

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, January 19, 2016. 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
Eric Johnson, Sergeant at Arms

*Jan Leshner, Deputy County Administrator, was seated on the dais from 10:26 a.m. to 11:22 a.m.

1. INVOCATION

The invocation was given by Reverend Larry DeLong, Valley Presbyterian Church.

2. PLEDGE OF ALLEGIANCE

All present joined in the Pledge of Allegiance.

3. PERSONAL POINTS OF PRIVILEGE

Supervisor Elías recognized the Martin Luther King Jr. Day community celebrations.

Supervisor Carroll offered condolences to the Baker family for the loss of Donald L. Baker, and his wife, Dawn Elizabeth Hunter.

4. PAUSE 4 PAWS

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

PRESENTATION/PROCLAMATION

5. Presentation of a proclamation to recognize and commend the winner and the runners-up in the Taking Action Against Graffiti (TAAG) Poster Contest. Winner: Bethany Fierro. Runners-up: Mariyah Cañedo, Hailey Myers, Jillian Smith and Gianna Alvarenga.

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

6. Presentation of a proclamation to Mindae Russell, Director; and Erin Coulter, Digital Communications Manager; Salpointe Catholic High School Advancement Office proclaiming the day of Thursday, January 28, 2016 to be: "SISTER JEANNE BARTHOLOMEAUX DAY"

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

7. **CALL TO THE PUBLIC**

Kevin Kubitskey, Pima County Deputy Sheriff Association and Fraternal Order of Police, addressed the Board regarding salary decompression and other compensation issues. He stated that their families and families in the community were suffering due to these issues. He requested that the pay package submitted by the Sheriff and Commanders be suspended until a meeting could be conducted directly with the Board of Supervisors.

Sheldun Gutman spoke to the Board regarding the security check when entering and exiting the Board room, problem with an investment fund and difficulty paying rent due to financial fraud. He stated that he was in opposition of soccer taking over Rillito Racetrack.

Geri Ottoboni addressed the Board regarding the gift clause and no cap on business taxes.

Art Mendoza, SEIU Local 48, spoke to the Board in support of the Trans Pacific Partnership resolution and the new classification of a non-merit nurse practitioner. He requested that classifications outside the merit system be brought to the Meet and Confer Committee in the future.

Denise Curry addressed the Board regarding ongoing Star Valley issues and litigation with the County.

Raquel Baranow spoke to the Board regarding Steve Russo of the Industrial Development Authority and the Sycamore Vista Subdivision.

The following speakers addressed the Board regarding the renewal of the contract for horseracing at Rillito:

- Manish Shah
- Jaye Wells, Rillito Park Foundation
- Frank DeFazio
- Ted Schmidt
- Dewayne Holman

- Josefina Cardenas
- Gary Davidson
- Stephanie Maben
- Mike Cusak
- Dale Pederson, Tucson Celtic Association
- Bryan Sanders
- Yolanda Herrera
- Mick Ravelich
- Diek Augur
- Ann Gilkerson
- Diana Hadley
- Terry McWilliams
- Sami Hamed

They offered the following comments:

- The Farmer's Market was completely full, it created grants that would double SNAP benefits and promote Rillito Park.
- Rillito Park Foundation believed that a multi-use facility was good for the park and was in support of approval of the contract.
- Both soccer and horseracing were welcome at Rillito Park as were additional events that would be good for the park.
- The government was suppose to provide for the health and welfare of the community, the community has grown and the need for additional soccer fields increased.
- There was a lack of compromise with the County for soccer, other sports needed consideration, and an annual contract didn't make sense.
- The Rillito Park Foundation deserved appreciation for their hard work and represented a diverse community.
- There was no land in the area to build a regional park and horseracing was not a government service.
- Racing should pay their own maintenance and operation expenses, and the public should be compensated.
- The Rillito Park Advisory Committee had recommended horse racing be moved, that the racetrack was an architectural nightmare and old.
- Horseracing only benefited the horseracing community and not Pima County as a whole.
- Tucson Celtic Association was in support of Rillito Park as a multi-use facility and their championship games have brought people from all over the world.
- There should be one plan to have many different activities at the park.
- The racetrack had provided a future for the people in racing.
- Retirees moved to Tucson because they fell in love with Southern Arizona, they lost spring training baseball and don't want to lose horseracing.
- Rillito Racetrack was the birth place of quarter horse racing and the cultural heritage should be retained.
- Rillito Racetrack supports the National Federation of the Blind with 50/50 raffle tickets.

The following speakers addressed the Board regarding the Trans Pacific Partnership resolution:

- Mary DeCamp
- Fred Yamashita, United Food and Commercial Workers Union and Pima Area Labor Federation
- Jenise Porter, Women's International League for Peace and Freedom

They offered the following comments:

- The Trans Pacific Partnership privileged profit over people.
- Labor was against the TPP because of deindustrialization and the continued outsourcing of American manufacturing and service jobs.
- Women's International League for Peace and Freedom was in support of the TPP resolution.

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 1:00 p.m.

9. **RECONVENE**

The meeting reconvened at 1:19 p.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 regarding Pima County v. Rosemont Copper Company, Pima County Superior Court Case No. C20151842.

Thomas Weaver, Chief Civil Deputy County Attorney, stated the County Attorney's Office sought direction on whether to proceed as discussed in Executive Session.

It was moved by Supervisor Carroll, seconded by Chair Bronson and carried by a 4-1 vote, Supervisor Miller voted "Nay," to proceed as discussed in Executive Session.

11. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding Michael Schuoler v. Christopher Nanos, et al., Pima County Superior Court Case No. C20140079.

Thomas Weaver, Chief Civil Deputy County Attorney, stated the County Attorney's Office sought direction on whether to proceed as discussed in Executive Session.

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

BOARD OF SUPERVISORS

12. Renewal of Rillito Racing, Inc. Contract

Discussion/Action for renewal of Rillito Racing, Inc., Contract No. CT-ED-14-537, for a term dating from June 30, 2015 on the same terms and conditions to conduct racing for the planned Winter Meet with the opening day scheduled for January 30, 2016. (District 3)

It was moved by Supervisor Valadez, seconded by Supervisor Elías to approve the contract with a term expiration of July 1, 2017. No vote was taken at this time.

Chair Bronson offered a friendly amendment to the motion that Natural Resources, Parks and Recreation be the source of the unitary calendar. Supervisors Valadez and Elías accepted the amendment to the motion made by Chair Bronson.

Supervisor Miller offered a friendly amendment to the motion that Board policy be revisited during the two year contract extension and discussed next time this matter came before the Board. Chair Bronson agreed that a policy discussion was needed and that the matter would need to come back to a future Board meeting to provide staff further direction on process.

Upon the vote, the motion carried unanimously, 5-0 vote.

HUMAN RESOURCES

13. Classification/Compensation

The Health Department requests approval to create the following new classification, associated costs will be borne by the department from within its current budget:

Class Code/Class Title/ Grade Code (Range)/ EEO Code/ FLSA Code
7548 / Nurse Practitioner - Unclassified / U4(\$67,620-\$149,989) / 2 / E*

*E = Exempt (not paid overtime)

It was moved by Supervisor Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to approve the item and direct staff to have the positions that will be removed from the Merit System discussed in the Meet and Confer process.

FRANCHISE/LICENSE/PERMIT

14. Hearing - Liquor License

12104403, James C. Counts, Nimbus Brewing Company, 3850 E. 44th Street, No. 138, Tucson, Series 12, Restaurant, New License.

The Chair inquired whether anyone wished to be heard. No one appeared. It was moved by Chair Bronson, seconded by Supervisor Elías 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.

HEALTH

15. Hearing - Code Text Amendment

ORDINANCE NO. 2016 - 5, of the Board of Supervisors, relating to the regulation of tobacco retail sales; amending the Pima County Code by adding a new chapter 8.52.

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

16. Hearing - Code Text Amendment

ORDINANCE NO. 2016 - 6, of the Board of Supervisors, relating to animals; amending Pima County Code Chapter 6.04 to allow enforcement of the County rabies vaccination requirement; amend senior citizen, service dog and law enforcement working dog exemptions and eliminating certain unaltered dog license provisions.

The Chair inquired whether anyone wished to be heard. 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.

DEVELOPMENT SERVICES

17. Hearing - Rezoning

P15RZ00001, LAWRENCE C. LUENG, INC. - N. THORNYDALE ROAD REZONING

Request of Lawrence C. Lueng, Inc., represented by Projects International, Inc., for a rezoning of approximately 18.01 acres from the SR (Suburban Ranch) zone to the CR-4 (Mixed Dwelling Type) (5 acres) and CR-5 (Multiple Residence) (13.01 acres) zone, on property located at the southeast corner of N. Thornydale Road and W. Linda Vista Boulevard. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Neighborhood Activity Center (5 acres) and Medium Intensity Urban (13.01 acres). On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Cook and Peabody were absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 1)

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

1. The owner shall:
 - A. Submit a development plan if determined necessary by the appropriate County agencies.
 - B. Record the necessary development related covenants as determined appropriate by the various County agencies.
 - C. Provide development related assurances as required by the appropriate agencies.
 - D. Submit a title report (current to within 60 days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.
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. The property owner/developer shall dedicate 45 feet of right-of-way for Thornydale Road within six (6) months of Board of Supervisors approval.
 - B. The property is limited to 2 access points, one on Thornydale Road and one on Linda Vista Boulevard, as depicted on the preliminary development plan.
 - C. No building permit final inspections shall be approved prior to completion of construction of the Thornydale Road improvements, or entering into an acceptable Development Agreement with the Department of Transportation.
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. This requirement shall be made a condition of the Site Construction Permit.
 - B. If improvements modify the Special Flood Hazard Area, a Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) will be required.
 - C. ~~FEMA Floodplain and Pima County Regulated Riparian Habitat including mitigation area shall be contained in permanently identified natural open space through easement or dedication and shall be identified on the subdivision plat. This open space shall be protected by covenant and management responsibility shall be identified on the subdivision plat. The disturbance of riparian habitat shall be nominally avoided, however, boundary modifications are permitted.~~
 - C. The following shall be contained in permanently identified natural open space through easement or dedication and be identified on the subdivision plat. This open space shall be protected by covenant and management responsibility shall be identified on the subdivision plat.
 - 1) Post-development FEMA and developer mapped floodplains.
 - 2) Pima County Regulated Riparian Habitat. Boundary modifications may be made to accurately map the existing habitat. Nominal disturbance of riparian habitat is acceptable.
 - D. 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.
5. Regional Wastewater Reclamation conditions:
 - A. The owner 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 to that effect.
 - B. The owner 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 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 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 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 shall complete the construction of all necessary public and/or private 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. Environmental Planning conditions:
- A. The property owner/developer shall achieve compliance with the Maeveen Marie Behan Conservation Lands System conservation guidelines by providing a total of 33 acres as Natural Open Space (NOS). No less than 7 acres NOS will be provided on-site; the difference between the total 33 acres NOS and NOS provided on-site will be provided off-site. Off-site NOS must conform to the CLS Off-site Mitigation Policies (Pima County Comprehensive Plan 2015, Chapter 3 Use of Land Goals and Policies, Section 3.4 Environmental Element, Policy 11 Conservation Lands System Mitigation Lands) and comply with all of the following:
 - 1) The site areas of plan amendment cases Co7-13-04, 05, and 06 are not eligible to serve as off-site NOS;
 - 2) Off-site NOS is acceptable to the Pima County Planning Official or their designee; and
 - 3) Prior to the approval of the final plat, off-site NOS will be permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or their designee.
 - B. Upon the effective date of the Ordinance, 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

<i>Ailanthus altissima</i>	Tree of Heaven
<i>Alhagi pseudalhagi</i>	Camelthorn
<i>Arundo donax</i>	Giant reed
<i>Brassica tournefortii</i>	Sahara mustard
<i>Bromus rubens</i>	Red brome
<i>Bromus tectorum</i>	Cheatgrass
<i>Centaurea melitensis</i>	Malta starthistle
<i>Centaurea solstitialis</i>	Yellow starthistle
<i>Cortaderia</i> spp.	Pampas grass
<i>Cynodon dactylon</i>	Bermuda grass (excluding sod hybrid)
<i>Digitaria</i> spp.	Crabgrass
<i>Elaeagnus angustifolia</i>	Russian olive
<i>Eragrostis</i> spp.	Lovegrass (excluding <i>E. intermedia</i> , plains lovegrass)
<i>Melinis repens</i>	Natal grass
<i>Mesembryanthemum</i> spp.	Iceplant

<i>Peganum harmala</i>	African rue
<i>Pennisetum ciliare</i>	Buffelgrass
<i>Pennisetum setaceum</i>	Fountain grass
<i>Rhus lancea</i>	African sumac
<i>Salsola</i> spp.	Russian thistle
<i>Schinus</i> spp.	Pepper tree
<i>Schismus arabicus</i>	Arabian grass
<i>Schismus barbatus</i>	Mediterranean grass
<i>Sorghum halepense</i>	Johnson grass
<i>Tamarix</i> spp.	Tamarisk

7. 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.
8. Adherence to the preliminary development plan as approved at public hearing.
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(I)."

The Chair inquired whether anyone wished to be heard. 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 P15RZ00001, subject to standard and special conditions including the additional condition made by the Department of Transportation.

18. **Hearing - Rezoning**

P15RZ00003, HARDY-THORNYDALE 1 ASSOCIATES, ET AL. - W. HARDY ROAD REZONING

Request of Hardy-Thornycdale 1 Associates, et al., represented by Projects International, Inc., for a rezoning of approximately 30 acres from the SR (Suburban Ranch) zone to the CR-5 (Multiple Residence) zone, on property located on the south side of W. Hardy Road, approximately 1,300 feet east of N. Thornycdale Road. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Medium Intensity Urban. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Cook, Membrilla and Peabody were absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 1)

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

1. The owner shall:
 - A. Submit a development plan if determined necessary by the appropriate County agencies.
 - B. Record the necessary development related covenants as determined appropriate by the various County agencies.
 - C. Provide development related assurances as required by the appropriate agencies.
 - D. Submit a title report (current to within 60 days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.
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. The property owner/developer shall dedicate 45 feet of right-of-way for Hardy Road.
 - B. The property is limited to 2 access points as depicted on the preliminary development plan.
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. This requirement shall be made a condition of the Site Construction Permit.
 - B. Modifications to the Public Drainageway in Sunnyvale Subdivision required to convey flows from this project into the drainageway shall be completed at no cost to Pima County.
 - C. 100-Year Floodplain and Pima County Regulated Riparian Habitat including mitigation area shall be contained in permanently identified natural open space through easement or dedication and shall be identified on the subdivision plat. This open space shall be protected by covenant and management responsibility shall be identified on the subdivision plat. The disturbance of riparian habitat shall be nominally avoided, however, boundary modifications are permitted.
 - D. 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. The FIWMP shall include a demonstration that no hydrologic connectivity exists between the wells serving the project and shallow groundwater areas per the Site Analysis Requirements OR additional conservation measures shall be identified to offset the increased use per Pima Prospects Policy.
5. Regional Wastewater Reclamation conditions:
 - A. The owner 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 to that effect.
 - B. The owner 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 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 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 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 shall complete the construction of all necessary public and/or private 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. Environmental Planning conditions:
- A. The property owner/developer shall achieve compliance with the Maeveen Marie Behan Conservation Lands System conservation guidelines by providing a total of 75 acres as Natural Open Space (NOS). No less than 9 acres of NOS will be provided on-site; the difference between the total 75 acres of NOS and NOS provided on-site will be provided off-site. Off-site NOS must conform to the CLS Off-site Mitigation Policies (Pima County Comprehensive Plan 2015, Chapter 3 Use of Land Goals and Policies, Section 3.4 Environmental Element, Policy 11 Conservation Lands System Mitigation Lands) and comply with all of the following:
 - 1) The site areas of plan amendment cases Co7-13-03, 04, and 05 are not eligible to serve as off-site NOS;
 - 2) Off-site NOS is acceptable to the Pima County Planning Official or their designee; and
 - 3) Prior to the approval of the final plat, off-site NOS will be permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or their designee.
 - B. Upon the effective date of the Ordinance, 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.

<u>Invasive Non-Native Plant Species Subject to Control</u>	
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

7. 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.
8. Adherence to the preliminary development plan as approved at public hearing, including the one-story limitation on three lots located on the northeast portion of the site.
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(I)."

Gilbert Williams addressed the Board and stated they would lose significant desert due to the change of the Comprehensive Plan and that future mitigation was unclear. He requested the zoning be unchanged to preserve the desert and the privacy of the neighbors.

Will De Boer spoke in opposition to the proposed mitigation issue and questioned the standard and special conditions.

Chris Poirer, Assistant Planning Director, explained there were ten rezoning conditions including the requirement for mitigation and adherence to the preliminary development plan. He stated the next step of the development would include a site review and those agreements in place would be reflected in the approved subdivision plat.

Jim Portner, Projects International, explained they had taken steps to ensure privacy, the County had regulations in place that addressed the situation, and they have more than doubled those requirements in terms of setback and separation.

Supervisor Carroll asked the developer to identify any restrictions for one-story only lots.

Mr. Portner offered that a restriction for three one-story lots could be made at the northeastern bank of the subdivision.

It was moved by Supervisor Miller, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing and approve P15RZ00003, subject to standard and special conditions, including the condition of one-story limitations to three lots located on the northeast portion of the site.

19. **Hearing - Rezoning**

P15RZ00004, MANDARIN ASSOCIATES - N. THORNYDALE ROAD REZONING

Request of Mandarin Associates, represented by Projects International, Inc., for a rezoning of approximately 17.77 acres from the SR (Suburban Ranch) zone to the CR-5 (Multiple Residence) zone, on property located at the northwest corner of N. Thornydale Road and W. Magee Road. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Medium Intensity Urban. On motion, the Planning and Zoning Commission voted 6-1 (Commissioner Holdridge voted Nay, Commissioners Peabody, Membrilla and Cook were absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 1)

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

1. The owner shall:
 - A. Submit a development plan if determined necessary by the appropriate County agencies.
 - B. Record the necessary development related covenants as determined appropriate by the various County agencies.
 - C. Provide development related assurances as required by the appropriate agencies.
 - D. Submit a title report (current to within 60 days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.
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. The property owner/developer shall dedicate 45 feet of right-of-way for Magee Road.
 - B. The property is limited to two access points as depicted on the preliminary development plan. No direct access to Thornydale Road shall be permitted.
4. Flood Control conditions:
 - A. First flush retention (retention of the first ½ inch of rainfall) shall be provided for all newly disturbed and impervious surfaces. This requirement shall be made a condition of the Site Construction Permit.
 - B. If improvements modify the Special Flood Hazard Area, a Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) will be required.
 - C. Flows from the eastern drainage channel shall be directed to the public drainageway in Orangewood Estates, and required infrastructure within the right-of-way or at the entrance to the drainageway shall be completed at no cost to Pima County.
 - D. Post development floodplains and riparian habitat shall be preserved as open space and be identified on the rezoning subdivision plat. This open space shall be protected by covenant and management responsibility shall be identified on the subdivision plat or development plan.

- 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 Plan shall be submitted to the District for review and approval at the time of development. The FIWMP shall include a demonstration that no hydrologic connectivity exists between the wells serving the project and shallow groundwater areas per the Site Analysis requirements or additional conservation measures shall be identified to offset the increased use per Pima Prospers Policy.
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 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 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. Environmental Planning conditions:
- A. The property owner/developer shall achieve compliance with the Maeveen Marie Behan Conservation Lands System (CLS) conservation guidelines by providing a total of 38 acres as Natural Open Space (NOS). No less than six acres of NOS will be provided on-site; the difference between the total 38 acres of NOS and NOS provided on-site will be provided off-site. Off-site NOS must conform to the CLS Off-site Mitigation Policies (Pima County Comprehensive Plan 2015, Chapter 3 Use of Land Goals and Policies, Section 3.4 Environmental Element, Policy 11 Conservation Lands System Mitigation Lands) and comply with all of the following:
 - 1) The site areas of plan amendment cases Co7-13-03, 04, and 06 are not eligible to serve as off-site NOS;
 - 2) Off-site NOS is acceptable to the Pima County Planning Director or their designee; and

- 3) Prior to the approval of the final plat, off-site NOS will be permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Director or their designee.

B. Upon the effective date of the ordinance, 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

7. 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.
8. Adherence to the preliminary development plan as approved at public hearing.
9. 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)."

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.

The Chair inquired whether anyone wished to be heard. No one appeared. It was moved by Supervisor Miller, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to approve P15RZ00004, subject to standard and special conditions.

20. **Hearing - Rezoning**

P15RZ00005, PACIFIC INTERNATIONAL PROPERTIES, L.L.P. - NORTH THORNYDALE ROAD REZONING

Request of Pacific International Properties, L.L.P., represented by Jim Portner, Projects International, Inc., for a rezoning of approximately 8.19 acres from the SR (Suburban Ranch) zone to the CB-1 (Local Business) zone, and approximately 46.7 acres from the SR (Suburban Ranch) zone to the SR® (Suburban Ranch - Restricted) zone, on property located at the northwest corner of the intersection of N. Thornydale Road and W. Cortaro Farms Road. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Neighborhood Activity Center. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Cook, Membrila and Peabody were absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 1)

1. The owner shall:
 - A. Submittal of 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.~~
23. Adherence to the preliminary development plan as approved at public hearing.
34. Transportation conditions:
 - A. The property is limited to 3 access points as depicted on the preliminary development plan.
 - B. The property owner / developer shall dedicate 45 feet of right-of-way for Cortaro Farms Road within six (6) months of Board of Supervisors approval.
 - C. The property owner / developer shall dedicate 45 feet of right-of-way for Thornydale Road within six (6) months of Board of Supervisors approval.
 - D. No building permit final inspections shall be approved or certificates of occupancy issued prior to completion of construction of the Thornydale Road and Cortaro Farms Road improvements, or entering into an acceptable Development Agreement with the Department of Transportation.
45. Flood Control conditions:

- A. First flush retention (retention of the first ½ inch of rainfall) shall be provided for all newly disturbed and impervious surfaces. This requirement shall be made a condition of the Site Construction Permit.
 - B. Post development floodplain and Pima County Regulated Riparian Habitat shall be contained in permanently protected on-site Natural Open Space identified for the rezoning site under Maeveen Marie Behan Conservation Lands System conservation guidelines and shall be identified on the development plan.
 - C. 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.
56. 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.
67. Environmental Planning conditions:
- A. The property owner/developer shall achieve compliance with the Maeveen Marie Behan Conservation Lands System conservation guidelines by providing a minimum of 46 acres on-site as Natural Open Space (NOS). Prior to the approval of the Development Plan, the 46-acre on-site NOS will be permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or their designee.
 - B. Upon the effective date of the Ordinance, 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

C. The property owner/developer shall provide safeguards for the natural open space parcel as follows:

- 1) Light standards shall be located and fixtures shall be oriented so as to allow no light scatter onto the adjacent open space parcel.
- 2) The western and northwestern boundary of the commercial development shall be buffered from the on-site natural open space. Buffering will employ techniques and materials suitable for mitigating noise and discouraging wildlife access to the commercial development; suitable buffering techniques and materials may include, but are not limited to, structures, natural materials, wildlife-exclusionary fencing, or vegetative screening. Suitable buffering techniques and materials will be authorized by the Planning Official in consultation with the Office of Sustainability and Conservation prior to approval of the development plan.

78. 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.

89. 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)."

940. 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.

Carolyn Campbell, Coalition for Sonoran Desert Protection, spoke to the Board regarding adding Condition No. 7.C., to provide a better buffer for the development and better protection for the habitat.

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 P15RZ00005, subject to standard and special conditions, the addition of Condition No. 7 C from the Coalition and the addition of the condition from the Department of Transportation.

21. **Hearing - Rezoning**

P15RZ00009, MAGEE COMO DEVELOPMENT ASSOC., L.L.C. - N. LA CHOLLA BOULEVARD REZONING

Request of Magee Como Development Assoc., L.L.C., represented by Craig Courtney, for a rezoning of approximately 0.88 acres at 7791 N. La Cholla Boulevard from the TR (Transitional) zone to the CB-2 (General Business) zone for office, restaurant and retail uses. The property is Lot 4 of Magee Center (Book 56 and Page 94) located approximately 150 feet north of W. Magee Road and 600 feet west of N. La Cholla Boulevard. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Neighborhood Activity Center. On motion, the Planning and Zoning Commission voted 6-1 (Commissioners Peabody, Membrilla and Cook were absent, Commissioner Holdridge voted Nay) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 1)

At the request of the developer and without objection, this item was continued to the Board of Supervisors' Meeting of February 2, 2016.

22. **Hearing - Plat Note Waiver**

Co12-72-112, RANCHO DEL SOL LINDO (LOT 348)

Request of Ricky and Julie Stephenson, for a waiver of plat note No. 15 for Lot 348 of the Rancho del Sol Lindo Subdivision, Lots 123 thru 438 (Bk. 25, Pg. 47) which states, "Density will be no more than one mobile home per lot until public sewers are available." The applicant requests to place a second dwelling on the lot which is approximately 1.02 acres zoned SH (Suburban Homestead) and is located on the south side of Calle Carmela, approximately 340 feet east of Derringer Road and 2,050 feet west of Anway Road. Staff recommends APPROVAL SUBJECT TO CONDITIONS. (District 3)

Staff recommends approval of the plat note waiver to allow a second residence on Lot 348 of Rancho del Sol Lindo, subject to the following conditions:

1. A Floodplain Use Permit is required.
2. The owner/developer must secure approval from the Pima County Department of Environmental Quality to use on-site sewage disposal systems on the subject property at the time a request for a building permit is submitted for review.
3. All proposed residential lots must have a minimum area of 43,560 square feet. A maximum of one-half of adjacent rights-of-way or easements may be used in the calculation of the area. The adjacent rights-of-way or easements must be suitable to absorb effluent; and all other design requirements must be satisfied.
4. The subject parcel shall be of sufficient size and designed in such a manner to accommodate the existing and proposed development, primary and reserve leach fields and septic tanks, while meeting all applicable setbacks for on-site sewage disposal.

The Chair inquired whether anyone wished to be heard. 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 Co12-72-112, subject to conditions.

23. Hearing - Rezoning Ordinance

ORDINANCE NO. 2016 - 7, Co9-15-02, PRF3, L.L.C. - W. Briar Rose Land Rezoning. Owner: PRF3, L.L.C. (District 1)

The Chair inquired whether anyone wished to be heard. 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 adopt the Ordinance.

24. Hearing - Rezoning Ordinance

ORDINANCE NO. 2016 - 8, P15RZ00002, Jewell Revoc TR - N. Hidden Valley Road Rezoning. Owner: Jewell Revoc TR. (District 1)

The Chair inquired whether anyone wished to be heard. 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 adopt the Ordinance.

BOARD OF SUPERVISORS

25. Legislative District 9

Appointment to fill the vacancy in the Arizona House of Representatives, Legislative District 9.

Robin Brigode, Clerk of the Board, read the following list of nominees provided by the Arizona Democratic Party into the record:

Pamela Powers Hannley; Ted Prezelski; and Matt Kopec

It was moved by Supervisor Elías and seconded by Supervisor Valadez to approve the appointment of Matt Kopec to fill the vacancy for Arizona Legislative District 9. Upon roll call, the motion carried by a 4-1 vote, Supervisor Miller voted "Nay."

26. Trans Pacific Partnership

RESOLUTION NO. 2016 - 2, of the Board of Supervisors, opposing the proposed Trans Pacific Partnership, any similar new trade agreements, and the extension of disastrous past trade agreements. (District 5)

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

COUNTY ADMINISTRATOR

27. World View Enterprises, Inc., Corporate Headquarters in the County Aerospace, Defense and Technology Research and Business Park

Staff recommends the following:

1. Approve the Lease/Purchase Agreement, including the Purchase Option, between Pima County and World View Enterprises, Inc., for the development of their manufacturing and administrative headquarters in the Aerospace, Defense and Technology Business and Research Park. The Lease/Purchase Agreement contains a provision for a separate first right of refusal purchase option for six acres immediately west of World View's manufacturing and administration complex for future expansion.
2. Approve the issuance of Certificates of Participation in an amount not to exceed \$15 million for the development, design, and construction of the World View Enterprises, Inc. manufacturing and administrative headquarters.
3. Approve the SpacePort Operating Agreement related to World View's operation of the spaceport on behalf of Pima County and authorize all necessary actions of the County to apply for a spaceport license and approval from the Federal Aviation Administration, as well as a construction-in-aid grant from the Aeronautic Division of the Arizona Department of Transportation to supplement County funding for construction of the spaceport.
4. Make the following awards:
 - A. Swaim Associates, Ltd. Architects, AIA (Headquarters: Tucson, AZ); not to exceed \$850,000.00, including a \$50,000.00 contingency; contract term January 19, 2016 through February 28, 2017; for architectural and engineering design services.
 - B. Barker Morrissey Contracting, Inc. (Headquarters: Tucson, AZ); not to exceed \$12,400,000.00, including attached fixtures and equipment and an \$800,000.00 contingency; contract term January 19, 2016

through February 28, 2017; for construction manager at-risk services for both preconstruction and construction services.

5. Approval for the Procurement Director to execute any and all contracts, amendments and change orders to the contracts listed above within the dollar and term limits awarded by this action. Any amendment or change order resulting in a contract value or term in excess of the Board award will be submitted to the Board for approval.

Jayne Poynter and Taber MacCallum, World View Enterprises, Inc., provided a presentation on World View Enterprises to the Board.

The following speakers addressed the Board:

- Keith Van Heyningen
- Brad Johns
- Adriana Moerkerken
- Joe Booggart
- Justin Williams
- Carol Kovalik
- Joe Snell, President, Sun Corridor

They offered the following comments:

- It was unwise to spend taxpayer dollars on the property because the County was in debt and the road conditions were not good. This was a risky project, there was a substantial market risk with commercialization and data did not show how big the market was.
- This was a profit based business that expected help with County tax dollars and there were not enough private investors.
- The company expected high-based returns which shouldn't be the burden of the taxpayer.
- Research shows that all growth in jobs are started with these types of companies.
- Due diligence was a concern.
- The Sun Corridor Board of Directors were in support of the project, which would provide opportunity for more business

It was moved by Supervisor Valadez and seconded by Supervisor Carroll to approve the item. Upon roll call, the motion carried by a 4-1 vote, Supervisor Miller voted "Nay."

FINANCE AND RISK MANAGEMENT

28. Request for Exemption

Staff requests approval of the Request for Exemption from Requirement to Post Statutory Deposit for submission to the Industrial Commission of Arizona.

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

COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CONSERVATION

29. Support for University of Utah Pay for Success Application

RESOLUTION NO. 2016 - 3, of the Board of Supervisors, authorizing support for an application by the University of Utah Sorenson Center to the U.S. Department of Housing and Urban Development and the Department of Justice for the Pay for Success Supportive Housing Demonstration Grant and authorizing participation by County in the project.

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

CONTRACT AND AWARD

COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CONSERVATION

30. Catholic Community Services of Arizona, Inc., to provide for the Casa Alitas and Merilac Lodge Facility Improvements Project, HUD Fund, contract amount \$80,000.00 (CT-CD-16-193)

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

31. Town of Marana, Amendment No. 1, to provide for the management and implementation of Marana Heritage Park CDBG Program and extend contract term to 12/31/16, no cost (CT-CD-15-166)

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

NATURAL RESOURCES, PARKS AND RECREATION

32. John F. King and Sons, an Arizona Corporation, Amendment No. 1, to provide management of King 98 Ranch, Old Hayhook Ranch and associated State and BLM Grazing Leases, extend contract term to 1/31/21 and amend contractual language, no cost (CTN-PR-16-99)

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

PROCUREMENT

33. Conmed Healthcare Management, Inc., Amendment No. 4, to provide for correctional healthcare services, extend contract term to 6/30/17 and amend

contractual language, General Fund, contract amount \$12,037,181.00 (MA-PO-13-580) Health

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

REAL PROPERTY

34. City of Tucson, Amendment No. 1, to provide an Intergovernmental Agreement for the transfer of equipment and property in furtherance of the PCWIN Network and amend contractual language, no cost (CT-IT-15-171)

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

TRANSPORTATION

35. Regional Transportation Authority, Amendment No. 4, to provide design and construction of improvements for the Valencia Road: Ajo Highway to Mark Road Project, extend contract term to 3/31/20 and amend contractual language, contract amount \$10,057,000.00 revenue (CTN-TR-CMS139818)

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

GRANT APPLICATION/ACCEPTANCE

36. **Acceptance - Sheriff**

Arizona Department of Homeland Security, to provide for the Operation Stonegarden Grant Program - Overtime and Mileage, \$1,184,528.00 (GTAW 16-51)

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

37. **Acceptance - Community Services, Employment and Training**

Pima Community College District, to provide for the Educational Activities - HPOG HOPES Program, U.S. Department of Health and Human Services Fund, \$587,205.00 (GTAW 16-52)

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

BOARD, COMMISSION AND/OR COMMITTEE

38. Board of Adjustment, District 1

Appointment of Gary DeGeronimo, to replace Charles Geoffrion. Term expiration: 1/19/20.

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

39. Board of Health

- Appointment of Mike Humphrey, to replace Christina McComb-Berger. Term expiration: 1/19/20. (District 1)
- Reappointment of Charles Geoffrion. Term expiration: 6/30/19. (District 1)

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

40. Fair Horse Racing Commission

Reappointment of Geronimo Ramirez, Jr. Term expiration: 1/18/18. (District 5)

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

41. Parks and Recreation Commission

Appointment of Stephen W. Christy, fill a vacancy created by Thomas F. Purdon. Term expiration: 6/30/22. (District 4)

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

CONSENT CALENDAR

42. Approval of the Consent Calendar

Upon the request of Supervisor Miller to divide the question, Consent Calendar Item No. 11 was set aside for separate discussion and vote.

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

* * *

PULLED FOR SEPARATE ACTION

CONTRACT AND AWARD

Procurement

11. Greeley and Hansen, L.L.C., Amendment No. 2, to provide for the Struvite Recovery Facility Alternative Delivery Project and amend scope of services, RWRD Obligation Fund, contract amount \$95,000.00 (CT-WW-14-110) Regional Wastewater Reclamation

Supervisor Miller asked a question regarding the departments' projection on savings and the request for additional money.

Jackson Jenkins, RWRD Director, reported operations were now at a steady state and the firm would validate the projections and reconfirm the numbers used at the start of the project.

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

* * *

CONTRACT AND AWARD

Constables

1. Arizona Constable Ethics, Standards and Training Board, to provide for a cordless teleconferencing phone system, contract amount \$913.33 revenue (CTN-CO-16-76)
2. Arizona Constable Ethics, Standards and Training Board, to provide for a television/monitor, contract amount \$6,298.00 revenue (CTN-CO-16-79)
3. Arizona Constable Ethics, Standards and Training Board, to provide for Garmin GPS units, contract amount \$1,300.00 revenue (CTN-CO-16-80)
4. Arizona Constable Ethics, Standards and Training Board, to provide for two laptop computers, contract amount \$7,910.86 revenue (CTN-CO-16-81)
5. Arizona Constable Ethics, Standards and Training Board, to provide for one laptop computer, contract amount \$3,955.43 revenue (CTN-CO-16-82)
6. Arizona Constable Ethics, Standards and Training Board, to provide for one ballistic vest, contract amount \$775.89 revenue (CTN-CO-16-83)

7. Arizona Constable Ethics, Standards and Training Board, to provide for two ballistic vests, contract amount \$1,551.78 revenue (CTN-CO-16-84)
8. Arizona Constable Ethics, Standards and Training Board, to provide for three digital cameras, contract amount \$909.00 revenue (CTN-CO-16-85)

Health

9. Arizona Health Care Cost Containment System (AHCCCS), to provide a local match to secure federal funds for disproportionate share hospitals, General Fund, contract amount \$770,350.60 (CT-HD-16-175)

Natural Resources, Parks and Recreation

10. Arizona Superior Court in Pima County, Juvenile Court Center, Amendment No. 2, to provide juvenile work crew services, extend contract term to 6/30/18 and amend contractual language, General Fund, contract amount \$50,000.00 (CT-PR-14-10)

Procurement

11. Greeley and Hansen, L.L.C., Amendment No. 2, (PULLED FOR SEPARATE ACTION)

Real Property

12. Level 3 Communications, L.L.C., to provide a Nonexclusive Right-of-Way Use License Agreement for a communications system located within unincorporated Pima County, contract amount \$1,980.00 revenue (CTN-IT-16-98)

BOARD, COMMISSION AND/OR COMMITTEE

13. **Board of Adjustment, District 5**
Reappointments of Bruce Gungle and Victoria Khalidi. Term expirations: 8/31/19.

SPECIAL EVENT LIQUOR LICENSE/TEMPORARY EXTENSION OF PREMISES/PATIO PERMIT APPROVED PURSUANT TO RESOLUTION NO. 2015-64

14. **Temporary Extension**
07100326, David A. Zugerman, Tucson Hop Shop, 3230 N. Dodge Boulevard, Tucson, Temporary Extension of Premises for January 30 and 31, 2016.

15. **Temporary Extension**
07100326, David A. Zugerman, Tucson Hop Shop, 3230 N. Dodge Boulevard, Tucson, Temporary Extension of Premises for February 6 and 7, 2016.
16. **Temporary Extension**
03103012, Myron Christopher Squires, 1055 Brew Works, L.L.C., 3810 E. 44th Street, No. 315, Tucson, Temporary Extension of Premises for February 6, 2016.
17. **Temporary Extension**
12104140, Steven Alex Dunn, The Parish, 6453 N. Oracle Road, Tucson, Temporary Extension of Premises for February 9, 2016.
18. **Special Event**
William Dean Woodruff, Knights of Columbus Council 12696, Corpus Christi Catholic Church, 300 N. Tanque Verde Loop Road, Tucson, January 23, 2016.

ELECTIONS

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

APPOINTMENT-PRECINCT-PARTY
Gabriel P. Davila-120-DEM; Mark D. Schmidt-079-REP; Steven A. Murray-189-REP; Andrew R. Graham-225-REP
20. **Polling Places**
Pursuant to A.R.S. §16-248, designation of polling places for the March 22, 2016 Presidential Preference Election.

RECORDER

21. Pursuant to Resolution No. 1993-200, ratification of the Document Storage and Retrieval Fund for the month of November, 2015.

RATIFY AND/OR APPROVE

22. Minutes: December 15, 2015

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43. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 2:01 p.m.

CHAIR

ATTEST:

CLERK