spp. Russian thistle  
*Schinus* spp. Pepper tree  
*Schismus arabicus* Arabian grass  
*Schismus barbatus* Mediterranean grass  
*Sorghum halepense* Johnson grass  
*Tamarix* spp. Tamarisk

- ~~19. 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, or obtain authorization from the Pima County Department of Environmental Quality to utilize on-site sewage disposal systems within the rezoning area.~~
- ~~20. The owner/developer shall construe no action by Pima County as a commitment of capacity in Pima County's public sewer system to serve any new development within the rezoning area, until Pima County executes an agreement with owner/developer to that effect.~~
- ~~21. The owner/developer shall obtain written documentation from the Pima County Wastewater Reclamation Department that treatment and conveyance capacity for the proposed new development within the rezoning area is available, no more than 90 days before submitting any tentative plat, development plan, 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 have 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 Pima County Wastewater Reclamation Department.~~
- ~~22. At the time a tentative plat, development plan or request for building permit is submitted for review, the property owner shall either:~~
- ~~a) Propose that all new development within the rezoning area will be connected to Pima County's public sewer system, or~~
- ~~b) Demonstrate that connecting all or portions of the rezoning area to the public sewer system is impractical, and that the soils in all or portions of the rezoning area are suitable for the use of on-site sewage disposal systems.~~
- ~~23. If all new development within the rezoning area will be connected to Pima County's public sewer system, the owner/developer shall complete the construction of all necessary public and/or private sewerage facilities as required by the applicable regulations, including the Clean Water Act and those promulgated by ADEQ, and all applicable agreements with Pima County, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for new development within the rezoning area.~~
- ~~24~~16. 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 to any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. §12-1134(I)."
17. 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.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Miller, seconded by Chair Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve Co9-99-17, subject to original and modified standard and special conditions.



## 24. Hearing - Rezoning Time Extension

### Co9-99-18, ALI - ORACLE ROAD REZONING

Request of CAPT Properties, L.L.C., represented by Anselmo Alleva, R.A., for a five year time extension for the above-referenced rezoning from SH (Suburban Homestead) to CB-1 (GZ-1) (Local Business - Urban Gateway Overlay). The subject site was rezoned in 1999. The rezoning expired on October 12, 2014. The site is approximately 2.34 acres located on the east side of Oracle Road, approximately 800 feet south of Lupine Place. Staff recommends APPROVAL OF A FIVE YEAR TIME EXTENSION SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 1)

Staff's recommendation is subject to original and modified standard and special conditions as follows:

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.~~
- ~~32.~~ Recording of the necessary development related covenants as determined appropriate by the various County agencies.
- ~~43.~~ Provision of development related assurances as required by the appropriate agencies.
- ~~54.~~ 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.
- ~~65.~~ There shall be no further lot splitting or subdividing for residential development without the written approval of the Board of Supervisors.
- ~~76.~~ Transportation conditions:
  - A. Only one (1) access point to Oracle Road shall be allowed. The property owner(s) shall provide for internal traffic circulation and shared site access with the adjacent properties to the north and south.
  - B. The location and design of access to the subject property from the Tucson-Florence Highway (Oracle Road) shall need written approval by the Arizona Department of Transportation (ADOT) prior to any plan approvals from Pima County.
  - C. A written certification from ADOT stating satisfactory compliance of all its requirements for access to the Tucson-Florence Highway (Oracle Road) shall need to be submitted to Pima County prior to final building inspection.
- ~~87.~~ 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 all necessary drainage related improvements created by the proposed development both on-site and off-site of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.
  - C. A riparian mitigation plan shall be required for development in designated riparian areas.
  - D. First flush retention (retention of the first ½ inch of rainfall) shall be provided for all newly disturbed and impervious surfaces.
  - E. As provided for in Pima County Code Section 18.70.080 Modification of Development Standards shall be proposed at the time of development in order to avoid Regulated Riparian Habitat.

98. Wastewater Reclamation conditions:  
~~The property owner must connect to the public sewer system at the location and in the manner specified by Wastewater Reclamation unless a waiver is received from the Pima County Department of Environmental Quality to allow use of a private on-site sewage disposal system.~~
- 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 have 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 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 the PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
  - 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 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.
409. If during construction, materials that may be human remains and associated burial items are discovered, ground disturbing activities in the vicinity of the site shall cease, the discovery site shall be secured, and the Arizona State Museum shall be immediately notified.
44. ~~The proposed project shall be reviewed and approved by the Pima County Design Review Committee pursuant to Comprehensive Plan Special Area Policy S-5, Oracle Corridor, Northern Gateway.~~
4210. Building heights are restricted to a maximum of 24 feet and two stories.
4311. Adherence to the preliminary development plan as approved at public hearing (attached hereto as EXHIBIT B). Uses are restricted to nonresidential CB-1 uses.
4412. The access driveway to Oracle Road shall be located as far away as possible from the Lazy A Mobile Home Park (Tax Code 222-21-0640) located on the west side of Oracle Road.
45. ~~The property owner(s) shall connect to public sewer system at the location and in the manner specified by Wastewater Reclamation at the time of review of the tentative plat, development plan or request for building permit.~~
4613. Prior to grading, fencing shall be placed to delineate the wash area to be conserved.
4714. All work shall be within the area as shown on the rezoning application.

4815. 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 shall 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 shall be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
4916. Under no circumstances shall the following exotic plant species be planted anywhere on the site:

Fountain grass (*Pennisetum setaceum*)  
Buffel grass (*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 (*Elaeagnus angustifolia*)  
Salt cedar/Tamarisk (*Tamarix pertandra & T. ramosissima*)  
Bermuda grass (*Cynodon dactylon*) excluding sod hybrid Bermuda  
Love grasses (*Eragrostis spp.*) excluding Plains love grass (*Eragrostis intermedia*)  
African rue (*Peganum harmala*)  
Iceplant (*Mesembryanthemum crystallinum*)  
Arabian Grass (*Schismus arabicus*)  
Natal Grass (*Melinis repens* (= *Rhynchelythrum repens*))

Upon the effective date of the Ordinance Resolution, the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those below. 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.

Invasive Non-Native Plant Species Subject to Control:

*Ailanthus altissima* Tree of Heaven  
*Alhagi pseudalhagi* Camelthorn  
*Arundo donax* Giant reed  
*Brassica tournefortii* Sahara mustard  
*Bromus rubens* Red brome  
*Bromus tectorum* Cheatgrass  
*Centaurea melitensis* Malta starthistle  
*Centaurea solstitialis* Yellow starthistle  
*Cortaderia* spp. Pampas grass  
*Cynodon dactylon* Bermuda grass (excluding sod hybrid)  
*Digitaria* spp. Crabgrass  
*Elaeagnus angustifolia* Russian olive  
*Eragrostis* spp. Lovegrass (excluding *E. intermedia*, plains lovegrass)  
*Melinis repens* Natal grass  
*Mesembryanthemum* spp. Iceplant  
*Peganum harmala* African rue  
*Pennisetum ciliare* Buffelgrass  
*Pennisetum setaceum* Fountain grass  
*Rhus lancea* African sumac  
*Salsola* spp. Russian thistle

Schinus spp. Pepper tree  
Schismus arabicus Arabian grass  
Schismus barbatus Mediterranean grass  
Sorghum halepense Johnson grass  
Tamarix spp. Tamarisk

20. ~~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, or obtain authorization from the Pima County Department of Environmental Quality to utilize on-site sewage disposal systems within the rezoning area.~~
21. ~~The owner/developer shall construe no action by Pima County as a commitment of capacity in Pima County's public sewer system to serve any new development within the rezoning area, until Pima County executes an agreement with owner/developer to that effect.~~
22. ~~The owner/developer shall obtain written documentation from the Pima County Wastewater Reclamation Department that treatment and conveyance capacity for the proposed new development within the rezoning area is available, no more than 90 days before submitting any tentative plat, development plan, 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 have 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 Pima County Wastewater Reclamation Department.~~
23. ~~At the time a tentative plat, development plan or request for building permit is submitted for review, the property owner shall either:~~
  - a) ~~Propose that all new development within the rezoning area will be connected to Pima County's public sewer system; or~~
  - b) ~~Demonstrate that connecting all or portions of the rezoning area to the public sewer system is impractical, and that the soils in all or portions of the rezoning area are suitable for the use of on-site sewage disposal systems.~~
24. ~~If all new development within the rezoning area will be connected to Pima County's public sewer system, the owner/developer shall complete the construction of all necessary public and/or private sewerage facilities as required by the applicable regulations, including the Clean Water Act and those promulgated by ADEQ, and all applicable agreements with Pima County, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for new development within the rezoning area.~~
2517. ~~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 to any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. §12-1134(I)."~~
18. 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.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Miller, seconded by Chair Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve Co9-99-18, subject to original and modified standard and special conditions.

25. **Hearing - Co9-04-16, ST. PHILLIPS FOOTHILLS, L.L.C. - CAMPBELL AVENUE REZONING**

**A. Rezoning Closure**

Proposal by Pima County to close Co9-04-16, a rezoning of approximately 7.02 acres from CR-1 (Single Residence) to CR- 4 (Mixed-Dwelling Type) and CR-4 Restricted located on the east side of Campbell Avenue, approximately one-fourth mile north of River Road. The rezoning was conditionally approved in 2005 and expired on January 4, 2015. Staff recommends AGAINST CLOSURE. (District 1)

**B. Rezoning Time Extension**

Request of Campbell Foothills Investors, L.P., represented by The Planning Center, for a five year time extension for the above-referenced rezoning from CR-1 (Single Residence) to CR-4 (Mixed-Dwelling Type) and CR-4 Restricted. The subject site was rezoned in 2005. The rezoning expired on January 4, 2015. The site is approximately 7.02 acres located on the east side of Campbell Avenue, approximately one-fourth mile north of River Road. Staff recommends APPROVAL OF A FIVE YEAR TIME EXTENSION SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 1)

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.~~
- ~~32.~~ Recording of the necessary development related covenants as determined appropriate by the various County agencies.
- ~~43.~~ Provision of development related assurances as required by the appropriate agencies.
- ~~54.~~ 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.
- ~~65.~~ There shall be no further lot splitting or subdividing beyond the sixteen lots shown on the Preliminary Development Plan without the written approval of the Board of Supervisors.
- ~~76.~~ Transportation conditions:
  - A. A Traffic Impact Analysis (TIA) shall be provided by the property owner(s) for this rezoning for review and approval by the Department of Transportation, prior to the first development plan or tentative plat submittal. The results of the approved TIA shall be used to establish required transportation improvements, and phasing of said improvements, to the area roadway system. The property owner(s) shall be responsible for construction of improvements as required by the Department of Transportation to meet concurrency requirements.
  - B. Provision of improvements to Campbell Avenue, including but not limited to, widening of pavement to provide left or right turn lanes, or a continuous left-turn lane.
  - C. The property owner shall dedicate 45 feet right-of-way for Campbell Avenue.

87. 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 all necessary drainage related improvements created by the proposed development both on-site and off-site of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.
  - C. All weather access shall be provided to all lots to meet concurrency requirements.
  - D. A drainage study shall be submitted for review and approval that addresses the impacts of development to the federally mapped floodplain and local drainage area at the time of platting. This study should also determine erosion setback hazard areas and in particular the western portion of the rezoning site.
  - E. First flush retention (retention of the first ½ inch of rainfall) shall be provided for all newly disturbed and impervious surfaces.
  - F. As provided for in Pima County Code Section 18.07.080 Modification of Development Standards shall be proposed at the time of development in order to avoid Regulated Riparian Habitat.
  - G. A Final Integrated Water Management Plan consisting of Water Conservation Measures identified by the applicant and commitment to serve from Tucson Water shall be submitted with the Development Plan.
98. ~~Wastewater Management~~ Wastewater Reclamation conditions:
- A. The owner/developer shall ~~not~~ not construe ~~no~~ 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 ~~have~~ 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 ~~Pima County Regional Wastewater Reclamation Department~~ PCRWRD.
  - C. 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 the ~~Development Services Department~~ PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
  - 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 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.
409. Environmental Quality conditions:
- A. The subject parcel(s) shall connect to the public sewer.
  - B. The existing road to serve the parcel(s) shall be improved to meet paving specifications defined by, or equivalent to those of, the planning department and/or highway department of the jurisdictional agency.
4410. Cultural Resources and Historic Preservation 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.
4211. Natural Resources, Parks and Recreation condition:  
The developer shall provide a "Public Non-Motorized Trail Easement and Public Utility Easement" over the Campbell Wash, coinciding with the Flood Plain boundaries, for the Campbell/Camino Real Trail #182.
4312. Adherence to the preliminary development plan as approved at public hearing (Exhibit "B").
4413. There shall be a maximum of 16 dwelling units in the rezoning area.
4514. Building heights are limited to a maximum of 24 feet unless the Board of Supervisors provides specific written authorization to exceed 24 feet.
46. ~~Unless Development Services is provided with information from the U.S. Fish & Wildlife Service which indicates a site survey is not necessary, the site shall be surveyed for the presence/absence of the cactus ferruginous pygmy owl by an entity qualified to perform biological surveys and who possesses a valid permit from the U.S. Fish & Wildlife Service to perform such surveys. Surveys shall be done according to the most current protocol approved by the U.S. Fish & Wildlife Service. If surveys are performed, results of these surveys and copies of any data collected shall be provided to Development Services.~~
1715. ~~Under no circumstances shall the following exotic plant species be planted anywhere on the site:~~
- ~~Fountain grass (Pennisetum setaceum)~~
  - ~~Buffelgrass (Pennisetum ciliare)~~
  - ~~Johnson grass (Sorghum halapense)~~
  - ~~Giant reed (Arundo donax)~~
  - ~~Common crabgrass (Digitaria sanguinalis)~~
  - ~~Pampas grass (Cortaderia selloana)~~
  - ~~Red brome (Bromus rubens)~~
  - ~~Mediterranean grass (Schismus spp.)~~
  - ~~Tree of heaven (Ailanthus altissima)~~
  - ~~African sumac (Rhus lancea)~~
  - ~~Russian olive (Eleagnus angustifolia)~~
  - ~~Salt cedar/Tamarisk (Tamarix pertandra & T. ramosissima)~~
  - ~~Bermuda grass (Cynodon dactylon) excluding sod hybrid Bermuda~~

~~Lovegrasses (Eragrostis spp.) excluding Plains lovegrass (Eragrostis intermedia)~~  
~~African rue (Peganum harmala)~~  
~~Iceplant (Mesembryanthemum crystallinum)~~  
~~Arabian Grass (Schisums arabicus)~~  
~~Natal Grass (Melinis repons (=Rhynchelythrum repons))~~

Upon the effective date of the Ordinance Resolution, 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.

- ~~4816.~~ In the event the subject property is annexed into the City of Tucson, 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.
- ~~4917.~~ Ninety-five percent of the Campbell Wash shall remain undisturbed.
- ~~2018.~~ The property owner shall execute and record the following disclaimer regarding Prop 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner to any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. §12-1134(I)."
- ~~24.~~ ~~The owner/developer shall execute and record a document acceptable to the Pima County Department of Community Services indicating that the owner/developer shall contribute to the affordable housing trust fund as adopted by the Pima County Board of Supervisors on December 13, 2005, before a certificate of compliance is issued.~~

James Davenport, owner of a property to the east of the subject site, supported the extension with the restriction that if the site remained vacant fencing and gates would be installed and access controlled by the property owner to prevent continued wildcat dumping, cactus poaching, illegal drug use and other suspicious nighttime activities.

Kelly Lee, The Planning Center, agreed to address these concerns with neighbors and the property owner.

It was moved by Supervisor Miller, seconded by Chair Bronson and unanimously carried by a 5-0 vote, to close the public hearing and accept the recommendation against closure.

It was thereupon moved by Supervisor Miller, seconded by Chair Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve the five year time extension for Co9-04-16, subject to original and modified standard and special conditions.



**26. Hearing - Rezoning Ordinance**

ORDINANCE NO. 2015 - 8, Co9-13-15, Smith Virgil B. Revoc. Living Tr. - S. Freeman Road (Easement) Rezoning. Owner: Virgil Smith Trust. (District 4)

The Chair inquired whether anyone wished to address the Board. No one appeared. A motion was made by Supervisor Elías and seconded by Supervisor Valadez to approve the Ordinance. No vote was taken at this time. Supervisors Elías and Valadez withdrew their motion and second.

It was then 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.

**27. Hearing - Rezoning Ordinance**

ORDINANCE NO. 2015 - 9, Co9-14-06, AZ Square No. 7, L.L.C. - S. 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. A motion was made by Supervisor Elías and seconded by Supervisor Valadez to approve the Ordinance. No vote was taken at this time. Supervisors Elías and Valadez withdrew their motion and second.

It was then 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.

**TRANSPORTATION**

**28. Hearing - Traffic Resolution**

RESOLUTION NO. 2015 - 16, of the Board of Supervisors, providing for the establishment of Irving Avenue and Tennessee Place, a County Highway situated within Section 34, T14S, R14E, G&SRM, Pima County, Arizona. Staff recommends APPROVAL. (District 2)

The Chair inquired whether anyone wished to address the Board. No one appeared. A motion was made by Supervisor Elías and seconded by Supervisor Valadez to approve the Resolution. No vote was taken at this time.

Supervisor Miller requested this matter be voted on separately. Supervisors Elías and Valadez withdrew their motion and second.

Supervisor Miller questioned why the County was paying to bring a roadway in such poor condition into the Pima County Highway System.

Chuck Huckelberry, County Administrator, explained this request was made to enable the use of County DOT-41 funds for repairs to improve access for community activity at a private recreation facility.

It was moved by Supervisor Valadez, seconded by Supervisor Elías and carried by a 4-1 vote, Supervisor Miller voted “Nay,” to close the public hearing and adopt the Resolution.

## **COUNTY ADMINISTRATOR**

### **29. Public Safety Retirement Plans**

Staff recommends approval of contribution rates for the four public safety plans that recognizes the full impact of the *Fields* decision, and that the appropriate plan administrators be notified of the Board’s decision by March 31, 2015.

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

### **30. Quarterly Report on Collections**

Staff recommends acceptance of the Quarterly Report on Collections for the period ending December 31, 2014, and approval of the write-off requests in the amount of \$38,075.00.

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

### **31. Fiscal Year 2015/16 Budget Hearing Schedule**

Staff recommends approval of the proposed schedule for the Fiscal Year 2015/16 Budget Hearings.

It was moved by Supervisor Valadez, seconded by Chair Bronson and unanimously carried by a 5-0 vote, to approve the item and request the schedule be placed on the County website for access by constituents.

32. **Grant Funding from the Arizona Department of Emergency and Military Affairs**

RESOLUTION NO. 2015 - 17, of the Board of Supervisors, authorizing the application for State Military Installation Funds from the Arizona Department of Emergency and Military Affairs to help prevent urban encroachment through acquisition and preservation of open space and preserve the long-term survival of the base.

Supervisor Miller questioned whether documentation required for the application had been received from Davis-Monthan.

Chuck Huckelberry, County Administrator, confirmed that Davis-Monthan supported the application and the required materials would be provided to accompany the filing of the grant.

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

**CONTRACT AND AWARD**

**COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CONSERVATION**

33. Catholic Community Services of Southern Arizona, d.b.a. St. Elizabeth's Health Center, Amendment No. 1, to provide a contract assignment to St. Elizabeth's Health Center, Inc., for the Patient Centered Medical-Home for the Uninsured Project, no cost (CT-CD-15-114)

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

**FRANCHISES/LICENSES/PERMITS**

34. **Hearing - Fireworks Permit**

Ryan Prosowski, Skyline Country Club, 5200 E. Saint Andrew Drive, Tucson, April 4, 2015 at 9:00 p.m.

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

## PROCUREMENT

### 35. **Hearing - Solicitation No. 168053, Northwest Community Park Improvements at Rillito Regional Park**

#### A. **Appeal of Procurement Director's Decision**

Pursuant to Pima County Code 11.20.010(J), Pima Paving, Inc., appeals the decision of the Procurement Director regarding Solicitation No. 168053, Northwest Community Park Improvements at Rillito Regional Park.

#### B. The Board of Supervisors on March 10, 2015, continued the following:

##### **Award**

Low Bid: Award of Contract, Solicitation No. 168053, in the amount of \$2,238,661.00 to the lowest responsive bidder, Durazo Construction, Corporation (Headquarters: Tucson, AZ), for the construction of the Northwest Community Park Improvements at Rillito Regional Park. The contract term is 8 months. The project shall be complete and in place no later than September 30, 2015. Funding Source: 2004 Bond (98%), 1997 Bond (1%) and General (1%) Funds. Administering Department: Public Works/Project Management Office.

George Widugiris, Procurement Director, explained the protest submitted by Pima Paving, Inc. pertained to alleged errors and omissions in the bid documents. He noted that the protest was untimely and therefore dismissed, and added even if it had been timely, it contained no factual evidence to support the claims. He recommended the Board deny the appeal and award the contract to Durazo Construction, Corporation.

Reggie West, Pima Paving, Inc., reviewed the protest and his concern regarding the use of sub-contractors. He stated he felt the protest had been timely.

Mr. Widugiris explained that the objections presented by Pima Paving, Inc. required the protest to be filed before the bid opening.

Supervisor Miller and Chair Bronson questioned whether Durazo Construction had the ability to complete the contract and if there had been any issues with their previous contracts.

Mr. Widugiris stated there had not been previous issues and the bid in question was consistent with others that had been submitted.

Chuck Huckelberry, County Administrator, commented that all concerns which had been raised had been reviewed and staff was comfortable awarding this contract to Durazo Construction.

It was moved by Supervisor Carroll, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to deny the appeal.

It was thereupon moved by Supervisor Carroll, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearing and approve the award as recommended by staff.

## **CONSENT CALENDAR**

### **36. Approval of the Consent Calendar**

It was moved by Supervisor Miller, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to approve the Consent Calendar in its entirety.

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## **CONTRACT AND AWARD**

### **Community Development and Neighborhood Conservation**

1. Rillito Water Users Association, Amendment No. 1, to provide water system improvements, extend contract term to 3/31/16 and amend contractual language, CDBG Fund, contract amount \$9,000.00 (CT-CD-14-529)

### **Community Services, Employment and Training**

2. Tucson Preparatory School, Inc., Amendment No. 2, to provide for the CASA - Coalition Assisting Self-sufficiency Attainment Program and amend contractual language, HUD Fund, contract amount \$10,000.00 (CT-CS-14-423)
3. Compass Affordable Housing, Inc., Amendment No. 1, to provide for the CASA - Coalition Assisting Self-sufficiency Attainment Program and amend contractual language, HUD Fund, contract amount \$10,000.00 decrease (CT-CS-14-424)
4. Cochise Private Industry Council, Amendment No. 1, to provide for the Youth CareerConnect Program and extend contract term to 5/31/16, no cost (CT-CS-14-538)
5. Yuma Private Industry Council, Amendment No. 1, to provide for the Youth CareerConnect Program and extend contract term to 5/31/16, no cost (CT-CS-14-539)
6. Tucson Youth Development (TYD), Inc., Amendment No. 1, to provide for the Youth CareerConnect Program, extend contract term to 6/30/16 and amend contractual language, U.S. DOL Fund, contract amount \$358,500.00 (CT-CS-15-27)

7. Joint Technical Education District, Amendment No. 1, to provide for the Youth CareerConnect Program and extend contract term to 5/31/16, no cost (CT-CS-15-65)

## **Procurement**

8. American Western of Arizona, L.L.C. and Wood Stock Builders, Inc., Amendment No. 4, to provide for mobile home weatherization services, Various Funds, contract amount \$400,000.00 (MA-CD-13-435)
9. **Award**  
Highest Ranked Respondents: Award of Job Order Master Agreement, Solicitation for Qualifications No. 166520 to Concord General Contracting, (Headquarters: Tucson, AZ), Diversified Design & Construction, Inc. (Headquarters: Tucson, AZ), Durazo Construction Corporation (Headquarters: Tucson, AZ), Kittle Design and Construction, L.L.C. (Headquarters: Tucson, AZ), and Lloyd Construction Company, Inc. (Headquarters: Tucson, AZ) for as-needed remodeling and construction services at various locations throughout Pima County in the shared amount of \$2,500,000.00. The initial term is one year with options to extend for up to four additional one year periods. Funding Source: Various Funds. Administering Department: Facilities Management.
10. **Award**  
Amendment No. 2 increases Job Order Master Agreement No. MA-FM-13-564 with A-O Painting, Inc. (Headquarters: Tucson, AZ), Larkin Painting Contractors, Inc. (Headquarters: Tucson, AZ), and Nelson J. Greer Painting Contractors, Inc. (Headquarters: Tucson, AZ) in the amount of \$250,000.00 for as-needed painting services, remodeling and construction services at various locations throughout Pima County. This amendment will increase capacity for the job order master agreement throughout the extended terms of the master agreement. Funding Source: Various Funds. Administering Department: Facilities Management.

11. **Award**

Low Bid: Award of Contract, Requisition No. 15-120, for original equipment manufacturer/OEM/ automotive/light duty truck replacement parts in the annual amount of \$431,890.00 to the contractors in the amounts listed below. Contract is for a one year term and includes four one year renewal periods. Funding Source: Internal Service Fund. Administering Department: Fleet Services.

Contractor/Headquarters/Annual Award Amount

Group A - Ford

Parts Mart, Inc./Glendale, AZ/(primary)/\$107,849.23  
Elliott Auto Supply/Eagan, MN/(secondary)/\$25,000.00

Group B - GM/Chevrolet

O'Rielly Chevrolet/Tucson, AZ/(primary)/\$113,941.80  
Elliott Auto Supply/Eagan, MN/(secondary)/\$25,000.00

Group C - Chrysler/Jeep

Jim Click Dodge/Tucson, AZ/\$4,786.72

Group D - Dodge

Jim Click Dodge/Tucson, AZ/\$62,980.90

Group E - Toyota

Earnhardt Enterprises/Chandler, AZ/\$69,624.87

Group F - Hyundai

Desert Hyundai Earnhardt/Chandler, AZ/\$9,413.64

Group G - Kia

Earnhardt Bell Road, Inc./Chandler, AZ/\$4,912.70

Group H - Nissan

Jim Click Nissan/Tucson, AZ/\$4,632.84

Group I - Volkswagen

Earnhardt V, Inc./Chandler, AZ/\$3,747.30

12. **Award**

Low Bid: Award of Contract, Requisition No. 15-97, for safety supplies in the annual amount of \$300,000.00. Contract is for a one year term and includes four one year renewal periods. Funding Source: Enterprise Fund. Administering Department: Regional Wastewater Reclamation.

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

13. Edward P. Sheffer, St. Thomas the Apostle Life Teen, St. Thomas the Apostle Church, 5150 N. Valley View Road, Tucson, April 25, 2015.
14. Kord Marquez Klinefelter, Why Ajo Lukeville Healthcare District, 1 W. Plaza Street, Ajo, March 15, 2015.

15. John S. Brell, Santa Catalina Catholic Church, 14380 N. Oracle Road, Tucson, March 14, 2015.

## **ELECTIONS**

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

### RESIGNATION-PRECINCT-PARTY

Jeffrey J. Rogers-170-DEM; Amanda R. Oien-126-REP; Elizabeth J. Oien-126-REP; Lori A. Oien-126-REP

### APPOINTMENT-PRECINCT-PARTY

Michael D. Holmes-011-DEM; James B. Hannan-037-DEM; Jeffrey J. Rogers-164-DEM; Amanda R. Oien-174-REP; Elizabeth J. Oien-174-REP; Lori A. Oien-174-REP; Wendy M. Reuter-183-REP

## **FINANCE AND RISK MANAGEMENT**

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

Recon Environmental \$7,914.38; Janmax, L.L.C. \$3,284.00; First Avenue Investment, Inc. \$24.17; Nathan Thomas Wade \$54.00; Ricardo A. Bracamonte \$2,896.82; Samuel J. Hennig \$25.00; Samuel J. Hennig \$82.41; Exhaust Works on Broadway, L.L.C. \$911.04; William C. Scott \$308.59; Waste Management, Inc. \$8,402.28; C-Cubed Unlimited, Inc. \$80.96; Steiner Education Group, Inc. \$3000.00; Trico Electric Cooperative, Inc. \$387.26; Maria Tavormina \$250.00; GLHN Architects & Engineers, Inc. \$22,743.53; John Tsanadis \$262.50; Our Family Services, Inc. \$1,691.41; Vander Intermediate Holding III Corp. \$1,987.00; James M. Wilkes \$8,265.70; Juan Hidalgo \$60.00

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### **37. ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:21 a.m.

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CHAIR

ATTEST:

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CLERK