

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

The Pima County Board of Supervisors met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, January 22, 2019. Upon roll call, those present and absent were as follows:

Present: Richard Elías, Chairman  
Ramón Valadez, Vice Chair  
Sharon Bronson, Acting Chair  
Ally Miller, Member  
Steve Christy, Member

Also Present: Jan Leshner, Chief Deputy County Administrator  
Andrew Flagg, Chief Civil Deputy County Attorney  
Julie Castañeda, Clerk of the Board  
Daniel Jelineo, Sergeant at Arms

### **1. INVOCATION**

The invocation was given by Pastor Gilbert Garcia, Son Life Chapel.

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

All present joined in the Pledge of Allegiance.

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

Chairman Elías commented on the success of the Martin Luther King, Jr. Day march on January 21, 2019.

Supervisor Christy spoke in remembrance of Schuyler W. Lininger, acknowledged his life achievements and observed a moment of silence.

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

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

### **PRESENTATION/PROCLAMATION**

5. Presentation of a proclamation to Carrie Durham, Business Development Director, Heart Walk, and Greg Taylor, Chair, Heart Walk, proclaiming the day of Saturday, April 27, 2019 to be: "AMERICAN HEART ASSOCIATION DAY"

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

## 6. **CALL TO THE PUBLIC**

Christopher Cole, Chairman, Pima County Libertarian Party, addressed the Board regarding County spending, road repair and the redundancy of Transportation employees.

Roger Score addressed the Board regarding border protection, County spending and the Board's responsibilities.

Geri Ottoboni spoke to the Board about County projects and spending.

Keith Van Heyningen addressed the Board regarding opposing opinions.

Russell Trask addressed the Board regarding freedom of speech.

The following speakers addressed the Board in support of the Community Law Enforcement Partnership Commission (CLEPC):

- Isabel Garcia
- Brenda Wexler
- Ryan Kelly
- Kristen Randall
- Steve Diamond, Justice Alliance
- Janni Simner, Justice Alliance
- John Denker, Justice Alliance

They offered the following comments:

- CLEPC was not a decisions making body, but provided advice to the Board that included input from citizens and law enforcement.
- Racial profiling by the Sheriff's Department had occurred and Supervisor Miller did not recognize the depth of the problem because she was not a member of the community of color.
- CLEPC promoted democracy.
- Expressed hope that the Board would allow CLEPC to continue.
- CLEPC was not anti-police but pro-people.
- Conversations of opposing political ideals were proactive and beneficial.
- The Justice Alliance submitted two proposals outlining their recommendations for the CLEPC's role, scope and mission.
- Requested that the CLEPC's mission not only include grant recommendations to the Board, but that they mediate dialogue between the public, the Sheriff and the Board.
- CLEPC should facilitate transparency and accountability regarding the impact of rules, regulations, policies and activities, with a focus on fiscal responsibility, public safety and discriminatory practices within the Sheriff's Department
- The Justice Alliance detailed their two proposals and indicated that they preferred the broader proposal.

Chris King addressed the Board regarding their responsibilities and the lack of proof regarding the Sheriff Department's racial profiling practices.

Supervisor Miller commented that individuals should not make assumptions with regards to the racial background of Board members. She stated that there was no evidence of racial profiling by the Sheriff's Department.

Chairman Elías directed the County Attorney to provide a memorandum regarding Board members addressing accusations made by members of the community during Call to the Public.

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

7. The Board of Supervisors on December 18, 2018, continued the following:

#### **Community Law Enforcement Partnership Commission**

The Community Law Enforcement Partnership Commission requests clarification from the Board of Supervisors regarding the role, scope and mission of the commission.

Supervisor Valadez indicated that he envisioned the goal of the Community Law Enforcement Partnership Commission (CLEPC) would be for the Commission to be a well-educated venue for the public, the Board, and for law enforcement regarding issues involving law enforcement policies, and community and public safety. He commented about the importance of the two proposals presented by the Justice Alliance, but indicated that the Commission's first objective should be to streamline the grant recommendation and advisory process. He indicated that the CLEPC should provide their recommendations to the Board on the types of grants that should be reviewed by the Commission and which grants would receive an automatic recommendation. He added that the review and recommendation of grants by the CLEPC be restricted to a 30-day time limit. He added that the timeline would commence on the day the grant was received by the Clerk of the Board's Office.

It was moved by Supervisor Valadez and seconded by Supervisor Bronson to continue CLEPC, add a 30-day time limit for CLEPC to provide a recommendation to the Board and that the review and recommendation process be streamlined. No vote was taken at this time.

Supervisor Valadez indicated that once the process had been streamlined the Board would entertain further discussions on the recommendations made by the Justice Alliance.

Supervisor Bronson inquired whether the motion included the direction that the CLEPC provide the Board with information regarding grants recommended for automatic approval.

Supervisor Valadez accepted the recommendation as part of his motion.

Supervisor Christy indicated that his preference was that the CLEPC be disbanded. He stated that the forum was being used to protest police involvement, policing of the border and other immigration issues. He indicated that the Sheriff and law enforcement officials should be solely responsible for deciding which grants were suitable and that grant acceptance should not be decided by the Board or individuals with no experience or knowledge on the law enforcement grant system. He commented about the Sheriff having the ability to create an advisory committee if he so desired, and that the Board should leave the oversight of law enforcement to experts.

Supervisor Miller expressed her agreement with disbanding the CLEPC. She stated that the CLEPC was dysfunctional and members were continually accusing Sheriff's Deputies of wrongdoing and providing no evidence. She commented about data received from the Sheriff's Department which showed no claims of racial profiling and that she found those claims offensive. She indicated that making assumptions on people of any skin color was wrong. She commented about the importance of transparency and indicated that the Sheriff could seek community input if he so desired. She added that the CLEPC had an agenda beyond their role and they should be disbanded.

Chairman Elías expressed concern with the views of Supervisors Christy and Miller. He indicated that the public should have the ability to discuss actions taken by the Sheriff's Department and be informed about grant allocations. He stated that a law enforcement review panel provided objective advice independent of the powers of the Sheriff and provided transparency and community involvement necessary to help law enforcement agencies do their job. He indicated that racial profiling was a problem and it happened quickly without leaving evidence. He added that allowing the public to have a voice in law enforcement matters was a means to protect officers as well as the public, and it did not infringe on the authority of the Sheriff. He stated that the Commission allowed individuals the opportunity to speak freely independent of the fears that sometimes hinder them from having conversations with law enforcement.

Supervisor Bronson acknowledged the policy differences within the Board but noted that all members required transparency and accountability. She inquired about a privileged memorandum from the County Attorney that was mentioned during Call to the Public and whether an item to waive the attorney-client privilege needed to be placed on a future Board Agenda.

Andrew Flagg, Chief Civil Deputy County Attorney, replied that the request could be made to waive the attorney-client privilege because it was within the scope of the agenda item and would be an acceptable motion in terms of open meeting laws.

Supervisor Bronson amended the motion to include that the attorney-client privilege be waived for the January 7, 2019 memoranda from the Chief Civil Deputy County Attorney.

Supervisor Valadez accepted the amended motion. He also requested that the Justice Alliance's proposals be included as part of the record.

Upon roll call vote, the motion carried 3-2, Supervisors Christy and Miller voted "Nay."

## **DEVELOPMENT SERVICES**

### **8. Final Plat With Assurances**

P18FP00025, Rancho Cascabel, Lots 1-59, Common Areas "A, B, C, & D."  
(District 3)

It was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to approve P18FP00025.

## **INDUSTRIAL DEVELOPMENT AUTHORITY**

### **9. Liberty Traditional Project**

RESOLUTION NO. 2019 - 6, of the Board of Supervisors, approving the proceedings of the Industrial Development Authority of the County of Pima regarding the issuance of its not-to-exceed \$17,000,000.00 Education Facility Refunding Bonds (Liberty Traditional Project, 13419 W. Ocotillo Road, Glendale, Arizona, 6805 N. 125th Avenue, Maricopa County, Arizona and 790 E. Rodeo Road, Williams, Arizona), Series 2019 and declaring an emergency.

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

## **PROCUREMENT**

### **10. The Board of Supervisors on January 8, 2019, continued the following:**

#### **Award**

Amendment of Award: Master Agreement No. MA-PO-18-292, Miovision Technologies Incorporated, for Miovision signal analytics equipment. This revision is to process an increase in the amount of \$427,000.00 for a cumulative not-to-exceed

contract amount of \$650,000.00. This increase is to support the planned purchase of Miovision equipment for additional intersections allowing capability to review traffic operations. Annual award amount remains at \$223,000.00. Funding Source: Traffic Engineering Fund. Administering Department: Information Technology.

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

## **REAL PROPERTY**

### **11. Surplus Property**

Staff requests approval to sell surplus property consisting of a portion of Tax Parcel No. 114-57-0670, which consists of a single family residence containing 3,718 square feet on 3.291 acres of land at 10509 E. Tanque Verde, by auction to the highest bidder. (District 4)

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

## **FRANCHISE/LICENSE/PERMIT**

### **12. Hearing - Liquor License**

Job No. 39823, Andrea Dahlman Lewkowitz, Humble Pie Pizza Wine & Spirits, 2905 E. Skyline Drive, No. 294, Tucson, Series 12, Restaurant, New License.

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

## **DEVELOPMENT SERVICES**

### **13. Hearing – Rezoning**

#### **P18RZ00007, FIMBRES - S. VICTOR DRIVE REZONING**

Request of Francisco Fimbres, represented by Ken Perry, for a rezoning of approximately 4.35 acres from the RH (Rural Homestead) zone to the GR-1 (Rural Residential) zone, on property located at the southwest corner of the intersection of S. Victor Drive and W. Los Reales Road (alignment). The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Medium Intensity Rural. On motion, the Planning and Zoning Commission voted 9-0 (Commissioner Bain was absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 3)

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

1. The property owner shall not further lot split or subdivide the land without the written approval of the Board of Supervisors.
2. Adherence to the sketch plan as approved at public hearing.
3. Flood Control condition:  
A site plan shall be submitted to the Pima County Regional Flood Control District for review and approval prior to issuance of any building permits for any of the lots, unless the lots have been removed from the Special Flood Hazard Area by an effective Letter of Map Revision approved by the Federal Emergency Management Agency.
4. Wastewater Reclamation conditions:
  - 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 rezoning area until Pima County executes an agreement with the owner(s) to that effect.
  - B. The owner(s) 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(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.
  - C. The owner(s) 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(s) 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(s) 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(s) 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.
5. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
6. Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site; and Pima County may enforce this rezoning condition against the property owner.
7. The property owner shall execute the following disclaimer regarding Proposition 207 rights:

"Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134.

8. 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.

Supervisor Bronson inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Bronson, seconded by Chairman Elías and unanimously carried by a 5-0 vote, to close the public hearing and approve P18RZ00007, subject to standard and special conditions.

#### 14. **Hearing – Rezoning**

##### P18RZ00009, VENTANA CANYON CAR WASH, L.L.C. - N. SABINO CANYON ROAD REZONING

Request of Ventana Canyon Car Wash, L.L.C., represented by The Planning Center, for a rezoning of approximately 0.60 acres from the CB-1 (BZ) (Local Business - Buffer Overlay) zone to the CB-2 (BZ) (General Business - Buffer Overlay) zone, on property located on the east side of N. Sabino Canyon Road, approximately 500 feet north of the intersection of N. Sabino Canyon Road and E. Snyder Road. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Community Activity Center. On motion, the Planning and Zoning Commission voted 9-0 (Commissioner Bain was absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 1)

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

1. Adherence to the sketch plan as approved at public hearing.
2. A minimum six-foot-high masonry wall (as measured from the site's interior) shall be maintained on the north, east, and south sides of the site. The wall shall be augmented on top with the existing 2.5-foot metal screen on the east and south sides that shall be extended on the north side approximately 50 feet from the northeast corner of the wall. The minimum 2.5-foot height extension may also be achieved with masonry blocks. A minimum five-foot vegetated landscape buffer shall be maintained outside of the wall along the north, east, and south property boundaries.
3. The entire area between the front property line and the edge of the existing parking lot shall be landscaped consistent with the plant density and structure requirements of either a 15-foot or 20-foot landscape bufferyard "D" depending on the width of this area.
4. Outdoor storage shall not be visible from outside of the site, including used oil containers. The refuse area shall be fully screened to include a gate. Repair of vehicles shall be performed only within indoor service bays. Vehicles kept overnight shall be stored in auto service bays or a gated area between the east and west service bay building areas. There shall be no openings to auto repair bays on the eastern-most side of the building.
5. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS

41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.

6. Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site; and Pima County may enforce this rezoning condition against the property owner.
7. The property owner shall execute the following disclaimer regarding Proposition 207 rights: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134.
8. 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.

Supervisor Miller inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Miller, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve P18RZ00009, subject to standard and special conditions.

## 15. **Hearing – Rezoning**

### P18RZ00010, JACOME - E. OLD SPANISH TRAIL REZONING

Request of Federico Jacome, represented by The Planning Center, for a rezoning of approximately 1.65 acres from the SR (Suburban Ranch) zone to the CR-1 (Single Residence) zone, on Parcel No. 136-10-020A located at the southwest corner of the intersection of E. Old Spanish Trail and S. Avenida Los Reyes. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Low Intensity Urban 1.2. On motion, the Planning and Zoning Commission voted 7-2 (Commissioners Gungle and Maese voted NAY; Commissioner Bain was absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 4)

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

1. The property owner shall not further lot split or subdivide the land without the written approval of the Board of Supervisors.
2. Cultural Resources condition: In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a

- professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
3. Adherence to the sketch plan as approved at public hearing.
  4. 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.
  5. The property owner shall execute the following disclaimer regarding Proposition 207 rights: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."
  6. The future driveway shall be located a minimum of 20 feet from the east and west property boundaries.
  7. The height of the residence is limited to one-story.

Dale Murray addressed the Board regarding the influx of C-1 and CR-1 rezoning occurring adjacent to his property. He asked that the Board deny the rezoning.

Chairman Elías inquired about the rezoning cases in the area.

Chris Poirier, Deputy Director, Development Services, responded that rezoning requests were minimal, however, there were a significant number of CR-1 lots in the area. He added that this request was in line with the Comprehensive Plan. He also indicated that the City of Tucson maintained RX-1 zoned properties in the area that were equivalent to Pima County's CR-1.

Mr. Murray informed the Board that several objection letters were submitted and numerous objections were made at the Planning and Zoning Commission's Meeting.

Supervisor Christy asked that the developer's representative address the Board.

Lexy Wellott, Project Manager, The Planning Center, indicated that there were several RX-1 and CR-1 zoned properties in the area. She stated that the rezoning request was to correct a 2005 lot split that occurred. She added that the rezoning would allow for one additional home and included the conditions that no further lot splits be allowed and that no more than one home be placed on the property.

Supervisor Christy asked if there were any accommodations for Mr. Murray.

Mr. Poirier responded that the conditions allowed for only one additional home, a height limit and a setback for the driveway.

Supervisor Miller asked whether the Comprehensive Plan called for higher density in the area, and asked why the entire area wasn't rezoned to make it fair and equitable for all residents.

Mr. Poirier explained that the Comprehensive Plan was a policy document detailing what the County would become over time. He stated that the rezoning process was effectuated upon an individual homeowner's request for rezoning. He indicated that this process required that the homeowner pay fees, provide public outreach, and that public hearings be held for surrounding property owners. He stated that existing neighbors could collaborate and apply for one large rezoning. He noted that the Board, in certain circumstances, had directed staff to zone properties so that they were consistent with the Comprehensive Plan; but the process for residential properties began with the property owner making the request. He indicated that the long range plan included rezoning properties west of Avenida Los Reyes to a CR-1 zone. He added that CR-1 rezoning requests for properties east of Avenida Los Reyes required amending the Comprehensive Plan.

Linda Morales, Principal, The Planning Center, stated that additional conditions were added to address Mr. Murray's concerns. She indicated that the rezoning allowed for the owner to remain on the property, the addition of a single-story custom home, and shared access to Old Spanish Trail. She added that the access was not located in close proximity to Mr. Murray's home.

Mr. Murray indicated that the property originally accessed Golf Links Road and had been relocated due to the zoning. He added that the new access incorporated a dangerous four-way stop intersection.

Mr. Poirier responded that the existing driveway was previously established.

Supervisor Miller asked when the driveway was established.

Ms. Morales responded that the driveway was established in 1980.

Supervisor Miller inquired whether the driveway was modified to accommodate the rezoning.

Mr. Poirier stated that the driveway was not modified and remained in the same location.

It was moved by Supervisor Christy, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to close the public hearing and approve P18RZ00010, subject to standard and special conditions.

#### 16. **Hearing - Modification of a Rezoning Condition**

##### Co9-83-94, TRANSAMERICA TITLE NO. 8155 - SUNRISE DRIVE REZONING

Request of Ventana Canyon Alliance, L.L.C., represented by The WLB Group, for a modification of rezoning Condition No. 21 that restricts the residential use of the property to attached clubdominiums. The modification proposes to allow for detached single-family residential lots. The subject property is approximately 2.4 acres zoned TR (Transitional) located on the west side of N. Hole in the Wall Way,

approximately 650 feet north of the intersection of E. Ventana Canyon Drive and E. Hole in the Wall Way. Staff recommends APPROVAL WITH CONDITIONS.  
(District 1)

1. Submittal of a complete hydraulic and hydrologic drainage report as determined necessary by the Department of Transportation and Flood Control District.
2. Submittal of a development plan if determined necessary by the appropriate County agencies.
3. Dedication of necessary right-of-way for roads and drainage by separate instrument if the property is not to be subdivided.
4. Recording an acceptable plat which will provide for dedication of necessary rights-of-way for roads and drainage if the property is to be subdivided.
5. Recording a covenant holding Pima County harmless in the event of flooding.
6. Conformance with County paving policies as determined appropriate by the Department of Transportation and Flood Control District.
7. Recording the necessary development related covenants as determined appropriate by the various County agencies.
8. Provision of development related assurances as required by the appropriate agencies.
9. Wastewater Management Conditions:
  - A. A suitable arrangement with Pima County Wastewater Management Department regarding sanitary facilities.
  - B. A Sewer Basin Study may be required.
  - C. The outfall sewer may have to be oversized based on basin flow calculations.
  - D. Sewers within the development may have to be oversized for flow-through requirements.
  - E. Augmentation of a downstream system may be required.
  - F. Any industrial waste discharged into the public sanitary sewerage system shall meet the requirements of Pima County Ordinance No. 1982-154, as amended.
  - G. An Industrial Wastewater Discharge Permit may be required prior to the issuance of a building permit.
10. Transportation Conditions:
  - A. Dedication of 90-feet wide full right-of-way, along with 30-feet wide slope easements on either side of the full right-of-way, for Kolb Road extension through the subject property.
  - B. Construction of four-lane wide Kolb Road extension between the west boundary of the property and Sunrise Drive to applicable Pima County standards for major collectors. The design and construction shall need full approval of the Pima County Department of Transportation and Flood Control District. Staging of these improvements to be approved by Pima County prior to any tentative plat or development plan submittals.
  - C. Dedication of a total of 75 feet wide half right-of-way for the north half of Sunrise Drive adjoining the subject property.
  - D. Provision of all improvements on Sunrise Drive, adjoining the property, determined necessary by the Department of Transportation and Flood Control District.
11. Flood Control Conditions:
  - A. The petitioner must sign covenants stating that no structures shall be constructed within the natural 100-year flood plain as determined by a hydraulic and hydrologic report.
  - B. The petitioner should sign covenants stating that drainage will not be altered, disturbed or obstructed without approval from Pima County Flood Plain Board.
  - C. The submittal of a comprehensive drainage plan to Pima County's Flood Control District for approval. This comprehensive drainage plan should include but not be limited to the following:
    - 1) An analysis of existing onsite and downstream drainage conditions and structures.
    - 2) An analysis of the affect the proposed developments(s) will have on onsite and downstream conditions and structures. This analysis must provide special emphasis on anticipated changes to the 100 year water surface elevations and discharge velocities.
    - 3) A discussion concerning how the developer plans to handle onsite detention/retention, specifically with regards to the transfer of detention from one

basin to another and the location of the detention basins.

- 4) A time table for the phasing of the projects and for specific drainage improvements required for the development of said project.
- 5) Submittal and approval of this master drainage plan will be required either before the submittal of a tentative plat or before the petitioner receives a zoning ordinance for any portion of this property, whichever comes first.
- D. Provision of all necessary drainage improvements, including, but not limited to, channelization and flood detention measures, shall be the responsibility of the property owner and are subject to approval of Pima County's Flood Control District.
- E. Any channelization or encroachment would have to be planned such that it would terminate at a logical conclusion which would create no adverse flood conditions to adjoining properties, such as diverting flow, concentrating flow, or increasing the flooding potential.
- F. The petitioner must dedicate all rights-of-way or grant flowage easements for drainage to Pima County, as determined necessary by Pima County Flood Control District.
- G. Since the property lies within a critical basin, the petitioner must comply with the conditions and restrictions as stated in the Flood Plain Management Ordinance.
- H. Building setbacks from channels may be required as determined appropriate by the Pima County Engineer.
- I. At the time of development, the applicant will be required to commit to water conservation measures identified in the Site Analysis requirement in effect at that time to obtain 15 points.
12. Adherence to the conceptual site plan and applicable policies of the Catalina Foothills Area Plan.
13. Density limited to 1,298 units, not including the TR areas at Kolb Road and Sunrise Drive.
14. Provision of a two-residence per acre, single family buffer in the CR-4 area west of the ridgeline. Preservation of view corridors in the two washes north of the ridgeline.
15. Provision of a 40-foot setback and acceptable landscaped buffer north and west of Indian Trails Estates. Development of offices at the northeast corner of Kolb Road and Sunrise Drive to be restricted to two stories.
16. Submittal and approval of a saguaro preservation plan in the CR-4 block adjacent to Wilmot Road alignment.
17. Submittal and approval of a pedestrian and bikeway access plan for residential blocks adjacent to Kolb Road.
18. CR-1 rear, side and front yard setbacks be provided for lots along the edge of the property abutting Cimmarron Foothills Estates.
19. Kolb Road shall be a public thoroughfare and the Director of Transportation is instructed to insure that the maximum public safety be guaranteed with the construction.
20. With the exception of the buffer areas between Indian Trails and Cimmarron, that the 20 foot height restriction is waived and the normal height restriction of 30 feet is reinstated.
21. TR in clubdominium area, is restricted to clubdominiums and/or single family residential with a maximum height of 30 feet.
22. Public access shall be granted to Ventana Canyon and the Estes Company is instructed to work with Trails Access Committee and Pima County Attorney's Office in order to insure that temporary access is granted until the western edge of the property can be opened. In any future development by the Estes Company in the area, they shall continue to grant public access to Ventana Canyon.
23. Owner/Developer(s) shall adhere to all policies, standards and ordinances that are in effect during the plan review process.
24. Dedication to provide for an ultimate 100-foot north half right-of-way for Sunrise Drive on the portion of property west of Kolb Road.
25. Receipt of a letter of credit for \$70,000 within two weeks of November 28, 1988. The \$70,000 will be made available to Pima County upon completion of the Kolb-Sunrise intersection improvements.
26. The two-inch asphaltic concrete overlay of Kolb Road shall be provided when deemed necessary by Pima County Department of Transportation and Flood Control District.
27. Cultural Resources condition: In the event that human remains, including human skeletal

remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.

Supervisor Miller inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Miller, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve Co9-83-94, subject to conditions.

**17. Hearing - Comprehensive Plan Amendment**

P18CA00007, PIMA COUNTY - W. RIVER ROAD PLAN AMENDMENT

Request of Pima County to amend the Pima County Comprehensive Plan from Resource Sensitive (RS) to Multiple Use (MU) land use designation for approximately 8.64 acres located at the northeast corner of the intersection of W. River Road and N. Shannon Road, in Sections 9 and 16, T13S, R13E, in the Catalina Foothills Planning Area. On motion, the Planning and Zoning Commission voted 4-3 (Commissioners Cook, Membrilla and Johns voted NAY; Commissioners Bain, Gungl and Tronsdal were absent) to recommend APPROVAL. Staff recommends APPROVAL. (District 1)

At the request of staff and without objection, this item was continued to the Board of Supervisors' Meeting of April 16, 2019.

**18. Hearing - Zoning Code Text Amendment**

P18TA00008, FOOD ACCESS NO. 3 - COMMUNITY FOOD PANTRY IN RH RURAL HOMESTEAD, GR-1 RURAL RESIDENTIAL, SH SUBURBAN HOMESTEAD, TR TRANSITIONAL AND MU MULTIPLE USE ZONES

Proposal to amend by ordinance the Pima County Zoning Code Chapter 18.03 (General Definitions), Section 18.03.020 (Definitions), to provide a definition for community food pantry; Chapter 18.09 (General Residential and Rural Zoning Provisions), Section 18.09.020 (General Requirements and Exceptions), to provide the zones which would permit a community food pantry; Chapter 18.13 (RH Rural Homestead Zone), Section 18.13.030 (Conditional Uses), Chapter 18.14 (GR-1 Rural Residential Zone), Section 18.14.030 (Conditional Uses), and Chapter 18.19 (SH Suburban Homestead Zone), Section 18.19.020 (Conditional Uses), to add community food pantry as a conditionally permitted use; Chapter 18.31 (TR Transitional Zone), Section 18.31.010 (Permitted Uses), to add community food pantry as a permitted use; and, Chapter 18.37 (MU Multiple Use Zone), Section 18.37.020 (MU Special Uses) to add community food pantry as a conditionally permitted MU special use. On motion, the Planning and Zoning Commission voted 9-0 (Commissioner Bain was absent) to recommend APPROVAL. Staff recommends APPROVAL. (All Districts)

If approved, pass and adopt: ORDINANCE NO. 2019 – 5.

Supervisor Bronson inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Bronson, seconded by Chairman Elías and carried by a 4-1 vote, Supervisor Miller voted "Nay," to close the public hearing, approve P18TA00008 and adopt the Ordinance.

**19. Hearing - Rezoning Ordinance**

ORDINANCE NO. 2019 – 6, P18RZ00003, Hildreth Eugene Living TR - W. Michigan Street Rezoning. Owners: Hildreth Eugene Living TR (District 3)

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

**ENVIRONMENTAL QUALITY**

**20. Hearing - Code Text Amendment**

ORDINANCE NO. 2019 - 7, of the Board of Supervisors, relating to Air Quality; amending the Pima County Code Title 17, by adding Section 17.16.125.

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

**BOARD OF SUPERVISORS**

**21. Justice of the Peace, Precinct 9**

- A. Acceptance of the resignation of the Honorable Maria L. Felix, effective March 31, 2019.
- B. Discussion/direction/action regarding a selection process to fill the vacancy of Justice of the Peace, Precinct 9.

Chairman Elías outlined the following selection process details:

Applicants for the position need to meet the following requirements:

- 18 years of age or older at the time of appointment
- Registered to vote in the precinct
- Resident of the precinct
- Same political party as the person vacating the office (Democrat)

Interested parties should file the following with the Clerk of the Board by Friday, February 8, 2019 at 5:00 p.m.:

- Letter of interest
- Resume
- Financial Disclosure Statement

The Clerk of the Board will advertise the selection process in the Arizona Daily Star and The Daily Territorial on January 28 and February 4, 2019 and will post the information on the Pima County Homepage. Information regarding how to submit public comments will be included, a copy of the district met, and if requested, a public forum for the candidates will be scheduled on Wednesday, February 13, 2019.

The Board of Supervisors will make the appointment of the Justice of the Peace, Precinct 9, at their meeting on Tuesday, March 5, 2019.

The individual appointed will serve the remainder of the unexpired term through December 2020 and an election will be held at the General Election of November 2020.

It was moved by Supervisor Valadez, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to accept the resignation and proceed with the selection process, with the inclusion of a public forum for the candidates.

#### **CLERK OF THE BOARD**

#### **22. Petition for Relief of Taxes**

Pursuant to A.R.S. §42-11109, Mission Impossible Ministries has petitioned the Board of Supervisors for relief of taxes and associated interest/penalty for tax year 2018, for Tax Parcel No. 119-02-029B.

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

#### **ATTRACTIONS AND TOURISM**

#### **23. Fair Horse Racing Meet 2019**

Staff recommends approval of the change of date from February 23 to March 2, which will not change the total number of racing dates for the County Fair Horse Racing, but will accommodate the Horsemen and Commission, subject to approval by the Arizona Department of Racing.

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

## **CONTRACT AND AWARD**

### **COMMUNITY SERVICES, EMPLOYMENT AND TRAINING**

24. To provide for an Unemployment Insurance Data Sharing Agreement, no cost/10 year term, for the following:

**Vendor/Contract No.**

Dorothy Kret & Associates, Inc./CTN-CS-19-86  
Catholic Community Services of Southern Arizona, Inc./CTN-CS-19-87  
Tucson Urban League, Inc./CTN-CS-19-89  
SER - Jobs for Progress of Southern Arizona, Inc./CTN-CS-19-90  
Goodwill Industries of Southern Arizona, Inc./CTN-CS-19-112  
Portable Practical Educational Preparation, Inc./CTN-CS-19-113  
Tucson Youth Development, Inc./CTN-CS-19-114

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

25. SER - Jobs for Progress of Southern Arizona, Inc., Amendment No. 3, to provide workforce development services and amend contractual language, USDOL - WIOA, HVRP and HPOG Funds, contract amount \$50,000.00 (CT-CS-17-9)

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

### **COUNTY ATTORNEY**

26. Audilett Law, P.C., Amendment No. 3, to provide for legal services regarding Daschke v. Hartenstein, Risk Management Tort Fund, contract amount \$50,000.00 (CT-FN-18-113)

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

### **PROCUREMENT**

27. **Award**

Award: Master Agreement No. MA-PO-19-105, The Lincoln National Life Insurance Company, d.b.a. Lincoln Financial Group (Headquarters: Fort Wayne, IN), to provide for short-term disability insurance. This Master Agreement is for an initial term of one (1) year in the annual award amount of \$1,700,000.00 (including sales tax) and includes four (4) one-year renewal options. Additionally, the Board of Supervisors authorizes the Procurement Director to execute the contract, contingent upon the Human Resources Director's acceptance of the policy. Funding Source: Pima County Health Care Benefits Trust Fund. Administering Department: Human Resources.

At the request of staff and without objection, this item was continued to the Board of Supervisors' Meeting of February 19, 2019.

#### **GRANT APPLICATION/ACCEPTANCE**

28. **Acceptance - Community Development and Neighborhood Conservation**

Tucson Electric Power Company (TEP), Amendment No. 2, to provide for the TEP Low Income Weatherization Program, \$45,000.00 (GTAM 19-28)

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

29. **Acceptance - Community Development and Neighborhood Conservation**

Arizona Department of Housing, to provide for the Pima County Home Repair Weatherization Assistance Program - Southwest Gas Corporation, \$23,083.00 (GTAW 19-82)

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

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

30. **Bond Advisory Committee**

Reappointment of Greg Wexler. Term expiration: 12/31/25. (District 3)

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

31. **Parks and Recreation Commission**

Reappointment of Peter Chesson. Term expiration: 6/30/24. (District 3)

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

32. **Board of Health**

Reappointment of Miguel Rojas. Term expiration: 11/30/22. (District 2)

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

## CONSENT CALENDAR

### 33. Approval of the Consent Calendar

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

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## CONTRACT AND AWARD

### Community Development and Neighborhood Conservation

1. Tucson Clean & Beautiful, Inc., Amendment No. 1, to provide for the Green Streets Restorative Justice, Project-Based, Green Job Training Program, extend contract term to 9/30/19 and amend contractual language, no cost (CT-CD-18-350)

### Health

2. Arizona Board of Regents, University of Arizona, to provide for Public Health Emergency Preparedness/distribution of strategic national stockpile assets, no cost/5 year term (CTN-HD-19-104)

### Procurement

3. **Award**  
Award: Purchase Order No. PO-PO-19-44, AZ Wastewater Industries, Inc. (Headquarters: Phoenix, AZ), to provide for a Ford E-450 high cube mounted CCTV truck. This contract is for a one-time award in the not-to-exceed amount of \$360,421.68 (including sales tax). Funding Source: Wastewater Enterprise Fund. Administering Department: Regional Wastewater Reclamation.
4. **Award**  
Amendment of Award: Master Agreement Nos. MA-PO-14-313 (AWASA), MA-PO-14-314 (Spay and Neuter Solutions), and MA-PO-14-315 (The Animal League of Green Valley), to provide for spay/neuter services. This revision extends the termination date to 3/11/20 and adds the shared annual award amount of \$665,000.00 for a cumulative not-to-exceed contract amount of \$2,930,000.00. Funding Source: PACC Companion Animal Fund. Administering Department: Pima Animal Care Center.

## **GRANT APPLICATION/ACCEPTANCE**

### **5. Acceptance - Health**

Arizona Department of Health Services, to provide for the Oral Health Dental Sealant Services Project, \$105,000.00 estimated revenue (GTAW 19-79)

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

### **6. Election Integrity Commission**

Appointment of Richard Fridena, to fill a vacancy created by Mary DeCamp. Term expiration: 1/21/21. (Green Party recommendation)

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

### **7. Special Event**

- Matthew James Nelson, Arizona Trail Association, La Posta Quemada, Colossal Cave Mountain Park, 16721 E. Old Spanish Trail, Vail, February 3, 2019.
- William Dean Woodruff, Brothers of Tanque Verde, Corpus Christi Catholic Church, 300 N. Tanque Verde Loop Road, Tucson, January 26, 2019.

## **ELECTIONS**

### **8. Precinct Committeemen**

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

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

Pamela A. Anderson-072-REP; Jo Ann F. Sabbagh-094-REP; Annette R. Szalay-096-REP; William B. Martin-118-REP; Caroline M. Straub-118-REP; Joe N. Pierson-126-REP; William J. Dawson-227-REP; Sylvania F. Pereira-Smith-238-REP

## **FINANCE AND RISK MANAGEMENT**

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

Lindsay Rae Matthews \$59.60; Courtesy Chevrolet \$106,964.58.

## **TREASURER**

### **10. 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 \$50,146.51.

**RATIFY AND/OR APPROVE**

11. Minutes: December 4 and 18, 2018

\* \* \*

34. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 10:51 a.m.

\_\_\_\_\_  
CHAIRMAN

ATTEST:

\_\_\_\_\_  
CLERK