

FLOOD CONTROL DISTRICT BOARD MINUTES

The Pima County Flood Control District Board met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, December 13, 2016. Upon roll call, those present and absent were as follows:

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

Absent: Ally Miller, Member

Also Present: Chuck Huckelberry, County Administrator
Thomas Weaver, Chief Civil Deputy County Attorney
Robin Brigode, Clerk of the Board
Charles Lopiccolo, Sergeant at Arms

1. VARIANCE REQUEST

Staff recommends approval of the Request for Variance on property located at 8675 S. Silver Star Drive due to the hardship of revising the Flood Insurance Rate Maps and the low risk of flooding. (District 3)

It was moved by Supervisor Valadez, seconded by Supervisor Elías and carried by a 4-0 vote, to approve the Variance Request subject to the Pima County Code Section 16.56.040.

2. CONTRACT

Fidelity National Title Agency, Inc., Trust No. 10,808, to provide for the Southwest Wilmot Corridor/Agreement to Donate Real Property, located in Section 18, T16S, R15E, G&SRM, Tax Parcel No. 305-01-002A, Tax Levy Fund, contract amount \$2,700.00 for closing costs (CT-PW-17-205)

It was moved by Supervisor Valadez, seconded by Supervisor Elías and carried by a 4-0 vote, to approve the item.

3. CONTRACT

U.S. Army Corps of Engineers and Regional Transportation Authority, Amendment No. 1, to provide a Memorandum of Agreement for the U.S. Army Corps of Engineers to expedite their Section 404 review, evaluation and permitting of Regional Flood Control and Pima County Projects, extend contract term to 12/31/20 and amend contractual language, Flood Control Tax Levy Fund, contract amount \$174,817.07 (CT-FC-12-1947)

It was moved by Supervisor Elías, seconded by Supervisor Valadez and carried by a 4-0 vote, to approve the item.

4. **CONTRACT**

Green Valley Community Coordinating Council, Inc., d.b.a. Green Valley Council, Amendment No. 1, to provide for Green Valley Council services, extend contract term to 12/31/17 and amend contractual language, DOT (30%), RWRD (20%), RFCD (10%), DEQ (15%), Health (15%), and DSD (10%) Funds, contract amount \$75,000.00 (CT-PW-16-180)

It was moved by Chair Bronson, seconded by Supervisor Carroll and carried by a 4-0 vote, to approve the item.

5. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 1:30 p.m.

CHAIR

ATTEST:

CLERK

STADIUM DISTRICT BOARD MINUTES

The Pima County Stadium 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, December 13, 2016. Upon roll call, those present and absent were as follows:

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

Absent: Ally Miller, Member

Also Present: Chuck Huckelberry, County Administrator
Thomas Weaver, Chief Civil Deputy County Attorney
Robin Brigode, Clerk of the Board
Charles Lopiccolo, Sergeant at Arms

1. **CONTRACT**

Metropolitan Tucson Convention and Visitors Bureau, d.b.a. Visit Tucson, to provide for the MLS pre-season training camp and Desert Diamond Cup exhibition matches, Board Contingency Fund, contract amount not to exceed \$130,000.00 (CT-ED-17-189)

It was moved by Supervisor Carroll, seconded by Supervisor Valadez and carried by a 4-0 vote, to approve the item.

2. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 1:30 p.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, December 13, 2016. Upon roll call, those present and absent were as follows:

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

Absent: Ally Miller, Member

Also Present: Chuck Huckelberry, County Administrator
Thomas Weaver, Chief Civil Deputy County Attorney
Robin Brigode, Clerk of the Board
Charles Lopiccolo, Sergeant at Arms

1. INVOCATION

The invocation was given by Pastor Steve Van Kley, Canyon Del Oro Baptist Church.

2. PLEDGE OF ALLEGIANCE

All present joined in the Pledge of Allegiance.

3. PAUSE 4 PAWS

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

4. POINT OF PERSONAL PRIVILEGE

Supervisor Elías welcomed the Most Reverend Bishop Gerald Kicanas, Bishop of Tucson. Bishop Kicanas provided a blessing to both Supervisor Carroll, John Bernal and their families, on the occasion of their retirement.

PRESENTATION

5. Recognition of Supervisor Carroll's years of service to Pima County and congratulations on his retirement.

The Board and County Administrator recognized Supervisor Carroll by thanking him for his years of service and his commitment to the community.

Sheriff Chris Nanos presented Supervisor Carroll with a Medal of Merit.

The Honorable Kiko Munro, Mayor of Puerto Penasco, Mexico, sent a congratulatory letter which was read into the record.

Supervisor Carroll thanked his family for their support over the years and expressed his appreciation for the tribute provided by his fellow Board members.

6. Presentation of a Retirement Certificate to John M. Bernal, Deputy County Administrator for Public Works, for 30 years of service to Pima County.

It was moved by Chair Bronson, seconded by Supervisor Valadez and carried by a 4-0 vote, to approve the item. The Board and the County Administrator presented the certificate.

7. **CALL TO THE PUBLIC**

Daniel Munguia expressed concern over needed improvements in the neighborhoods surrounding the Aerospace Parkway.

Paul Rubin, David Freund and Georgia Brousseau, Pima County Merit System Commission members, addressed the Board regarding the award of contract for legal services for the Merit Commission. They stated that they had not been provided the opportunity to review the bids and provided support for the appointment of Barry Corey as legal counsel for the Commission.

Paul Parisi, 4Tucson, thanked the Board for their leadership and invited elected officials and first responders to attend an annual blessing on January 27, 2017.

John Ochoa spoke in favor of keeping the Rillito Race Track a mixed use facility.

The following speakers addressed the Board in opposition to Monsanto:

- Gerri Ottoboni
- Dru Heaton
- Dan Willhite
- Mitch Anderson
- Anne Leftfield
- Geraldine Larrington
- Amy Shephard
- Robyn Ryba
- Gail McGraw

They offered the following comments:

- Many lawsuits had been filed against Monsanto.
- The intent of the law was to protect individual and human rights.
- Monsanto does not need a tax break.
- Health problems were caused by Monsanto chemicals.
- Monsanto products damaged the earth and the human body.
- The Monsanto green house would be close to schools and the toxic chemicals were dangerous.
- The toxic chemicals would not be contained in the windy corridor from Marana to Eloy.
- Monsanto would not enrich the community.

Don Weaver, President of the Green Valley Counsel, thanked Supervisor Carroll for his 20 years of service and wished John Bernal well on his retirement.

COUNTY ADMINISTRATOR

8. Mike Jacob Sportspark Operating Agreement

The Board of Supervisors on November 22, 2016, continued the following:

Staff recommends approval of the following:

- A. A month-to-month Operating Agreement with the present operator, for a period of up to six months, during which County staff will conduct a competitive Request for Proposals process to select a single entity to operate Mike Jacobs Sportspark.
- B. Up to \$1 million in capital improvements to the facility, with concurrence from the competitively-selected future operator of the sports park, using funding from the Arizona Department of Transportation right-of-way acquisition for Interstate 10 and Ina Road improvements.

The following speakers addressed the Board in support:

- Edward J. Laber, representing Lou Ciurca
- Kacie Munson
- Gale Bundrick
- Earl Teschke

They offered the following comments:

- Championship sports addressed concerns presented by Parks and Recreation and offered solutions.
- Keeping the sports park open was important to the community.
- Canyon Del Oro High School hosted its annual classic at Mike Jacobs Sportspark and has done so for 27 consecutive years.
- The sports park was a great way to unify people.

Chuck Huckelberry, County Administrator, clarified that the issue was not the closure of Sports Park but rather the future operation.

It was moved by Supervisor Elías, seconded by Chair Bronson and carried by a 4-0 vote, to approve the staff recommendations.

9. **Amendment to Administrative Procedure 54-2, Acquisition and Disposition of Real Property**

RESOLUTION NO. 2016 - 82, of the Board of Supervisors, authorizing the amendment of Pima County Administrative Procedure 54-2.

It was moved by Chair Bronson, seconded by Supervisor Valadez and carried by a 4-0 vote, to adopt the Resolution.

10. **Funding Request for Sponsorship of the NOVA Home Loans Arizona Bowl**

Staff recommends approval of the following actions:

- A. An allocation of \$40,000.00 from the Board of Supervisor Contingency fund to provide financial sponsorship of the NOVA Home Loans Arizona Bowl.
- B. Decline the following components of the sponsorship package:
 - 1. 16 Stadium Club Game Tickets
 - 2. 16 Pre-Game Tailgate Party Tickets
 - 3. 8 Parking Passes
 - 4. 8 On-Field Pre-Game Passes
 - 5. 8 Invitations to Private Player Event at Old Tucson
 - 6. Commemorative Football

It was moved by Chair Bronson, seconded by Supervisor Carroll and carried by a 4-0 vote, to approve the item.

FINANCE AND RISK MANAGEMENT

11. **Sewer Revenue Obligations**

RESOLUTION NO. 2016 - 83, of the Board of Supervisors, authorizing the Chair of the Board of Supervisors, the County Administrator and the Finance Director to cause the sale and execution and delivery pursuant to a Series 2017 Obligation Indenture of Sewer System Revenue Obligations, Series 2017, in an aggregate principal amount not in excess of \$45,000,000.00, evidencing proportionate interests of the holders thereof in installment payments of the purchase price to be paid by Pima County, Arizona, pursuant to a Series 2017 purchase agreement; authorizing the completion, execution and delivery with respect thereto of all agreements necessary or appropriate as part of purchasing

property to be part of the sewer system of the County and payment of related financing costs including the delegation to the Chair of the Board of Supervisors, the County Administrator and the Finance Director of certain authority with respect thereto; authorizing, if necessary, the preparation and delivery of an official statement with respect to such Series 2017 Obligations; ordering the sale of such Series 2017 Obligations; authorizing, if necessary, the execution and delivery of a continuing disclosure undertaking with respect to such Series 2017 Obligations; and authorizing the Finance Director to expend all necessary funds therefor.

It was moved by Chair Bronson, seconded by Supervisor Valadez and carried by a 4-0 vote, to adopt the Resolution.

12. General Obligation Bonds

RESOLUTION NO. 2016 - 84, of the Board of Supervisors, for the issuance and sale of not to exceed \$25,681,000.00, Pima County, Arizona, General Obligation Bonds, Series 2017, in one or more series; providing for the annual levy of a tax for the payment of the bonds; providing terms, covenants and conditions concerning the bonds; accepting a proposal for the purchase of the bonds; appointing an initial registrar and paying agent for the bonds; and approving and ratifying all actions taken in furtherance of this resolution.

It was moved by Chair Bronson, seconded by Supervisor Valadez and carried by a 4-0 vote, to adopt the Resolution.

PROCUREMENT

13. Award

The Board of Supervisors on November 22, 2016, continued the following:

Award of Contract: Master Agreement No. MA-PO-17-97, Mobile Maintenance and Towing, L.L.C. (Headquarters: Tucson, AZ), to provide vehicle towing and auction services. Contract is for an initial term of one year in the annual estimated revenue amount of \$580,000.00 and an annual not-to-exceed expense amount of \$464,000.00 with four annual renewal options. Funding Source: General Fund. Administering Department: Sheriff.

It was moved by Chair Bronson, seconded by Supervisor Valadez and carried by a 4-0 vote, to approve the item.

REGIONAL WASTEWATER RECLAMATION

14. Contract

The Board of Supervisors on October 18, 2016, continued the following:

Cortaro-Marana Irrigation District, Metropolitan Domestic Water Improvement District, Bureau of Reclamation, to provide for the Tres Rios WRF Effluent Interconnect Pipeline Project, no cost (CTN-WW-17-64)

Supervisor Elías made a motion to amend the contract language and provide for a two-year term without a renewal clause and to have an effluent limit of 2200 acre feet per year.

It was moved by Supervisor Elías, seconded by Chair Bronson and carried by a 4-0 vote, to approve the item as amended.

ASSESSOR

15. Request for Redemption of Waiver of Exemption

Pursuant to A.R.S. §42-11153(B), the Pima County Assessor has determined that the applications for Redemptions of the Waivers of Tax Exemptions for Tax Year 2016 qualify for exemption under the applicable statutes and requests the Board of Supervisors redeem the waivers.

It was moved by Chair Bronson, seconded by Supervisor Elías and carried by a 4-0 vote, to approve the item.

FRANCHISE/LICENSE/PERMIT

16. Hearing - Liquor License

10103807, Kim Kenneth Kwiatkowski, Circle K Store No. 3493, 4600 W. Valencia Road, Tucson, Series 10, Beer and Wine Store, New License.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Bronson, seconded by Supervisor Carroll and carried by a 4-0 vote, to close the public hearing, approve the license and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

17. Hearing - Agent Change/Acquisition of Control/Restructure

06100119, Andrea Dahlman Lewkowitz, La Posada Lodge & Casitas, 5900 N. Oracle Road, Tucson, Acquisition of Control.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Bronson, seconded by Supervisor Carroll and carried by a 4-0 vote, to close the public hearing, approve the license and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

18. **Hearing - Fireworks Permit**

Michelle Schuyler, Skyline Country Club, 5200 E. Saint Andrew Drive, Tucson, December 31, 2016 at 10:00 p.m.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Bronson, seconded by Supervisor Carroll and carried by a 4-0 vote, to close the public hearing, approve the permit.

DEVELOPMENT SERVICES

19. **Hearing - Modification (Substantial Change) of Rezoning Conditions**

The Board of Supervisors on November 22, 2016, continued the following:

Co9-89-21, LAWYERS TITLE AND TRUST, TR NO. 6486 - T - INTERSTATE 19 NO. 2 REZONING

Request of Borderlands Investments I, L.L.C., represented by ~~Wavelength Management~~ **Wireless Policy Group, L.L.C.**, for a modification (substantial change) of Rezoning Condition No. 10, which requires adherence to the revised rezoning preliminary development plan approved on April 15, 1997; and Condition No. 16, which limits uses to a golf course club house, pro shop, restaurant, and six residential lots as approved by the Architectural Review Committee of the Green Valley Coordinating Council, to allow the additional use of a communication tower. The subject site is the non-residential portion of the rezoning that is approximately 4.96 acres zoned CB-2 (General Business) and is located at the southeast corner of the intersection of S. Camino del Sol and S. Desert Jewel Loop. On motion, the Planning and Zoning Commission voted 7-1 (Commissioner Gavin voted NAY, Commissioners Membrila and Cook were absent) to recommend APPROVAL SUBJECT TO CONDITIONS. Staff recommends APPROVAL SUBJECT TO CONDITIONS. (District 4)

10. Adherence to the revised preliminary development plan approved on ~~April 15, 1997~~ December 13, 2016; however, the communication tower should be located closer to Camino del Sol if feasible.
16. Use of the western 4.96 acres is limited to a golf course club house, pro shop, and restaurant, and a communication tower as approved by the architectural review committee of the Green Valley Coordinating Council. Use of the eastern 2.04 acres is limited to six residential lots and units as approved by the architectural review committee of the Green Valley Coordinating Council.
17. The communication tower shall be a maximum of 54 feet in height and shall be in the form of a eucalyptus tree. An exception to the 54-foot height limit for co-located antenna

attachments is allowed provided the tower height is not increased and the co-located antenna does not exceed the height of the tower by more than two feet and does not extend from the tower a distance that is greater than that of the existing antennas. The communication tower and equipment area shall be located within the parking lot of the golf course club house as shown on the approved revised preliminary development plan and shall not encumber more than four non-handicapped parking spaces and an end row landscape median. The communication tower and equipment area shall be enclosed by a sight-obscuring minimum eight-foot-high tube steel fence and gate. .

Thomas Drzazgowski, Deputy Chief Zoning Inspector, provided a staff report and explained that the modification to the rezoning conditions would allow for a communication tower in the golf course parking lot while the conditional use permit would allow the tower to be located at the golf course maintenance facility. He added that only one of the requests would be approved and that after several community meetings the Green Valley Council recommended the selection of the parking lot site with eucalyptus tree camouflage.

The following speakers addressed the Board regarding both the modification of rezoning conditions and the conditional use permit.

Donna Hoch expressed concern regarding the proposed parking lot location. She requested that if the tower location was the parking lot that the cell tower be moved to the corner of the parking lot located near the intersection of Desert Jewell and Camino del Sol.

Kristen Dyrud supported the parking lot location and felt that the Green Valley Council chose the best location for the cell tower.

Anthony Zabicki offered support for the parking lot location and that he felt the maintenance shed site would significantly impact a greater number of homes.

Steve Mongeon supported the maintenance shed location because it would have the least impact on the neighborhood.

Cathy Cain stated the parking lot location would decrease property values.

MaryAnn Rueger spoke regarding health concerns related to cell towers.

Supervisor Carroll asked if there was flexibility of the cell tower site in the parking lot. Mr. Drzazgowski confirmed that flexibility onsite would be acceptable relating to the rezoning conditions.

Kimberly Allen, Wireless Policy Group, stated she would not have authority to move the cell tower to any location other than the specific parking lot location presented.

Supervisor Elías questioned the usefulness of the tower given the location change.

Chair Bronson clarified that the Board provided flexibility to move the cell tower within the proposed parking lot location if agreed upon by the landlord and the applicant.

It was moved by Supervisor Carroll, seconded by Chair Bronson and carried by a 4-0 vote, to close the public hearing and approve Co9-89-21, subject to the conditions.

20. **Hearing - Rezoning**

The Board of Supervisors on November 22, 2016, continued the following:

Co9-15-005, JT RP, L.L.C. - EAST EAGLE FEATHER ROAD (EASEMENT) REZONING

Request by JT RP, L.L.C., represented by Brent Davis, for a rezoning of approximately 3.81 acres from SR (Suburban Ranch) zone to CR-1 (Single Residence) zone on property located approximately 800 feet east of Bear Canyon Road on the south side of East Eagle Feather Road (Easement). The proposed rezoning conforms to the Pima County Comprehensive Plan (Co7-00-20). On motion, the Planning and Zoning Commission voted 6-2 (Commissioners Cook and Membrilla were absent) to recommend DENIAL. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 4).

The following are to be completed within five years from the date the rezoning request is approved by the Board:

1. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
2. Provision of development related assurances as required by the appropriate agencies.
3. 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.
4. Adherence to the sketch plan as approved at public hearing.
5. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
6. Pima County Department of Transportation:
~~Any common, private roadway/driveway serving more than one dwelling unit~~ East Eagle Feather Easement shall be paved ~~(chip sealed)~~ to Pima County standards prior to (chip sealed) within six (6) months of the issuance of building any permits.
7. Pima County Waste Water Reclamation District:
Should the Board of Supervisors be inclined to approve this rezoning, the Pima County Regional Wastewater Reclamation Department (PCRWRD) recommends the following 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.
8. Pima County Office of Sustainability:
An on-the-ground archaeological and historic site survey shall be conducted on the subject parcel(s) before any ground modifying activities occur. Any archaeological or historic sites that are recommended as eligible for Arizona or National Registers of Historic Places shall require cultural resources mitigation plan. The mitigation plan will need to be submitted to Pima County either before or at the time of the submittal of a site plan, tentative plat, or development plan. Any cultural resource survey and/or mitigation plan shall be conducted by an archaeologist permitted by the Arizona State Museum or registered architect as appropriate. Any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
9. Upon the effective date of the Ordinance, the owner(s)/developer(s) of the rezoned property 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.
10. 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)."

11. 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.
12. The unpaved portion of East Eagle Feather Road Easement and the north-south portion of Eagle Feather Easement at the east site boundary shall be abandoned.
13. All buildings shall be limited to one-story and oriented toward the cul-de-sac.
14. A six-foot wall, set back 20 feet along the north and east boundary of the rezoning site, shall be completed prior to the issuance of any permits.
15. A covenant shall be recorded restricting any rezoning on the adjoining parcel to the west for 50 years.

Brent Davis reported this matter had been heard several times by both the Board and the Planning and Zoning Commission, and stated that agreements had been reached with the adjoining property owners on three sides.

Kent Moeckly spoke in opposition to the rezoning citing traffic, people, crime and water control issues. He asked that the eight proposals made by the developer be enforced upon approval.

Monica Hills opposed the rezoning and presented concerns for the existing wildlife corridor in the neighborhood.

Larry Willingham opposed the rezoning stating this would be a wildcat subdivision and that the developer had not worked in good faith with the neighbors and that it was feared the property that was to be redone and occupied by the developer would be subdivided to allow additional homes in the future to circumvent procedures.

Mac Summer stated he would no longer object to the rezoning if the following were done to protect the neighbors: installation of 6 foot walls on the north and east sides prior to construction; installation of a paved road; do away with easements that were no longer required; work on water diversion efforts; and that the abandoned house and property be fixed and a 10-year restriction be placed on the property so that no further subdividing could occur.

Brent Davis reviewed the conditions that had been agreed upon by stating they would be abandoning their rights of way and easement; that a road be constructed that was not chip and seal; that rezoning or subdivision of the separate property would not be sought for at least 10 years; the four new homes would be limited to one story and oriented to the cul-de-sac; and the north/south and east/west block walls with 20 foot setbacks would be installed prior to construction.

Supervisor Carroll stated the property owner had submitted a letter stating the additional 4 acres she owned would not be subdivided and he requested some type of insurance that the land would not be subdivided for at least 50 years.

Chris Poirier, Chief Planning Official, suggested a separate and voluntary easement be placed on the land by the property owner.

Brent Davis stated his client agreed to the terms and conditions presented.

Chris Poirier stated all obligations of the rezoning must be completed prior to the issuance of any permits, therefore the pavement, walls and voluntary easement on the land needed to be completed prior to the issuance of any building permits.

It was moved by Supervisor Carroll and seconded by Supervisor Valadez to close the public hearing and approve Co9-15-005, subject to standard and special conditions and including all other new conditions as discussed. Upon roll call vote, the motion carried 3-1, Supervisor Elías voted “Nay,”

Chair Bronson requested that a copy of these minutes accompany the Planning record for this rezoning.

21. Hearing - Type III Conditional Use Permit Communication Tower

P16CU00009 BORDERLAND INVESTMENTS I, L.L.C. - S. CAMINO DEL SOL
Request of Wireless Policy Group, L.L.C., on property located at 4530 S. Camino Del Sol, in the RH Zone, for a conditional use permit for a communication tower, in accordance with Section 18.07.030H2e of the Pima County Zoning Code as a Type III conditional use permit. The Hearing Administrator recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 4)

(Clerk’s Note: The discussion on this matter was held in conjunction with Minute Item No. 19.)

It was moved by Supervisor Carroll, seconded by Chair Bronson and carried by a 4-0 vote, to dismiss P16CU00009.

22. Hearing - Hillside Development Overlay Zone Special Use Permit

P16SA00013 BADILLA - W. SAENZ DRIVE HILLSIDE DEVELOPMENT OVERLAY ZONE SPECIAL USE PERMIT

Ely Badilla, represented by Settlers West Home Builder, L.L.C., requests a Special Use Permit in the Hillside Development Overlay Zone (HDZ) to construct a single residence, pool, and driveway within a designated HDZ Level One protected ridge area on Lot 14 of the Lomas Saenz No. 2 subdivision. Most of Lot 14 lies within the protected ridge area. The Pima County Zoning Code

Section 18.61.041(A)(1) prohibits development within the protected area of a level one peak or ridge except with a special use permit which may be granted by the Pima County Board of Supervisors as set forth in Section 18.61.042(A). The subject lot is approximately .95 acres zoned SH(BZ)(PR-1) (Suburban Homestead-Buffer Overlay Zone-Protected Peaks and Ridges, Level 1) and is located on the south side of the terminus of W. Saenz Drive, approximately 1,600 feet northwest of the intersection of W. Irvington Place and S. San Joaquin Avenue. Staff recommends APPROVAL SUBJECT TO CONDITIONS. (District 5)

1. The maximum grading allowance is 12,740 square feet as generally depicted within the grading/site plan presented at public hearing. Areas outside of the grading limits shall be designated as set-aside natural area.
2. To promote blending with natural surroundings, gabion rocks and any other retaining rocks shall be of color(s) consistent with natural rocks within Lot 14. The exposed exterior walls and roof of the residence, retaining walls, and utility structures shall be earthtone in color and meet the light reflectivity standards in Section 18.61.056 of the Pima County Zoning Code.
3. The development of the subject property shall be in accordance with Section 18.61.041B and C of the Pima County Zoning Code.
4. No outdoor storage is allowed to include the storage of recreational vehicles, trailers, or boats.

Ely Badilla explained the reason for the request and that Development Services had initially stated the property could be developed. He stated it was not known until the building plans were submitted that a peaks and ridges protection area existed.

Supervisor Elías asked why the title company or real estate agent had not informed the purchaser about the protected peak and ridge and requested clarification from staff.

Chris Poirier, Chief Planning Official, explained that in this particular case the original plat was adopted prior to the peak designation.

Supervisor Elías directed staff to ensure that updated information on properties protected by peaks and ridges ordinance be easy to find and verify.

It was moved by Supervisor Elías, seconded by Supervisor Valadez and carried by a 4-0 vote, to close the public hearing and approve P16SA00013, subject to conditions.

23. Hearing - Modification (Substantial Change) of Specific Plan

Co23-04-01 SWAN SOUTHLANDS SPECIFIC PLAN

Request of South Wilmot Land Investors, L.L.C., represented by LVA Urban Design Studio, L.L.C., for a Modification (Substantial Changes and Non-substantial Changes) of certain features of the Swan Southlands Specific Plan. The modification of these features of the specific plan will, at a minimum,

require modification (Substantial and Non-substantial Changes) of Rezoning Condition Nos. 6, 8, 10, 12, 15(A - F), 16(A - I), 18(B), 18(D), 18(H)(3), 21, 22, and 24(A-B) of Ordinance 2005-2 as modified by Resolution 2011-38.

The requested Modification of the features of the Specific Plan includes:

1. Waiver of acreage and floor area limits for non-residential (commercial and industrial) uses.
2. Addition of a Non-Residential/Employment Uses Option allowing the options of the CB-2 (General Business), CI-1 (Light Industrial/Warehousing), and CI-2 (General Industrial) zones with uses and standards for these zones as provided per the Pima County Zoning Code and including additional minimum performance and development standards.
3. Addition of a formula for reductions to the minimum and maximum residential unit count exchanged for Non-Residential/Employment Uses in excess of 271 acres, while maintaining a minimum of 1,000 residential units.
4. Deletion of "Identity Districts", which are sub-areas of the Specific Plan containing multiple sub-district development parcels. Specific requirements and conditions for each identity district would be waived, including the requirement for a block subdivision plat for each development parcel.
5. Modification of the approved preliminary development plan to allow:
 - a. Deletion of Identity Districts;
 - b. Locations, configurations, and acreage of zoning districts shown to be made conceptual and subject to change by the Master Developer;
 - c. Locations of roads shown to be made conceptual and subject to change as approved by the Pima County Department of Transportation;
 - d. Natural Open Space configuration and acreages shown to be made conceptual and subject to change as determined by adherence to Pima County codes; and
 - e. Deletion of Wastewater Collection, Conveyance & Treatment Facility Study Areas.
6. Modification of Table 3 (Final Density Table) and Table 3B (Sub-District Site Data (Block Plat)) to be made conceptual and subject to change by the Master Developer pertaining to parcels, density ranges, and targets, including deletion of minimum and maximum residential unit counts within each development parcel.
7. Waiver of requirements for Important Riparian Area protection and addition of a requirement to comply with Pima County Code Title 16.30, Watercourse and Riparian Habitat Protection and Mitigation Requirements.
8. Waiver of requirements for a wastewater collection, conveyance, and treatment facility, including donation of land for a treatment facility, and addition of a provision that sewer be served by the planned southeast sewer expansion.
9. Waiver of requirements for hydrology and floodplain management, including a Master Drainage Study and Watershed Master Plan, and addition of a requirement to comply with Pima County Code Title 16 Floodplain Management Ordinance and the provisions of the Lee Moore Wash Basin Management Study.
10. Waiver of requirements pertaining to the Affordable Housing Policy. The policy has been rescinded by Pima County.
11. Addition of a provision allowing the timing and scope of Master Studies and Technical Reports to be determined by County department and agency officials based on the scope and potential impacts of development projects to infrastructure capacities and requirements.
12. Waiver of cut and fill requirements and addition of a provision that all grading requirements comply with applicable Pima County codes.
13. Waiver of requirements for specified minimum parkland acreage, including a 31-acre community park and addition of a provision that per the approved Recreational Area Plan, the required number, acreage, location, and amenities of parks and trails will be adjusted as the project is developed based upon the amount and type of residential

development. Also, pocket parks exceeding 5,000 square feet in size shall be counted toward the requirement of providing 871 square feet of recreational amenities per single family residential unit.

14. Modification of certain Administrative Modification provisions, including: a) Deletion of the 20% maximum allowance for changes in configuration of development parcels and addition of administrative changes to the zones of those parcels; b) Addition of administrative changes to roadway alignments; c) Addition of administrative waiver of a block plat for an individual development project; d) Deletion of the 10% maximum transfer of commercial/mixed use square footage from one mixed use parcel to another; and e) Addition of modifications to the alignment and location of infrastructure in addition to the design and construction of infrastructure based upon changing conditions.
15. Addition of a provision for the Annual Administrative Monitoring Report to track residential development to ensure the range of required residential units will be met.

The modifications of rezoning conditions include:

1. Modification of Condition No.6 which, in part, requires no subdividing or lot splitting without the written approval of the Board of Supervisors to allow the requirement to apply only to lot splits for single-family residential development.
2. Modification of Condition No.8 which states, "Adherence to the specific plan document and preliminary development plan as approved at public hearing." to allow the preliminary development plan to be made conceptual and allow deletion of Identity Districts and of Wastewater Collection, Conveyance & Treatment Facility Study Areas.
3. Waiver of Condition No.10 which requires approximately 25 percent of revenues raised by implementation of the Affordable Housing Policy to meet goals for affordable housing within the project.
4. Modification of Condition No.12 which requires, in part, approval of a block subdivision plat for each of the Identity Districts or sub-districts as shown in the Specific Plan to allow a maximum of five block subdivision plats, generally defined by a section of land.
5. Modification or waiver of Condition No.15(A - F), No. 21, and No. 22 pertaining to Flood Control District requirements to update requirements for current floodplains, including riparian areas.
6. Modification or waiver of Condition No. 16(A - I) pertaining to Wastewater Management Department requirements to update requirements for current sewer service plans that exclude the option for an on-site wastewater treatment facility.
7. Modification of Condition No. 18(B) which, in part, requires provision for a minimum of 202.88 acres of parkland based on target densities to allow provision of parkland in accordance with the approved Recreation Area Plan based upon the amount and type of residential development within the specific plan.
8. Modification of Condition No. 18(D) which, in part, requires, provision of a minimum of one recreation area/park based upon an approved Recreational Area Plan within each residential development parcel per Table 3 of the specific plan to allow provision of parkland in accordance with the approved Recreation Area Plan based upon the amount and type of residential development within the specific plan.
9. Waiver of Condition No. 18(H)(3) which requires provision of a 31-acre land conveyance for a community park located in District "C".
10. Waiver of Condition No. 24(A-B) pertaining to Pima pineapple cactus study, survey, preservation, and mitigation to allow for preservation and mitigation for Pima pineapple cactus per the Pima County Zoning Code, Chapter 18.72, Native Plan Preservation.

The subject site is approximately 3,062 acres of the original 3,184-acre specific plan zoned SP (Swan Southlands Specific Plan, excluding Tax Parcel 303-09-002Z) and is located generally between S. Swan Road and S. Wilmot Road and approximately one mile south of E. Old Vail Connection Road in Sections 10 (portion), 12 (portion), 13, 14, and 15, T16S, R14E. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Mangold and Gavin were absent) to recommend APPROVAL SUBJECT TO REVISED

CONDITIONS. Staff recommends APPROVAL SUBJECT TO REVISED CONDITIONS. (District 2)

1. Not more than 60 days after the Board of Supervisors approves the amended Specific Plan, the Developer shall submit to the Planning Official the amended specific plan document, including any necessary revisions of the specific plan document, and the specific plan text and exhibits in an electronic format acceptable to the Planning Division.
4. Provision of development related assurances as required by the appropriate agencies with the exception that if a single Development Plan ~~and a separate Development Agreement are approved for the entirety of Parcel D5 for the correctional facility~~ is approved according to the exception specified in Section III-7.a.7 of the Specific Plan.
5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the ~~Department of Transportation, Real Property Division~~ Development Services Department.
6. There shall be no subdividing or lot splitting for single family residential development without the written approval of the Board of Supervisors ~~with the exception that if a single Development Plan and a separate Development Agreement are approved for the entirety of Parcel D5 for the correctional facility.~~ For Parcels D3, D4, and D5 (the 391-acre modification area) an exception may be made for minor adjustments to lot lines that do not affect infrastructure layout.
8. Adherence to the amended specific plan document, and the conceptual preliminary development plan as may be modified under provisions of the Swan Southlands Specific Plan Governing Policies Modification (Amendments) addendum, as approved at the public hearing.
 - A. With the exception of Parcels D3, D4, and D5 (the 391-acre modification area): Developer shall enter into a development agreement with Pima County, which shall: 1) define the required on-site and off-site infrastructure to serve the development of the specific plan area, and 2) provide, among other things, an infrastructure phasing schedule coordinated with the phased development of the specific plan area. If the development agreement becomes inconsistent with the requirements of a study called for by these rezoning conditions (or an update to such study) the developer shall provide an appropriate amendment to the development agreement necessitated by the results of such study or update. Said amendment to be reviewed and approved by the County. Developer shall generally meet the requirements of the County Administrator's December 2, 2004 letter to the developer's representative.
 - B. ~~A separate development agreement approved by the Board of Supervisors shall be required prior to submittal of a development plan for Parcel D5 for the correctional facility.~~ A separate development agreement, or amendment to the existing Swan Southlands development agreement, approved by the Board of Supervisors shall be required prior to submittal of a plat for Parcels D3 and D4. The development agreements, or an amendment to the existing development agreement, shall define the required on-site and off-site infrastructure to serve the applicable site and include other requirements as determined by Pima County.
10. ~~A good faith effort shall be made to use approximately 25 percent of the revenues raised from the implementation of the affordable housing policy of the Swan Southlands Specific Plan project to meet the goals of the affordable housing policy within the project.~~
1211. Block Subdivision Plats:
 - A. ~~Prior to the issuance of any permits, this specific plan is subject to the approval of a block subdivision plat for each of the Identity Districts or sub-districts (Summit Village A1, A2, Desert Park B, Desert View C1, C2, C3, Gateway Village D) as shown in the Specific Plan. This specific plan is subject to approval of a maximum of five block subdivision plats generally defined by a~~

section of land, although the specific boundaries of each block subdivision plat shall be flexible to reflect appropriate development limits. A block subdivision plat shall be approved prior to the issuance of permits for a given site, except if the Planning Official determines that the timeframes to complete the Master Block Plat would deny substantial and significant benefits to the greater community in terms of new jobs and/or expanded tax base in accordance with Specific Plan Section III-7.a.7 Administrative Modification Changes. Subsequent site development requires submittal of subdivision plats or development plans prepared in accordance with the block subdivision plat for the applicable ~~Identity District or sub-district~~ section of land. Each block subdivision plat shall make all applicable dedications (including roads, sewer, drainage, trails and open space) and identify necessary improvements and provide a design and construction phasing plan tied to replatting of specific blocks. ~~An exception may be made to this condition for Parcel D5 if a single Development Plan and a separate Development Agreement are approved for the entirety of Parcel D5 for the correctional facility.~~

- B. Upon submittal of the first block subdivision plat per the applicable ~~Identity District or sub-district~~ section of land, the studies, reports, information required by these specific plan conditions and the specific plan document itself, shall be provided for review and approval of the applicable Pima County department or departments. ~~An exception may be made to this condition for Parcel D5 if a single Development Plan and separate Development Agreement are approved for the entirety of Parcel D5 for the correctional facility; the required studies, reports, information shall be submitted at the time of the development plan.~~
1312. No building permits within an ~~Identity District~~ a section of land shall be issued until all applicable specific plan requirements for or affecting that ~~Identity District~~ section of land, or parcel if ~~Parcel D5~~ according to the exception specified in ~~Condition 12~~ Section III-7.a.7 of the Specific Plan, are satisfied and the Planning Official issues a Certificate of Rezoning Compliance.
1514. Flood Control District requirements:
- A. ~~The Swan Southlands Specific Plan and development standards shall meet the regulatory requirements of Title 16 of the Pima County Code, and all subsequent amendments to this ordinance by the Pima County Board of Supervisors. Title 16 specifies the regulatory requirements for floodplain management, flood control, erosion control, and riparian habitat.~~
 - B. ~~An Overall Watershed Master Plan shall be developed with the District for floodplain management information, flood control infrastructure, riparian habitat mitigation planning and funding mechanisms for offsite flood control improvements, provided the improvements are necessary to protect developed property within the Specific Plan from flood damage, and shall be submitted to and subject to approval by the Pima County Flood Control District Board of Directors. The segment of the Watershed Master Plan that impacts Swan Southlands must be adopted prior to recording any final plats for Swan Southlands.~~
 - C. ~~A detailed Master Drainage Study for the entire Swan Southland Specific Plan area is required for the first block subdivision plat. The Master Drainage Study will be a detailed hydrologic and hydraulic analysis for the watershed affecting any of the property in the specific plan area, and shall include, but is not limited to, major offsite drainage areas impacting all blocks studied by detailed methods like HEC-1, use of 1-foot contour intervals for floodplain modeling by HEC-2 or HEC-RAS that will produce accurate floodplains affecting planned encroachment areas, sediment transport and erosion hazard setback analysis including bank protected areas, opportunities for regional detention to reduce onsite detention, identify Section 404 jurisdictional waters and impacts, identify drainage~~

infrastructure needs and funding mechanisms, public maintenance concerns, and private drainage maintenance by the future homeowners association.

- D. ~~Floodplain and riparian habitat encroachments shall be fully addressed in the Master Drainage Study. Impacts for floodplain and riparian encroachments should be minimized by alternatives explained in the Master Drainage Study.~~
- E. ~~A Riparian Mitigation Plan, as required by Title 16 of the Pima County Code, also shall be included in the Master Drainage Study. The plan should evaluate, prioritize and identify floodplains and riparian habitats that are to be protected; impacts of necessary flood control improvements for public health, safety and welfare; and provide a habitat mitigation plan to address impacts as well as restoration plans. The Riparian Mitigation Plan shall be subject to approval by the Flood Control District.~~
- F. ~~For Parcels D3, D4, and D5 (the 391-acre modification site): The developer shall prepare a hydrology study for Franco and Flato Wash systems, for approval by Pima County Flood Control District. Limits of encroachment and any other proposed modifications of the floodplains shall be determined through analysis of hydrology, hydraulics, and floodplain mapping. No adverse impacts to flood or erosion risk shall occur upon adjacent properties as measured by flood peaks, flood stage, flood velocity, overbank storage, erosion and sedimentation. Any proposed modifications shall maintain or restore the connection between interdependent components of river systems on the property: channel, overbank floodplain, distributary flow zones, and riparian vegetation. Roadway Drainage improvements to Wilmot Road shall be addressed during this phase of the development.~~

The development shall comply with the Development Criteria for the Lee Moore Wash Basin Management Study including preservation of flow corridors and shall provide a Master Drainage Plan, Habitat Conservation Plan and Integrated Water Management Plan with each Master Block Plat for review and approval by the Flood Control District.

4615. Wastewater Management-Reclamation Department requirements:

- A. ~~Refer to Condition 27A.~~
- B. ~~The owner/developer shall fund, design and construct all necessary public and private sanitary sewerage collection, conveyance and treatment facilities required to serve the rezoning area, and provide conveyance capacity and service (flow through) to all the naturally occurring up-gradient properties identified in a basin study prepared by the owner/developer. Specific facility construction requirements will be documented in a master sewer service agreement executed prior to submittal of a final plat. Final alignments for flow through and flow through conveyance capacity will be established at the time of review of the tentative plat, development plan, sewer construction plan or request for building permit.~~
- C. ~~The owner /developer shall time all development within the rezoning area to coincide with the availability of treatment and conveyance capacity.~~
- D. ~~No more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review, the owner / developer shall obtain written documentation that sanitary sewerage treatment and conveyance capacity for the proposed development will be available when needed to serve the development.~~
- E. ~~The owner/developer shall complete the construction of necessary public and/or private sewerage facilities, obtain necessary discharge authorizations (approvals of construction) from the Arizona or Pima County Department of Environmental Quality, and convey title to facilities that may be owned and maintained by Pima County.~~

- F. ~~As specified in the Master Sewer Service Agreement, the owner /developer shall connect development within the specific plan area to the sanitary sewer system at the location and in the manner specified.~~
- G. ~~The wastewater treatment facility sites are to be sized and located such that they will accommodate future expansion to treat flows from upstream areas within the basin as identified in the basin study. The owner/developer shall provide sufficient, but not less than 10 acres of, land within the rezoning area to accommodate expansion of treatment facilities to the full projected build out of the rezoning area plus the upstream tributary areas in accordance with the Master Sewer Service Agreement. This condition is not applicable to Parcel D5 for the correctional facility.~~
- H. ~~In accordance with the Arizona Department of Environmental Quality, disclosure statements are to be provided to all buyers of property adjacent to the wastewater treatment facilities acknowledging their presence and identifying them as 24 hour facilities with the potential for occasional noise and odor.~~
- I. ~~For the 120 acres (Parcel D5) for the correctional facility: No person shall construe any action by Pima County as a commitment to provide sewer service to any new development within the plan amendment area until Pima County executes an agreement with the owner / developer to that effect. By accepting this specific plan amendment, the owner / developer acknowledges that adequate treatment and conveyance capacity to accommodate this plan amendment in the downstream public amendment area is to occur, unless it is provided by the owner / developer and other affected parties.~~
- A. The owner(s) shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the plan area until Pima County executes an agreement with the owner(s) to that effect.
- B. The owner(s) shall comply with the 2010 Amended and Restated Development Agreement Section 8, as may be amended, which addresses the Design and Construction of Wastewater Improvements. Prior to the approval of the first Block Plat or Development Plan, the owner(s) shall prepare an updated Wastewater Plan which identifies the off-site and on-site wastewater collection system to serve the plan area and includes an infrastructure phasing schedule that is tied to the phased development of the plan area. The Wastewater Plan is subject to review and approval by the PCRWRD. The involved parties acknowledge that PCRWRD has agreed to a proposed plan area connection to the County's existing regional public system (Old Nogales line) as the method of sewer disposal for the plan area. The updated Wastewater Plan shall identify the applicable Wastewater Improvements necessary for the development of the plan area based upon such a connection.
- C. The owner(s) acknowledge that adequate treatment and conveyance capacity to accommodate this plan area in the downstream public sewerage system may not be available when new development within the plan area is to occur, unless it is provided by the owner(s) and other affected parties.
- D. The owner(s) shall obtain written documentation from the PCRWRD that treatment and conveyance capacity is available for any new development within the plan 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.
- E. Should treatment and / or conveyance capacity not be available at that time, the owner(s) 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.

- F. The owner(s) shall time all new development within the plan area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - G. The owner(s) shall connect all development within the plan 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.
 - H. The owner(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the plan 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.
 - I. On-site disposal systems are not proposed to serve this plan area and geologic report that demonstrates feasibility has not been developed; therefore, all improvements shall be connected to an approved sewer system pursuant to ADEQ requirements.
4817. Natural Resources, Parks and Recreation Department requirements:
- A. Passive recreation activities including trails shall be located adjacent to project open space and NPPO set-aside areas to allow for continuity of riparian habitat and restoration of disturbed habit as needed. Should an environmentally sensitive trail alignment or public utility constitute a minor intrusion, as determined by the Planning Official, into the already designated 30 percent NPPO set-aside, a request may be made to the Planning Official who may consider the merits of the trail alignment upon recommendation from the Design Review Committee. Acceptance of a minor intrusion would not necessitate a revision or an amendment to the Specific Plan.
 - ~~B. Based upon target densities, the developer(s) shall designate and dedicate to the public or create as common area a minimum of 202.88 acres based on 874 square feet per single family unit of developed public and/or private parkland for community parks, neighborhood parks, public and private trails, and joint use public facilities. Developer shall designate the public and private parkland commensurate with the densities of the development. In no case shall the dedication or creation as common area of the public and private parkland be less than the amount required for the minimum densities.~~
 - ~~G. Pima County Natural Resources, Parks and Recreation (NRPR) shall maintain public parks greater than 10 acres in size and public trails developed within the boundaries of the Specific Plan.~~
 - ~~D. Within each residential development parcel per Table 3, page 71 of the Specific Plan, the developer shall construct and maintain a minimum of one recreation area/park. An approved Recreation Area Plan (RAP) is required for each development parcel prior to tentative plat approval.~~
 - ~~EB. Interactive recreation elements along trails may include benches, par course stations, tables, grills, ramadas, water fountains, bicycle racks, and directional and educational information signage, subject to the approval of NRPR staff; these public easements shall be shown on a trails plan and approved by staff prior to any subdivision plat approval.~~
 - ~~FC. Street sections of interior loop roads and the east/west minor arterial roadway shall include a six-foot sidewalk, a 10-foot paved pathway and two bicycle lanes.~~
 - ~~GD. The developer shall submit trail corridor locations subject to approval by NRPR staff prior to any plat approval; the trails shall provide connectivity/linkage to all areas of the project and to regional trail system (if applicable).~~
 - ~~HE. For the area of Parcels D3, D4, and D5 (the 391-acre modification site):~~
 - 1) ~~The Recreation Area Plan dated March 2005 shall be updated with the submittal of Master Block Plat for District A, B, or C.~~

- 2) A Recreation Area Plan shall be submitted with the Master Block Plat for District D submittal to show recreation trails.
- 3) ~~The 31-acre land conveyance for a community park shall be located in District "C".~~

1918. Cultural Resources requirements:

A. ~~With the exception of Parcels D3, D4, and D5 (the 391-acre modification site):~~

- 1) ~~Avoidance and preservation in place of all National Register eligible cultural resources shall be the first consideration in all cases. Where avoidance is not possible, all required cultural resources mitigation studies shall be conducted and reported on by Identity District or sub-district.~~
- 2) ~~A mitigation plan and plan of work shall be developed for each Identity District or sub-district that contains cultural resources. In the event that an archaeological site spans more than Identity District or sub-district, a single plan of work shall be prepared and implemented for the entire archaeological site.~~
- 3) ~~All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate.~~
- 4) ~~All plans shall be submitted to the Pima County Cultural Resources Office for approval prior to implementation and all reports shall be submitted to this office for review after the required field studies are completed.~~

B. ~~For Parcels D3, D4, and D5 (the 391-acre modification site):~~

- 1) ~~A. Development within the plan amendment area will potentially affect cultural resources, especially archaeological sites. Standard cultural resources requirements for rezoning and grading are the minimum required. Cultural resources inventory is required for any development area, and ~~Where~~ significant cultural resources are found, avoidance through development design, open space set-asides, and conservation easements are the preferred mitigation strategies; although when not possible to implement conservation strategies, other mitigation measures shall apply.~~
- 2) ~~B. A cultural resources mitigation plan, detailing strategies that include testing, documentation, data recovery, preservation, protection, analysis, reporting, and curation for the management of all Register-eligible significant sites shall be submitted to the Office of Sustainability and Conservation, Cultural Resources & Historic Preservation Division (OSC) for review and approval. ~~The State Historic Preservation Office may also be consulted for review and approval.~~ The cultural resources mitigation work will be conducted by an Arizona State Museum permitted archaeologist, or registered architect, as appropriate. This work shall be completed and approved by OSC prior to issuance of a grading permit and any ground-disturbing construction activities.~~
- 3) ~~C. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State Law ARS 41-865 requires that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.~~

21. ~~With the exception of Parcels D3 and D5: The Final Conceptual Riparian Restoration Plan necessary for compliance with Special Area Policy #2 of the plan amendment cases~~

~~CO7-03-07, CO7-03-09, and CO7-03-10 shall be submitted to and subject to approval by the Development Services Environmental Planning Manager and the Flood Control District prior to the approval of the first tentative block subdivision plat. The Final Conceptual Riparian Restoration Plan shall identify success criteria, where appropriate, for riparian areas to be mitigated with additional containerized or salvaged plantings; establish the specifics of a monitoring program; and a reporting schedule. Any riparian restoration activities proposed subsequent to the approval of the Final Conceptual Riparian Restoration Plan shall also be submitted to and approved by the Development Services Environmental Planning Manager and the Flood Control District prior to implementation.~~

- ~~22. The Final Conceptual Riparian Restoration Plan shall identify specific measures to control sheet erosion within protected portions of the South Fork of the Flato Drainage in Section 14. These efforts to control sheet erosion shall commence in conjunction with the Swan Road improvements along the west boundary of Section 14.~~
- ~~23. Prior to the approval of the first tentative block subdivision plat, the final location of those utility crossings and trail alignments and other recreation amenities that will be located in or across Project Riparian Areas as identified in the Specific Plan shall be determined by review and subject to approval by representatives from the Flood Control District, the Natural Resources, Parks, and Recreation Department, and Development Services Environmental Planning Manager.~~
- ~~24. Pima pineapple cactus (PPC):—~~
 - ~~A. With exception of Parcels D3, D4, and D5 (the 391-acre modification site):—~~
 - ~~1) The Final 10-Year Study: Pima pineapple cactus (PPC) will be submitted to and approved by the Development Services Environmental Planning Manager prior to the approval of the first tentative block subdivision plat. This study will include, but may not be limited to, identification of the different transplant methodologies to be evaluated, descriptions of propagation methods, disclosure of the location(s) of the transplant research sites and propagation nurseries, description of monitoring and reporting protocols, and disclosure of the disposition of Pima pineapple cactus (PPC) produced by any successful propagation.~~
 - ~~2) The Final 10-Year Study of Pima pineapple cactus (PPC) will commence prior to, but no later than the approval of the first tentative block subdivision plat.~~
 - ~~3) Prior to the approval of the each tentative subdivision plat, the appropriate project area will be surveyed for Pima pineapple cactus (PPC) according to the survey methodology described in the approved Final 10-year Study Plan. Each Pima pineapple cactus located will be identified and transplanted into suitable habitat areas within the project area. The original location of each PPC will be documented with Global Positioning System coordinates (or the equivalent).~~
 - ~~B. For Parcels D3, D4, and D5 (the 391-acre modification site): Using the survey protocols established in the approved Swan Southlands Specific Plan Appendix 11 – Preliminary 10-Year PPC Study and prior to the approval of each development plan within the amendment area, the appropriate project area will be surveyed for Pima pineapple cactus (PPC). If PPC cannot be preserved in place, they will be transplanted according to transplant protocols established in the approved Swan Southlands Specific Plan Appendix 11 – Preliminary 10-Year PPC Study and re-located to protected open space or other suitable locations within District D. The original location of each PPC, as well as its transplant location, will be documented with Global Positioning System coordinates (or the equivalent). Every year for ten (10) years, an annual status report will be provided that summarizes the survivorship and reproduction of transplanted PPC. This report is to be incorporated into the Specific Plan Annual~~

~~Implementation Monitoring Report for the Swan Southlands Specific Plan
submitted to Development Services Department.~~

2722. Water:

- A. If a hydrological study of projected declines in water levels due to the operation of the proposed well or wells is required pursuant to AAC R12-15-830, the developer shall provide one copy to Development Services, one copy to the Department of Wastewater ~~Management~~ Reclamation, and one copy to the Water Resources Division of the Flood Control District at the same time copies are provided by or to Arizona Department of Water Resources (ADWR). ~~The Wastewater Management Department and Water Resources Division of the Flood Control District~~ water system operator shall notify well owners in the area. Development Services shall make available a copy of the study for public review. The applicant shall follow the ADWR Well Spacing and Impact Rules according T12-15-830, and observe any revisions.
- B. The project will use City of Tucson Water or an acceptable municipal, private, or formed district alternative as its water delivery provider.
- C. With the exception of Parcels D3, D4, and D5 (the 391-acre modification site):
Water Conservation:
- 1) An overall water conservation plan describing water conservation measures which will be offered for the specific plan site is required for review and approval by Pima County Development Services Department in consultation with the water resources staff of the Flood Control District prior to a master block plat approval.
 - 2) The plan will provide a commercial, residential, common area, and public water conservation program and implementation strategy.
 - 3) The plan will address:
 - a) Stormwater management;
 - b) Reuse of treated wastewater;
 - c) Community education program;
 - d) Homeowner association CCR's and design guidelines;
 - e) Exterior use of the latest advancements in water conservation measures to minimize potable water use including but not limited to: irrigation systems, drought tolerant plant material, grading plans, turf limitations, and recreational water use restrictions; and
 - f) Subject to ADEQ and PCRFCFCD criteria, interior use of latest advancements in water conservation measures to minimize potable water use including but not limited to: low water use appliances, and plumbing systems.
 - 4) A more detailed water conservation plan, consistent with the overall plan, shall be submitted for review and approval by Pima County Development Services Department in consultation with the water resources staff of the Flood Control District with each tentative plat.
- D. For the areas of ~~Parcels D3 and D5~~ D4:
- 1) The applicant shall provide a water conservation plan that details how the post-modification Specific Plan demand for water will be reduced through quantifiable conservation elements. The water conservation plan shall be submitted with the master block plat, if one is required, or with each development plan submitted. The water conservation plan(s) shall be reviewed and approved by Pima County Development Services Department in consultation with the Regional Flood Control District's Water Resources staff prior to final approval of the master block plat, if one is required, or final approval of the individual development plan. The water conservation plan(s) will employ state of the art conservation measures appropriate for the intended use(s) and will conserve and minimize the use of potable water wherever possible. The water conservation plan(s) shall address and

evaluate the feasibility of the following:

- a) Stormwater management and rainwater harvesting;
- b) Re-use of grey water or effluent, if available;
- c) Exterior water conservation measures to minimize potable water use including, but not limited to, irrigation systems, drought tolerant plant material, grading plans, and turf limitations; and
- d) Interior water conservation measures to minimize potable water use including, but not limited to, low water use appliances and plumbing systems.

2) ~~In the future, if sewer line connections are provided, the 5,000 bed prison and the other areas included in this modification may connect to the Swan Southlands Wastewater Treatment Facility to allow for reuse and recharge of effluent within the Swan Southlands area, subject to terms of the agreement with the Pima County Regional Wastewater Reclamation Department.~~

E. ~~The immediate direct and beneficial reuse of any reclaimed water generated from the treatment facility that will either be constructed and operated by the owner/developer or Pima County will be required, provided the source water entering the wastewater treatment facility is not of Tucson Water. The reclaimed water should first be utilized to irrigate landscaping, parks and school turf areas within the development area.~~

~~3025. A minimum of 95 percent of the viable riparian areas shall be preserved. For the purposes of this condition, preservation of viable riparian areas shall be measured by percentage of vegetative canopy cover.~~

~~3426. For the areas of~~ Parcels D3 and D4: A minimum 500 feet open space buffer along the west boundary as shown on the preliminary development plan shall be provided if the areas of Parcel D3 or D4 or successor parcels to D3 or D4 are is developed for permitted industrial uses, other than a correctional facility for which Condition ~~3327.D~~ applies. The buffer shall be shown on any applicable development plan or plat.

~~32. For Parcel D5: The operations of a prison facility and the security level of inmates housed therein shall adhere to the restrictions and prohibitions on prisons included in Title 41, Arizona Revised Statutes. The security level of inmates housed at the prison facility shall be less than Maximum level (based on the Arizona Department of Correction's Custody Levels, or equivalent). The facility shall be accredited by the American Correctional Association (ACA) within 2 years of it receiving its first inmates and shall house inmates in those facilities in a manner determined appropriate by ACA.~~

~~3327. For the areas of~~ Parcels D3 and D4:

- A. Of the permitted industrial uses, the uses that are equivalent to the CI-2 zone of the Pima County Zoning Code are allowed on the east half of the areas of Parcels D3 and D4 or successor parcels to D3 or D4 (the west ~~boundary~~ boundaries being an approximate distance of 2,400 feet from Wilmot Road).
- B. Of the permitted industrial uses, the uses that are equivalent to the CI-1 zone of the Zoning Code are allowed throughout the areas of Parcel D3 and D4 or successor parcels to D3 or D4, with the exception of condition ~~3327.D~~ below.
- C. The permitted industrial uses are subject to the performance standards of the equivalent zone of the Pima County Zoning Code except that all allowable uses within 2,500 feet of a residential structure (e.g. residences of Section 11) shall adhere to the performance standards set forth in the Zoning Code Section 18.43.020B which are the performance standards for the CB-1 zone. This requirement is comparable to the Mixed Use provision of the CI-1 zone.
- D. Any proposal to locate a correctional facility in the area of Parcel D3 or successor parcels to D3 shall be subject to the following requirements:
 - 1) Approval of a Type III Conditional Use permit;
 - 2) The west property boundary extends no further west than the 1,320 feet boundary described and shown in the letter dated May 12, 2010 from the applicant (as shown on Exhibit C) and map (as shown on the map attached

hereto as Exhibit D). If the area of Parcel D3 or successor parcels to 3D is developed as a correctional facility, the open space buffer will therefore be expanded from 500 feet to 1,320 feet;

- 3) In addition to the standard public notification for a Type III Conditional Use Permit, public notice shall be expanded to include all property owners within Section 11.

~~E. The immediate direct and beneficial reuse of any reclaimed water generated from the treatment facility that will either be constructed and operated by the owner/developer or Pima County will be required, provided the source water entering the wastewater treatment facility is not of Tucson Water. The reclaimed water should first be utilized to irrigate landscaping, parks and school turf areas within the development area.~~

~~34. For Parcels D3, D4, and D5 (the 391-acre modification site): The correctional facility or other industrial uses cannot be used to count toward the specific plan's commercial/employment square footage target (762,312 s.f.) and goal of providing convenient commercial services to specific plan residents.~~

~~3528. Administrative Modification III-7.a.2 which allows changes in the boundaries of individual parcels up to a maximum of 20% shall not apply to the west boundaries boundary of Parcels D3 and D5.~~

~~29. CI-1 and CI-2 industrial uses shall not be permitted within the area of the Specific Plan south of the boundary with Section 11 and the north of the southern limits of the north tributary of the Flato Wash.~~

~~30. MU and CB-2 business uses shall not be permitted within the 300-foot transitional area adjacent to Section 11. The 300-foot transitional area shown on the preliminary development plan is not conceptual and is further subject to development standards listed for Table 4, Residential Development Standards.~~

Anne Becerra addressed the Board and asked about the specifics of the proposal and how it would affect the neighbors and that the changes seemed to be more industrial.

Supervisor Valadez requested a staff report and stated this was not a new development.

Chris Poirier, Chief Planning Official, provided a staff report on the history of the development, the efforts to buffer and protect existing neighbors, and the ability to attract and manage a large employer.

Supervisor Elías suggested that Ms. Becerra speak with Mr. Poirier and the developer for clarification on the existing plan and the modification.

It was moved by Supervisor Valadez, seconded by Chair Bronson and carried by a 4-0 vote, to close the public hearing and approve Co23-04-01, subject to revised conditions.

24. **Hearing - Rezoning Ordinance**

ORDINANCE NO. 2016 - 64, Co9-15-04, Landmark Title TR 18109 - W. Sunset Road Rezoning. Owners: Landmark Title TR 18109/Kai Sunset 80 Property, L.L.C. (District 4 **3**)

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Bronson, seconded by Supervisor Valadez and carried by a 4-0 vote, to close the public hearing and adopt the Ordinance.

25. Hearing - Rezoning Ordinance

ORDINANCE NO. 2016 - 65, P16RZ00001, Huebner 50%, et. al - N. La Cholla Boulevard Rezoning. Owners: Huebner 50% & Markland Investments, L.L.C. 50% (District 1)

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Bronson, seconded by Supervisor Valadez and carried by a 4-0 vote, to close the public hearing and adopt the Ordinance.

26. Hearing - Rezoning Ordinance

ORDINANCE NO. 2016 - 66, P16RZ00005, Whisper Canyon Holdings, L.L.C. - W. Hardy Road Rezoning. Owner: Whisper Canyon Holdings, L.L.C. (District 1)

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Bronson, seconded by Supervisor Valadez and carried by a 4-0 vote, to close the public hearing and adopt the Ordinance.

TRANSPORTATION

27. Hearing - Traffic Ordinance

ORDINANCE NO. 2016 - 67, of the Board of Supervisors, regulating parking on portions of Summit Street in Pima County, Arizona. Staff recommends APPROVAL. (District 2)

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Bronson, seconded by Supervisor Valadez and carried by a 4-0 vote, to close the public hearing and adopt the Ordinance.

28. Hearing - Traffic Ordinance

ORDINANCE NO. 2016 - 68, of the Board of Supervisors, for installation of an abutting school crosswalk on Summit Street east of Vanessa Lane in Pima County, Arizona. Staff recommends APPROVAL. (District 2)

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Bronson, seconded by Supervisor Valadez and carried by a 4-0 vote, to close the public hearing and adopt the Ordinance.

REGIONAL WASTEWATER RECLAMATION

29. Hearing - Code Text Amendment

ORDINANCE NO. 2016 - 69, of the Board of Supervisors, relating to wastewater; amending Pima County Code, Title 13, Chapter 24, Sanitary Sewer User Fees. (All Districts)

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Bronson, seconded by Supervisor Valadez and carried by a 4-0 vote, to close the public hearing and adopt the Ordinance.

PRESENTATION

30. Presentation by Kelly Fryer and Bryan Davis, Co-Chairs of the Southern Arizona Hate Crimes Task Force, asking the Board of Supervisors to declare Pima County part of the We Stand Together network.

Kelly Fryer addressed the Board about hate crimes and the We Stand Together Network.

Bryan Davis invited the Board to become a part of the We Stand Together Network by displaying decals on Pima County buildings.

It was moved by Supervisor Elías and seconded by Supervisor Valadez to support the We Stand Together Network and have the Board ratify their action at the Board of Supervisors Meeting on January 3, 2017 due to a question of notice on the agenda. Upon roll call vote, the motion carried 4-0.

PRESENTATION/PROCLAMATION

31. Presentation of a proclamation to Brent DeRaad, CEO of Visit Tucson and NOVA Home Loans Arizona Bowl Board Member, proclaiming the week of December 26 through 30, 2016 to be: "NOVA HOME LOANS ARIZONA BOWL WEEK"

It was moved by Chair Bronson, seconded by Supervisor Elías and carried by a 4-0 vote, to approve the item. Chair Bronson made the presentation.

CONTRACT AND AWARD

COUNTY ADMINISTRATOR

32. Vector Launch, Inc., to provide a Ground Lease on County-owned property located in the Aerospace, Defense and Technology Business and Research Park, contract amount \$2,400,000.00 revenue/25 year term (CTN-CA-17-120)

It was moved by Supervisor Valadez, seconded by Supervisor Elías and carried by a 4-0 vote, to approve the item.

33. Rio Nuevo Multipurpose Facilities District, to provide Ground Lease Option Agreements for the following County owned property:
- A. Broadway Boulevard property located on the north side between Scott Avenue and 6th Avenue, contract amount \$100.00 revenue (CTN-CA-17-119)
 - B. Cushing Street property located at the corner of Cushing Street and the I-10 Frontage Road, contract amount \$100.00 revenue (CTN-CA-17-118)

It was moved by Supervisor Valadez, seconded by Supervisor Elías and carried by a 4-0 vote, to approve the item.

COUNTY ATTORNEY

34. Mesch, Clark & Rothschild, P.C., Amendment No. 7, to provide legal services regarding the Magee Road Improvements; La Cañada Drive to Oracle, La Cañada Road: River Road to Ina Road and Homer Davis Elementary Transportation Enhancement Projects and amend contractual language, Transportation Non-Bond Project Fund, contract amount \$100,000.00 (CT-TR-15-81)

It was moved by Supervisor Valadez, seconded by Supervisor Elías and carried by a 4-0 vote, to approve the item.

FACILITIES MANAGEMENT

35. Daveck Properties, L.L.C., Amendment No. 1, to provide a lease for the Adult Probation West office, located at 3781 N. Highway Drive, Suite 109, extend contract term to 12/31/23 and amend contractual language, General Fund, contract amount \$896,800.00 (CT-SC-17-187)

It was moved by Supervisor Valadez, seconded by Supervisor Elías and carried by a 4-0 vote, to approve the item.

36. The Tucson January 8th Memorial Foundation, to provide a Funding Agreement for the design and construction of the January 8th Memorial, contract amount \$5,000,000.00 revenue (CTN-FM-17-121)

It was moved by Supervisor Valadez, seconded by Supervisor Elías and carried by a 4-0 vote, to approve the item.

37. Accelerate Diagnostics, Inc., Amendment No. 7, to provide a lease extension for 3950 S. Country Club Road, 4th Floor, extend contract term to 1/12/18 and amend contractual language, contract amount \$1,050,363.65 revenue (CTN-FM-13-55)

It was moved by Supervisor Valadez, seconded by Supervisor Elías and carried by a 4-0 vote, to approve the item.

PROCUREMENT

38. Award

Award of Contract: Master Agreement No. MA-PO-17-118, American Family Life Assurance Company, d.b.a. AFLAC (Headquarters: Columbus, GA), for voluntary employee supplemental insurance benefits. Contract is for an initial term of five (5) years in an amount not-to-exceed \$2,100,000.00 effective 7/1/17 with no renewal options. Funding Source: Employee Contributions. Administering Department: Human Resources.

It was moved by Supervisor Valadez, seconded by Supervisor Elías and carried by a 4-0 vote, to approve the item.

39. HDR Engineering, Inc., Amendment No. 7, to provide design engineering services for the Valencia Road: Mark Road to Ajo Highway Project (4RTVMW), extend contract term to 3/31/17 and amend contractual language, no cost (CT-TR-11023557-P) Transportation

It was moved by Supervisor Valadez, seconded by Supervisor Elías and carried by a 4-0 vote, to approve the item.

40. Borderland Construction Company, Inc., Granite Construction Company, Inc., KE&G Construction, Inc., Markham Contracting Company, Inc., and Southern Arizona Paving and Construction Company, to provide a job order master agreement for traffic signal, road intersection, paving and drainage improvements, HURF Fund, contract amount \$3,000,000.00 (MA-PO-17-117) Transportation

It was moved by Supervisor Valadez, seconded by Supervisor Elías and carried by a 4-0 vote, to approve the item.

PUBLIC WORKS ADMINISTRATION

41. Green Valley Community Coordinating Council, Inc., d.b.a. Green Valley Council, Amendment No. 1, to provide for Green Valley Council services, extend contract term to 12/31/17 and amend contractual language, DOT (30%), RWRD (20%), RFCD (10%), DEQ (15%), Health (15%), and DSD (10%) Funds, contract amount \$75,000.00 (CT-PW-16-180)

It was moved by Supervisor Valadez, seconded by Supervisor Elías and carried by a 4-0 vote, to approve the item.

REAL PROPERTY

42. United States Air Force, to provide a Grant of Easement for the Davis-Monthan Land Metering Station located in Sections 22 and 27, T14S, R14E, G&SRM, Pima County, Arizona, \$25.00/25 year term (CT-PW-16-257)

It was moved by Supervisor Valadez, seconded by Supervisor Elías and carried by a 4-0 vote, to approve the item.

43. Rillito Park Foundation, Amendment No. 1, to provide an operating agreement for the Historic J. Rukin Jelks House and amend contractual language, no cost (CTN-PW-13-300)

It was moved by Supervisor Valadez, seconded by Supervisor Elías and carried by a 4-0 vote, to approve the item.

44. Friends of Robles Ranch, d.b.a. My Friend's Closet, Amendment No. 1, to provide for the operation and distribution of clothing and household goods, extend contract term to 12/31/17 and amend contractual language, no cost (CTN-PW-16-31)

It was moved by Supervisor Valadez, seconded by Supervisor Elías and carried by a 4-0 vote, to approve the item.

TRANSPORTATION

45. Vail Unified School District, Amendment No. 1, to provide for the design and construction of the Colossal Cave Road: Acacia Elementary School to Old Vail Middle School Project (4RTCCS), extend contract term to 12/28/18 and amend contractual language, contract amount \$42,975.00 revenue (CTN-TR-16-11)

It was moved by Supervisor Valadez, seconded by Supervisor Elías and carried by a 4-0 vote, to approve the item.

46. City of Tucson, to provide for the Cooperative Public Highway, Road and Street (Roadways) and Intersection Inter-Jurisdictional Maintenance Project, no cost/20 year term (CTN-TR-17-106)

It was moved by Supervisor Valadez, seconded by Supervisor Elías and carried by a 4-0 vote, to approve the item.

47. City of Tucson, Amendment No. 2, to provide Joint Administration of Public Works Capital Improvement Construction Projects and Personnel Balancing Services, extend contract term to 5/31/17 and amend contractual language, no cost (CT-TR-12-1706)

It was moved by Supervisor Valadez, seconded by Supervisor Elías and carried by a 4-0 vote, to approve the item.

48. Pima Association of Governments, to provide for the Old Spanish Trail and Cactus Forest Drive Projects, contract amount \$411,000.00 estimated revenue (CTN-TR-17-113)

It was moved by Supervisor Valadez, seconded by Supervisor Elías and carried by a 4-0 vote, to approve the item.

49. Pima Association of Governments, to provide durable pavement markings, contract amount \$625,000.00 estimated revenue (CTN-TR-17-112)

It was moved by Supervisor Valadez, seconded by Supervisor Elías and carried by a 4-0 vote, to approve the item.

GRANT APPLICATION/ACCEPTANCE

50. **Acceptance – Health**

American Society for the Prevention of Cruelty to Animals (ASPCA), to provide for humane and lifesaving response to illness outbreak, \$3,000.00 (GTAW 17-51)

It was moved by Supervisor Valadez, seconded by Supervisor Elías and carried by a 4-0 vote, to approve the item.

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

United Way, to provide for the Emergency Food and Shelter Program, Federal Emergency Management Agency Fund, \$148,575.00 (GTAW 17-52)

It was moved by Supervisor Valadez, seconded by Supervisor Elías and carried by a 4-0 vote, to approve the item.

52. **Acceptance – Health**

American Society for the Prevention of Cruelty to Animals (ASPCA), to provide for the Keep Families Together Pet Retention Program, \$50,000.00 (GTAW 17-50)

It was moved by Supervisor Valadez, seconded by Supervisor Elías and carried by a 4-0 vote, to approve the item.

BOARD, COMMISSION AND/OR COMMITTEE

53. **Metropolitan Education Commission**

- Reappointment of Patrick Derrig, representing MEC Youth Advisory Council/Tucson Teen Congress. Term expiration: 11/12/19. (Commission recommendation)
- Reappointment of Deborah Embry, representing African American Community. Term expiration: 5/16/19. (Commission recommendation)

It was moved by Supervisor Valadez, seconded by Supervisor Elías and carried by a 4-0 vote, to approve the item.

PROCLAMATION

54. Proclamation declaring February 2, 2017 to be:
"MOST REVEREND GERALD F. KICANAS, D.D., BISHOP OF TUCSON DAY"

It was moved by Supervisor Valadez, seconded by Supervisor Elías and carried by a 4-0 vote, to approve the item.

PROCUREMENT

55. **Hearing - Appeal of the Procurement Director's Decision**

Pursuant to Pima County Code 11.20.010(J), DeConcini McDonald Yetwin & Lacy, P.C., appeals the decision of the Procurement Director regarding Solicitation No. 228614, Merit System Legal Representation.

Barry Corey, DeConcini McDonald Yetwin & Lacy, requested that the award be reversed based upon his written submissions and summarized that the winning bid had not been responsive. He stated that he had represented the Commission for over 30 years and had a good attorney/client relationship.

Supervisor Elías stated it was important that the Merit System Commission be involved in the decision regarding their legal counsel.

Donna Aversa, Leonard and Felker, P.L.C., addressed the Board and stated she believed her request to be responsive and had been determined by the Procurement Director to be responsive. She discussed the evaluation criteria and the hourly rate which was 40 out of 100 points. Ms. Aversa stated she had provided a written response regarding the award and asked that the Procurement Director's decision be upheld and the award granted as cited.

Mr. Corey responded to the evaluation criteria regarding cost and noted there was no criteria for the calculation of the points.

It was moved by Supervisor Elías, seconded by Supervisor Valadez and carried by a 4-0 vote, to close the hearing, uphold the appeal and award the contract to Barry Corey, DeConcini McDonald Yetwin & Lacy.

CONSENT CALENDAR

56. **Approval of the Consent Calendar**

It was moved by Supervisor Valadez and seconded by Supervisor Carroll to approve the Consent Calendar in its entirety. No vote was taken at this time.

Chair Bronson requested to divide the questions on Consent Calendar Item No. 15 for separate discussion and vote. Supervisor Valadez withdrew his motion.

It was then moved by Chair Bronson, seconded by Supervisor Carroll and carried by a 4-0 vote, to approve remainder of the Consent Calendar.

* * *

PULLED FOR SEPARATE ACTION

CONTRACT AND AWARD

Public Works Administration

15. Rillito Racing, Inc., Amendment No. 2, to provide for the non-exclusive operation of Rillito Racetrack, extend contract term to 6/30/21 and amend contractual language, contract amount \$956,000.00 revenue (CT-ED-14-537)

Supervisor Elías requested staff complete an evaluation on the future multiuse of Rillito to determine how the money should be spent and suggested the contract be continued to the January 17, 2017 meeting.

Supervisor Valadez asked if delaying this contract would be problematic.

Chuck Huckelberry, County Administrator, reported that the 2017 racing season would be covered under the current contract.

Chair Bronson cited unresolved issues and added that all stakeholders should be included in the evaluation.

It was then moved by Supervisor Elías and seconded by Chair Bronson to continue the item to the Board of Supervisors' Meeting of January 17, 2017. No vote was taken at this time.

Supervisor Elías requested that Mr. Wells be given the opportunity to address the Board.

Jaye Wells stated this was a critical juncture for Rillito and that they were stymied in their ability to approach donors and sponsors. He urged the Board to reconsider the motion to continue the contract and asked that the Board approve the contract. He added that the continuation of the contract would be the end of racing at the Rillito Racetrack.

Upon the vote, the motion carried 4-0.

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CONTRACT AND AWARD

Community Development and Neighborhood Conservation

1. City of Tucson, to provide for Country Glenn Neighborhood Association Treat Road Improvements, 2004 Bond Fund, contract amount \$191,300.00 (CT-CD-17-149)
2. City of South Tucson, to provide for the City of South Tucson Land and Pedestrian Safety Project, no cost (CTN-CD-17-103)
3. YWCA Southern Arizona, to provide for the Women's Counseling Network Program, Board of Supervisors Contingency Fund, contract amount \$18,000.00 (CT-CD-17-203)
4. YWCA Southern Arizona, to provide for the House of Neighborly Service Program, Board of Supervisors Contingency Fund, contract amount \$32,500.00 (CT-CD-17-202)
5. Pima County Community Land Trust, to provide for the Ontario Rental Housing Project, 2004 Bond Fund, contract amount \$400,000.00 (CT-CD-17-197)
6. Pima County Community Land Trust, to provide for the Sonora Rental Housing Project, 2004 Bond Fund, contract amount \$100,000.00 (CT-CD-17-201)
7. Epidaurus, d.b.a. Amity Foundation, Amendment No. 2, to provide for the Dragonfly Village Project, extend contract term to 3/25/45 and amend contractual language, no cost (CT-CD-13-662)
8. TMM Family Services, Inc., to provide for the TMM Family Services Senior and Veteran Rental Housing Project, 2004 Bond Fund, contract amount \$545,000.00 (CT-CD-17-195)

Community Services, Employment and Training

9. Jose Gabriel Loyola, d.b.a. Loyola Associates, to provide consultant and technical assistance for workforce programs, USDOL and ADES Funds, contract amount \$39,600.00 (CT-CS-17-196)
10. Goodwill Industries of Southern Arizona, Inc., Amendment No. 1, to provide Workforce Development Services in the ARIZONA@WORK - Workshops, amend contractual language and scope of work, WIOA, ADES, Pima County Community College Health Profession Opportunity Grant and General (\$25,000.00) Funds, contract amount \$33,350.00 (CT-CS-16-309)

Constables

11. Constable's Ethics, Standards and Training Board, to provide vests, gear and uniforms, contract amount \$6,143.51 revenue (CTN-CO-17-77)
12. Constable's Ethics, Standards and Training Board, to provide laptops, contract amount \$7,635.35 revenue (CTN-CO-17-76)

County Administrator

13. City of Tucson, to provide licensing and maintenance for the Executive Pulse Customer Relations System, General Fund, contract amount \$37,522.50/5 year term (CT-CA-17-213)

Elections

14. Town of Marana, to provide election services, contract amount estimated \$56,000.00 revenue/5 year term (CTN-EL-17-108)

Public Works Administration

15. Rillito Racing, Inc., Amendment No. 2, (PULLED FOR SEPARATE ACTION)

Real Property

16. Fidelity National Title Agency, Inc., as Trustee under Trust No. 60230, to provide for the acceptance for an Agreement to Donate Land for Davis-Monthan Air Force Base Approach and Departure Corridor of 7.83 acres of undeveloped land and a special warranty deed located in the area of S. Kolb and W. Valencia Road, Tax Parcel Nos. 141-03-0880, 0890, 090A, 091A, 123A, and 1240, General Fund, contract amount not to exceed \$11,500.00 (CT-PW-17-206)
17. Alexander Lee Duquette and Setareh Duquette, to provide for the First Avenue and Ina Road/Agreement to Donate Real Property and a Special Warranty Deed located in Section 31, T12S, R14E, G&SRM, Tax Parcel No. 220-17-0120, General Fund, contract amount \$3,300.00 for closing costs (CT-PW-17-199)

GRANT APPLICATION/ACCEPTANCE

18. **Acceptance - Health**
Arizona Companion Animal Spay/Neuter Committee, to provide Community Cat Sterilization Surgeries, \$5,000.00 (GTAW 17-43)
19. **Acceptance - Health**
American Society for the Prevention of Cruelty to Animals (ASPCA), to provide Animal Cruelty Investigator Training, \$2,500.00 (GTAW 17-45)

20. **Acceptance - Health**
American Society for the Prevention of Cruelty to Animals (ASPCA), to provide supplies for the Field Return to Owner Pilot Program, \$5,000.00 (GTAW 17-48)
21. **Acceptance - Community Services, Employment and Training**
Pima Community College, Amendment No. 1, to provide for the Arizona Aviation, Mining, and Manufacturing Program and amend contractual language, no cost (GTAM 17-29)
22. **Acceptance - Community Services, Employment and Training**
City of Tucson, to provide for the Continuum of Care - ECHO Supportive Housing Program, U.S. Department of Housing and Urban Development Fund, \$101,129.00 (GTAW 17-47)
23. **Acceptance - Sheriff**
Arizona Department of Homeland Security, to provide for the Operation Stonegarden Grant Program - Overtime and Mileage, U.S. Department of Homeland Security Fund, \$1,176,208.00 (GTAW 17-39)
24. **Acceptance - Sheriff**
Arizona Department of Homeland Security, to provide for the Operation Stonegarden Grant Program - Equipment, U.S. Department of Homeland Security Fund, \$144,652.00 (GTAW 17-40)
25. **Acceptance - Health**
Arizona Department of Health Services, to provide for the HIV Surveillance Program, Arizona Department of Health Services and Center for Disease Control and Prevention Funds, \$60,682.00 (GTAWR 17-1)

BOARD, COMMISSION AND/OR COMMITTEE

26. **Pima County/Tucson Women's Commission**
Reappointment of Annie Sykes. Term expiration: 12/31/20. (District 5)
27. **Merit System Commission and Law Enforcement Council**
Reappointment of Paul Rubin. Term expiration: 12/31/20. (District 5)
28. **Flood Control District Advisory Committee**
Appointment of Ann Youberg, to fill a vacancy created by Amy McCoy. No Term Expiration. (District 5)
29. **Flood Control District Board of Hearing Review**
Appointment of Ann Youberg, to fill a vacancy created by Amy McCoy. No Term Expiration. (District 5)

SPECIAL EVENT LIQUOR LICENSE/TEMPORARY EXTENSION OF PREMISES/PATIO PERMIT/WINE FAIR/WINE FESTIVAL APPROVED PURSUANT TO RESOLUTION NO. 2016-62

30. Temporary Extension

- 06100228, Scott A. Busse, Territorial, 3727 S. Palo Verde, Tucson, Temporary Extension of Premises for November 19, 2016.
- 12104129, Grant Darien Krueger, Union, L.L.C., 4340 N. Campbell Avenue, Suite 103, Tucson, Temporary Extension of Premises for December 16, 2016.
- 06100203, Randy D. Nations, Hot Rods Old Vail, 10500 E. Old Vail Road, Tucson, Temporary Extension of Premises for December 11, 2016.
- 07100326, Thomas Robert Aguilera, Tucson Hop Shop, 3230 N. Dodge Boulevard, Tucson, Temporary Extension of Premises for December 31, 2016 and January 1, 2017.

ELECTIONS

31. Precinct Committeemen

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

RESIGNATION-PRECINCT-PARTY

Morgan G. Abraham-042-DEM; Nicholas R. Mahon-042-DEM; Catherine I. Paredes-042-DEM; Richard A. Calabro-074-DEM; Lee R. Foulkes-157-DEM

FINANCE AND RISK MANAGEMENT

32. Duplicate Warrants - For Ratification

Jennifer E. Isom \$154.80; William H. L. Fussell \$89.40; W. R. Newman-Chris Meyers \$18,425.00; Arizona Instrument, L.L.C. \$718.00; United Way Capital Corp. \$12,158.40; West Publishing Corp. \$7,056.76; John Luke Perales \$46.68; Gail Aleece Masek \$100.00; Sean M. Ollila \$26.70; Ralph E. Ellinwood \$2,520.00; National University of Natural Medicine \$48.00; Barbara J. Short \$417.20; Kenneth Peter Dagostino \$2,032.00; Carol Trejo \$657.40; American Indian Assoc. of Tucson Indian Center \$624.85; American Indian Assoc. of Tucson Indian Center \$440.28.

TREASURER

33. Fill the Gap

Staff requests approval of the annual certification, as directed by A.R.S. §41-2421, that the five percent set-aside "Fill-the-Gap" Funds in the amount of \$1,194,090.71 be transferred to the Local Courts Assistance Fund for supplemental aid to Superior and Justice Courts for processing of criminal cases.

34. **Certificate of Removal and Abatement - Certificate of Clearance**

Staff requests approval of the Certificates of Removal and Abatement/Certificates of Clearance in the amount of \$14,283.77

RATIFY AND/OR APPROVE

35. Warrants: November, 2016

* * *

36. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 1:30 p.m.

CHAIR

ATTEST:

CLERK