

MINUTES, FLOOD CONTROL DISTRICT BOARD

DECEMBER 16, 2008

The Pima County Flood Control District Board met in regular session in its regular meeting place at Pima County Administration Building (Hearing Room), 130 W. Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, December 16, 2008. Upon roll call, those present and absent were as follows:

All Present:	Richard Elías, Chairman
	Ramón Valadez, Vice Chairman
	Sharon Bronson, Member
	Ray Carroll, Member
	Ann Day, Member
	Lori Godoshian, Clerk

1. EXECUTIVE SESSION

On consideration, it was moved by Supervisor Valadez, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, that the Board convene to Executive Session at 9:10 a.m.

2. RECONVENE

The meeting reconvened at 9:57 a.m. All members were present.

3. LITIGATION

Pursuant to A.R.S. §38-431.03(A) (3), for legal advice regarding the Floodplain Use Permit issued to California Portland Cement for a roadway access across Davidson Canyon Wash.

This was an informational item only.

4. REVOCATION OF FLOODPLAIN USE PERMIT

Pursuant to Pima County Code Chapter 16.20.020, consideration of the revocation of the Pima County Floodplain Use Permit approved and issued on July 25, 2008 to the California Portland Cement Company for roadway access through Davidson Canyon Wash. (District 4)

Chris Straub, Chief Civil Deputy County Attorney, verified that the Board had no authority to revoke the permit. Supervisor Carroll requested that the Board hear speakers. Mr. Straub stated that if the Board did so, any future appeal might be prejudiced. He also stated the item was broad enough under the Open Meeting Law that the Board could hear speakers and give direction to the Chief Engineer. If violations occurred, the Board must have maintained impartiality to hear an appeal.

In reply to Supervisor Bronson, Chuck Huckelberry, County Administrator, stated that Davidson Canyon's Unique Water of Arizona designation by the State, effective February 2, 2009, provided increased protection with water quality issues and discharges but did not impact the Board and permit issue. The Arizona

Department of Environmental Quality (ADEQ) authorized the program's enforcement components. ADEQ would determine the type of permit requirements once implementation began in areas related to the designation.

Chairman Elías requested that Richard Calabro come forward. Mr. Calabro stated that hearing speakers for advertised items did not show partiality. Supervisor Carroll asked for Call to the Public. Chairman Elías replied that doing so could jeopardize the Board's future ability for revocation. Mr. Carroll stated that the Board could not respond during Call to the Public. Chairman Elías queried if Call to the Public's spirit would be violated. Mr. Straub added that Call to the Public should not be a subterfuge for an item the Board chose not to be a hearing item.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to direct Suzanne Shields, Chief Engineer, Flood Control District Board, to monitor the site for compliance and hold a hearing if violations occurred and for the Board to write to the Arizona Department of Environmental Quality (ADEQ) voicing the Board's concerns and requesting ADEQ to monitor the site.

5. RIPARIAN HABITAT MITIGATION PLANS

- A. Staff requests approval of the Hydro/Meso Riparian Habitat Mitigation Plan for the Riverside Crossing Apartments, P1208-009, located at the intersection of La Cholla Boulevard and River Road. (District 1)
- B. Staff requests approval of the Hydro/Meso Riparian Habitat Mitigation Plan to construct a single family residence on property located at 1978 N. Wentworth Road. (District 4)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to approve the plans.

6. CONTRACT

Stantec Consulting, Inc., Amendment No. 2, to provide for the Lee Moore Wash Basin Management Study and extend contract term to 5/31/09, no cost (16-59-S-138098-0606)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to approve the contract.

7. ADJOURNMENT

The meeting adjourned at 12:30 p.m.

MINUTES, BOARD OF SUPERVISORS' MEETING

DECEMBER 16, 2008

The Pima County Board of Supervisors met in regular session in its regular meeting place at Pima County Administration Building (Hearing Room), 130 W. Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, December 16, 2008. Upon Roll Call, those present and absent were as follows:

All Present: Richard Elías, Chairman
Ramón Valadez, Vice Chairman
Sharon Bronson, Member
Ray Carroll, Member
Ann Day, Member
Lori Godoshian, Clerk

1. **INVOCATION**

The invocation was given by Pastor Steve Deombeleg of Holy Trinity Lutheran 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. **EXECUTIVE SESSION**

On consideration, it was moved by Supervisor Valadez, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, that the Board convene to Executive Session at 9:10 a.m.

5. **RECONVENE**

The meeting reconvened at 9:57 a.m. All members were present.

6. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding authorization to file an Amicus Curiae Brief in Backus v. State of Arizona, Arizona Supreme Court Case No. CV-08-02840-PR.

Chris Straub, Chief Civil Deputy County Attorney, stated that the County Attorney's Office requested permission to file "a friend of the Court Brief" as discussed in Executive Session. The County Attorney's Office recommended filing the brief.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to accept the recommendation.

7. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding Amendment No. 3 to the University Physicians Healthcare – Kino Hospital Lease.

This was an informational item only.

8. **CONSENT CALENDAR:**

The Chairman inquired whether anyone wished to be heard on any item listed for action on the Consent Calendar.

The following speaker addressed the Board:

Don Weaver, Chairperson, Pima County Cable Renewal Committee

Comments included the following:

- A. It was asked that the agreement clearly define public and private schools.
- B. It was recommended the County approve the Cox License Agreement.
- C. One issue was compliance cost for a pay channel being brought into an area.
- D. The agreement was in the best interests of both the County and Cox.
- E. The Committee would like to be involved in any pay channel discussion.
- F. The staff and Cox did an excellent job with the complicated agreement.

PULLED FOR DISCUSSION:

1. **CONTRACTS AND AWARDS**

E. **Information Technology**

- 10. Cox Com., Inc., Amendment No. 1, to provide a cable license agreement in unincorporated Pima County, extend contract term to 7/13/13 and amend contractual language, General Fund, contract amount \$2,250,000.00 revenue (12-14-C-141166-0798)

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to approve the Consent Calendar, subject to the following:

PULLED FOR SEPARATE ACTION:

1. **CONTRACTS AND AWARDS**

G. **Procurement**

- 13. Low Bid: Award of Contract, Requisition No. 900800, in the amount of \$215,280.00 to the lowest responsive bidder, The Ashton Company, Inc., (Headquarters: Tucson, AZ), for the Rose Neighborhood pedestrian bridge over Rodeo Wash. The apparent low bidder, 4-L Construction, Inc. was deemed non-responsive for failure to meet the 1% MBE goal set for this project, and their submitted Request for Waiver was denied. The contract term is six months with the ability to extend the term for contract completion. Funding Source: 2004 Bond Fund. Administering Department: Transportation.

Without objection, this item was continued to January 6, 2009.

CONSENT CALENDAR ITEMS ARE AS FOLLOWS:

1. CONTRACTS AND AWARDS

A. Community Development & Neighborhood Conservation

1. RESOLUTION NO. 2008-323, approving an Intergovernmental Agreement with the Town of Marana, to provide for the management and implementation of the Community Development Block Grant Program, CDBG Grant Fund, contract amount \$155,000.00 (01-70-M-141622-1008)

B. Community Resources

2. Marana Unified School District, Amendment No. 1, to provide for an after-school elementary school based recreation program and extend contract term to 7/31/09, General Fund, contract amount \$80,000.00 (01-67-M-140444-0807)

C. Health

3. Marana Unified School District, Amendment No. 3, to provide administration of childhood immunization services and amend contractual language, no cost (01-01-M-138892-1206)
4. Arizona Department of Health Services, Amendment No. 1, to provide supplemental foods, nutrition education and client referrals to other health and social service agencies and extend contract term to 9/30/09, WIC Grant Fund, contract amount \$1,728,800.00 revenue (01-01-A-140164-1007)
5. Arizona Department of Health Services, Amendment No. 1, to provide for the Farmer's Market Nutrition Program, WIC Grant Fund, contract amount \$1,750.00 revenue (01-01-A-140662-0308)
6. Arizona Department of Health Services, Amendment No. 1, to provide for the County Prenatal Block Grant Program and amend contractual language, Prenatal Block Grant Fund, contract amount \$18,148.00 decrease (01-01-A-140836-0708)
7. Arizona Department of Health Services, Amendment No. 1, to provide sexually transmitted disease prevention services, extend contract term to 12/31/09 and amend contractual language, STD Services Grant Fund, contract amount \$181,225.00 revenue (01-01-A-140955-0108)
8. Southern Arizona AIDS Foundation, to provide HIV counseling and testing, STD screening, Hepatitis B and C testing, and bi-monthly immunization outreach clinics, Southern Arizona AIDS Foundation Grant Fund, contract amount \$26,774.00 revenue (02-

01-S-141614-1008)

D. Human Resources

9. United Health Care, Amendment No. 4, to provide COBRA administration services, extend contract term to 12/31/09 and amend contractual language, General Fund, contract amount \$20,000.00 (07-43-C-135422-0105)

E. Information Technology

10. Cox Com., Inc. (PULLED FOR DISCUSSION)

F. Pima Health System

11. VibrantCare Outpatient Rehabilitation West, Inc., Amendment No. 4, to provide physical, occupational and hand therapy services, extend contract term to 11/30/09 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-N-135315-1204)
12. United Healthcare Insurance Company on behalf of Evercare, Amendment No. 2, to provide advanced and concurrent coordination of benefits for Medicare and Medicaid services, extend contract term to 12/31/09 and amend contractual language, PHCS Enterprise Fund, contract amount \$180,816.00 revenue (07-15-U-137383-1205)

G. Procurement

13. Requisition No. 900800 (PULLED FOR SEPARATE ACTION)
14. Amendment of Award: West Valley Uniform, Inc., B500541, Amendment No. 4, to provide Monarch body armor, extend the contract term to 1/31/10, revise the scope of products and increase contract amount by \$246,062.40. Funding Source: General Fund (50%) and RICO Fund (50%). Administering Department: Sheriff.

2. BOARDS, COMMISSIONS AND/OR COMMITTEES

A. State Board of Equalization

Reappointment of Dan Swango. Term expiration: 12/31/12 (District 3)

B. Self-Insured Trust Fund Trustees

Reappointments: Tom Burke, Director of Finance and Risk Management, Pima County; Joyce Goedel, Environmental Health and Safety Administrator, Raytheon Missile Systems; Steve Holland, Director of Risk Management and Safety, University of Arizona; George Ninow, Risk Manager, Tucson Electric Power Company (Retired); Michael Hannley, President and CEO, Bank of Tucson; Maria Luna, Interim Director of Risk Management, Tucson Unified School District; and Judy Patrick, Board of Directors, Arizona State Compensation

FC 12-16-08 (6)

Fund. Term expirations: 12/31/12. (Committee recommendations)

C. Pima County Wireless Integrated Network

Appointment of Fire Chief Patrick Kelly, Tucson Fire Department, to replace Chief Dan Newburn. No term expiration. (Committee recommendation)

3. DIVISION OF ELECTIONS

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

APPOINTMENTS	PRECINCT	PARTY
Parisi, Paul D.	013	REP
Ciscomani, Juan	049	REP
Ciscomani, Laura	049	REP
Hershman, Boyd	054	REP
Tobin, Thomas R.	061	GRN
Smalley, Kenneth L.	094	REP
Eppihimer, David W.	106	REP
Sanford, Edwin A.	182	REP
Junker, Leonard	203	REP
Kahl, Robert G.	212	GRN
Chewning, Sarah S.	233	REP
Hancock, Carole	257	REP
Hancock, Robert L.	257	REP
Crawford, Virginia D.	262	REP
Feuerbach, Rachel C.	271	REP
Larson, Laura L.	279	REP
Larson, Scott M.	279	REP
Wagemaker, David I.	289	REP
Wagner, Karen	289	REP
Kelley, Jim	296	REP
Abbott, Jeffrey D.	308	REP
Ellquist, Claudia D.	320	GRN
Medler, Robert T.	330	REP
Lomax, Charles E.	417	REP

4. RECORDER

Pursuant to Resolution No. 1993-200, ratification of the Document Storage and Retrieval Fund for the month of May, 2008.

5. RATIFY AND/OR APPROVE

Minutes: October 21, 2008
November 4, 2008

REGULAR AGENDA/ADDENDUM ITEMS

9. COUNTY ADMINISTRATOR

A. DONATION OF SMALL APPLIANCES

Pursuant to A.R.S. §11-251(58) staff requests approval to donate surplus and unnecessary electrical appliances to Habitat for Humanity's HabiStore.

B. QUARTERLY MANAGEMENT REPORT ON COLLECTIONS

Staff recommends the Board accept the Quarterly Management Report on Collections for the period ending September 30, 2008 and approve the write-off request in the amount of \$16,947.00.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to approve the donation and accept the report.

10. **CONTRACTS**

A. **PROCUREMENT**

The Board, on December 2, 2008, continued this item.

HDR Engineering, Inc., Amendment No. 5, to provide project management and roadway design engineering services for the La Canada Drive: Ina Road to Calle Concordia Project and amend scope of work, RTA Tax Revenue Fund, contract amount \$265,434.00 (16-04-H-139265-0207)

B. **TRANSPORTATION**

Braaksma Design, Inc., to provide artist services for the La Canada Drive: Ina Road to Calle Concordia Roadway Project, ~~HURF Bond (16%)~~ **Impact Fees (DIFO) 13%**, RTA (59%) and Urban HURF ~~(24%)~~ **(28%)** Funds, contract amount: \$250,000.00 (07-04-B-141556-1208)

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to approve the contracts.

11. **FRANCHISES/LICENSES/PERMITS: LIQUOR LICENSES**

A. 08-42-8964, Ricardo Quintela, Jr., Mad Cow Bar, 2660 W. Ruthrauff Road, Tucson, Series 6, Bar License, Person Transfer.

The Chairman inquired whether anyone wished to be heard. No one appeared. On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearing, to approve the request and forward the recommendation to the State Liquor Control Board.

B. 08-42-8965, Jay Herbert Thorpe, Game On Sports Grille, 6453 N. Oracle Road, Tucson, Series 12, Restaurant License, New License.

The Chairman inquired whether anyone wished to be heard. No one appeared. On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearing, and to approve the request subject to the Zoning Inspector's recommendation for the applicant to obtain a Type I Conditional Use Permit and forward the recommendation to the State Liquor Control Board.

12. **FRANCHISE/LICENSE/PERMIT: AGENT CHANGE-ACQUISITION OF CONTROL-RESTRUCTURE**

08-05-0020, Steven William Baldwin, Taste of Texas, 8310 N. Thornydale Road, Suite 180, Tucson, Agent Change and Acquisition of Control.

The Chairman inquired whether anyone wished to be heard. No one appeared. On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearing, to approve the request and forward the recommendation to the State Liquor Control Board.

13. **ENVIRONMENTAL QUALITY: PIMA COUNTY CODE TEXT AMENDMENT**

ORDINANCE NO. 2008-117, of the Board of Supervisors of Pima County, Arizona, relating to the removal of rubbish, trash, weeds, filth debris, and dilapidated buildings that constitute a hazard to public health and safety: amending the Pima County Code by amending Title 7, Chapter 33 to improve the clarity of the meaning of "weed" and the provisions and procedures for removal, abatement injunction and cost recovery.

The Chairman inquired whether anyone wished to be heard.

The following speaker addressed the Board:
David Godlewski, SAHBA government liaison

Comments included the following:

It was requested that the item be continued so it could be clarified for landowners.

Supervisor Bronson stated that many homeowners called District 3 about the extreme difficulty to comply under the current wording. Supervisor Day suggested fines for noncompliance. Chairman Elías replied that the solution was not fines. A common sense approach to compliance issues was difficult to ascertain and needed more work.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to leave the hearing open, continue the item to February 17, 2009, and instruct staff to enlarge the stakeholder public meetings to address the concerns raised.

14. **DEVELOPMENT SERVICES: CONDITIONAL USE PERMIT**

The Board, on December 2, 2008, continued this item.

P21-08-060, VALENCIA 13 L.L.C. – W. VALENCIA ROAD

Valencia 13 L.L.C., represented by Michael Marks, on property located at 3345 W. Valencia Road., in the GR-1 zone, requests a conditional use permit for a gasoline service station and convenience store. Chapter 18.97, in accordance with Sections 18.14.030.B.3 and 18.14.030.B.2 of the Pima County Zoning Code, allows a gasoline service station and convenience store as a Type II Conditional Use in the GR-1 zone. The Hearing Administrator recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 5)

Standard Conditions

1. Access to be onto a paved public road with “collector” classification or higher.
2. The convenience store must not exceed a maximum floor area of 4,000 square feet.

Special Conditions

1. The proposed convenience store and gasoline sales facility shall occur within that portion of the site to be developed as per the submitted Development Plan accompanying this conditional use permit application (i.e. the depicted Phases I, II, and III). Any expansion of this use beyond Phases I, II, and III shall require a new conditional use permit application and attendant public-notice and public-hearing process.
2. Any and all Zoning Code determinations as to the Phase I, II, and III compliance with maximum floor area requirements and other Code-related matters shall be the sole province of the Chief Zoning Inspector.

NEW CONDITIONS

1. The Development Plan shall incorporate heightened street frontage improvements along Valencia road and Camino de la Tierra as provided for by the SWIP policies, in accordance with the Phasing Plan as delineated on the Development Plan.
2. When a public sewer is within 200 feet of the property line, the owner must connect to the public sewer by reaching a suitable arrangement (including but not limited to, capacity assurance letters) with Pima County Regional Wastewater Reclamation Department regarding sanitary facilities. The owner must obtain Pima County Regional Wastewater Reclamation Department approval of the location and method of connection to the existing public sewer system and abandon the septic system in a manner approved the Pima county Department of Environmental Quality.

Jim Portner, Hearing Administrator, stated that in response to recent additional issues, the applicant and staff worked closely in developing additional conditions. The septic system’s location must not be in the public right-of-way.

Michael Marks, MJ Consulting, Quik Trip’s representative, stated agreement was made to all conditions. He will do more traffic studies and continue to meet with neighbors.

The Chairman inquired whether anyone wished to be heard.

The following speaker addressed the Board:

Michael Naifeh

Comments included the following:

- A. Concern was expressed about the septic system’s location.
- B. Concern was expressed that development was being done piecemeal.
- C. Piecemeal development not done in a cogent, cohesive manner would be detrimental to the community, e.g., traffic impact.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the hearing and approve the permit with standard and special conditions and two new conditions.

15. **DEVELOPMENT SERVICES:**

PIMA COUNTY CODE TEXT AMENDMENT

A. Co8-05-01, AIRPORT ENVIRONS AND FACILITIES (OVERLAY) ZONE REVISIONS

A proposed ordinance of the Board of Supervisors of Pima County, Arizona, amending Pima County Code Chapter 18.03, Section 18.03.020 by adding a definition for floor area ratio; amending Pima County Code Chapter 18.07, Section 18.07.040 by referencing Chapter 18.57 for exceptions to public utilities as permitted uses; amending Pima County Code Chapter 18.57, Sections 18.57.020 and 18.57.030 by deleting the Military Clear Zone (MCZ), the Accident Potential Zone One (APZ I), the Accident Potential Zone Two (APZ II), the Compatible Use Zone 3 (CUZ-3), and the Compatible Use Zone

Four (CUZ-4) from Airport Land Use Overlay Zone 3 (Davis-Monthan Air Force Base); amending the definition for the day-night average sound level, and establishing definitions for Approach-Departure Corridor One (ADC-1), Approach-Departure Corridor Two (ADC-2), Approach-Departure Corridor Three (ADC-3), Noise Control Zone A (NCZ-A), and Noise Control Zone B (NCZ-B); amending Pima County Code Chapter 18.57 by amending Section 18.57.010 and establishing Section 18.57.031 to add five new Airport Environs Land Use Overlay Zones to Airport Land Use Overlay Zone 3 (Davis-Monthan Air Force Base) designated as Approach-Departure Corridor One (ADC-1), Approach-Departure Corridor Two (ADC-2), Approach-Departure Corridor Three (ADC-3), Noise Control Zone A (NCZ-A), and Noise Control Zone B (NCZ-B), and establishing permitted uses, prohibited uses, safety requirements or performance standards, exceptions, and applicability for each of the five new zones; amending Pima County Code Chapter 18.57, Section 18.57.030 by adding new review criteria for requests for special-use waivers and variances from requirements of the zones contained in Airport Land Use Overlay Zone 3 (Davis-Monthan Air Force Base) and adding new notice requirements for requests for special-use waivers, appeals of a decision or interpretation of the hearing administrator, and requests for variances for property located in any Airport Environs Height Overlay Zone or any Airport Environs Land Use Overlay Zone; amending Pima County Code Chapter 18.57, Section 18.57.060 by repealing existing Figure 18.57.060C2, Airport Land Use Overlay Zone 3 (Davis-Monthan Air Force Base) and replacing it with new Figure 18.57.060C2, Airport Land Use Overlay Zone 3 (Davis-Monthan Air Force Base); amending Pima County Code Chapter 18.93, Section 18.93.030 by adding new review criteria for requests for variances from requirements of the zones contained in Airport Land Use Overlay Zone 3 (Davis-Monthan Air Force Base) and adding new notice requirements for requests for variances or temporary use permits for property located in any Airport Environs Height Overlay Zone or any Airport Environs Land Use Overlay Zone. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Smith and Richey were absent) to recommend APPROVAL. Staff recommends APPROVAL. (All Districts)

If approved, pass and adopt:

ORDINANCE NO. 2008-118

REZONING

B. Co8-05-01, AIRPORT ENVIRONS AND FACILITIES (OVERLAY) ZONE REVISIONS

Request of Pima County for a rezoning to expand the Airport Environs and Facilities (Overlay) Zone by approximately 2,366 acres from RH (Rural Homestead), GR-1 (Rural Residential), SR (Suburban Ranch), CR-3 (Single Residence), TH (Trailer Homesite), SP (Specific Plan), CB-1 (Local Business), CI-1 (Light Industrial/ Warehousing), and CI-2 (General Industrial) to RH (AE) (Rural Homestead-Airport Environs), GR-1 (AE) (Rural Residential-Airport Environs), SR (AE) (Suburban Ranch-Airport Environs), CR-3 (AE) (Single Residence-Airport Environs), TH (AE) (Trailer Homesite-Airport Environs), SP (AE) (Specific Plan-Airport Environs), CB-1 (AE) (Local Business-Airport Environs), CI-1 (AE) (Light Industrial/Warehousing-Airport

Environs), and CI-2 (AE) (General Industrial-Airport Environs), on properties in the vicinity of DMAFB in unincorporated Pima County. Properties included in this request are more specifically located on the west side of Houghton Road on north and south sides of Brekke Road; on the south side of Old Vail Road, west of the Freeman Road alignment and north of Rocket Road; on the north and south sides of Old Vail Connection Road, east of Houghton Road; on the north side of Interstate 10, west of Rita Road and east of Kolb Road; on the east and west sides of Kolb Road, north of Valencia Road; on the north and south sides of Valencia Road, east of Kolb Road and west of Pantano Road; and on the east and west sides of Randolph Avenue, south of 44th Street, north of Columbia Street and east of Country Club Road. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 8-0. (Commissioners Smith and Richey were absent) to recommend APPROVAL. Staff recommends APPROVAL. (Districts 2 and 4)

PIMA COUNTY CODE TEXT AMENDMENT

C. Co19-08-01, BUILDING AND CONSTRUCTION CODE TEXT AMENDMENTS

A proposed ordinance of the Board of Supervisors of Pima County, Arizona; relating to Building and Construction; amending Section 1 of Ordinance No. 2006-91, the 2006 International Building Code, to incorporate Noise Level Reduction Design and Construction Standards; and Readopting Section 6 of Ordinance No. 2006-91, the 2006 International Property Maintenance Code, to reference A.R.S. §11-268; and amending Chapter 15.04 of the Pima County Code to reflect the amendments adopted. On motion, the Planning and Zoning Commission voted 7-1 (Commissioner Holdridge voted Nay, Commissioners Smith and Richey were absent) to recommend APPROVAL. Staff recommends APPROVAL. (All Districts)

If approved, pass and adopt:

ORDINANCE NO. 2008-119

Arlan Colton, Planning Official, stated that Yves Khawam, Chief Building Official, and David Peterson, Senior Planner, were responsible for the above items. They were based on information and recommendations from the February 2004 Joint Land Use Study (JLUS) that the Board accepted under Resolution No. 2004-17 in February 2004. The Resolution initiated the now adopted Comprehensive Plan amendment for military airport matters. A.R.S. and Title 28 required compliance with zoning and development requirements in the defined “high-noise or accident potential zone” of Davis-Monthan Air Force Base (DMAFB) in accordance with the compatible land use plan. The City of Tucson’s Code amendment was effective in 2005. County amendments would lower potential for development of incompatible uses, development patterns and construction types that could risk health and safety within airport environs. Existing underlying zoning would not change. The three items were sent to property owners in affected areas, those within 1,000 feet of the overlay zone’s proposed expansion and the Military Community Relations Committee. The Tucson Airport Authority and DMAFB Open Space Advisory Committee provided support letters. Input from a May 14, 2008, public meeting resulted in some changes. A DMAFB spokesperson voiced support at the Planning

and Zoning Commission hearing. One opposition letter was received.

The overlay zone will increase restrictions to permitted uses and safety requirements for new development. The approach/departure corridor southeast of the runway will lengthen from 2.48 to 9.51 miles and widen from .57 miles to a maximum three miles at the far southeast end. Existing 65 LVN (day/night average sound level) and 70 LVN noise contours will expand with noise contours of 75 LVN and 80 LVN added. Newer expanded noise-sensitive uses within the noise zone must reduce interior aircraft noise in accordance with Co19-08-01.

Mr. Colton noted a safety requirement with three options within the proposed approach/departure Corridor III area. It involved “meeting and function areas where people gather in excess of 5,000 square feet shall be located underground”: Option 1, keep as is; Option 2, omit and Option 3, add “special” before “function.” DMAFB was amendable to any option. The City used Option 1. The Commission decided that Option 3’s net effect would be minimal but might provide a bit more guidance. Omission may make sense. An underground structure would not provide health and safety since an aboveground crash could result in entombment.

Mr. Khawam stated that the Building Code item was the zoning item’s counterpoint and dealt with acoustic design and construction standards. Four levels of decibel reduction existed. Page 7, section 6B, items 1 and 2 should contain the number 20%, not 70%. The County’s construction noise abatement was a simplified version of Navy standards. The Energy Conservation Code adopted in incorporated Pima County had resulted in some overall acoustical abatement. The standard provided both descriptive and performance-based paths.

Mike Toriello, Deputy Base Civil Engineer, DMAFB, stated that County and DMAFB missions were compatible in creating safety. The JLUS resulted in recommendations stemming from a process involving local community, County, City, State and DMAFB representatives. The goal was to define compatible land use development not adversely impacting DMAFB flight operations while continuing County long-term economic development. The 355th Civil Engineers worked with the Commission.

The Chairman inquired whether anyone wished to be heard.

The following speakers addressed the Board:

1. John Barbieri
2. Glen Kerslake, President, Board of Directors, M50, DMAFB support organization
3. Chuck Martin

Comments included the following:

- A. Appreciation was expressed for County staff’s work over the last several years.
- B. Capricious rezoning was not in the public interest. Extended zoning directly regulated and created a down-zoning of private property.
- C. Crash pads were defined for approach/departure control areas as a high-probability cone for crashes. Restrictions adopted at an arbitrary distance from crash pads meant no limit from crash pads could be defined as unsafe.

- D. Hundred of parcels, some County, would lie in a zone defined as high-risk.
- E. Support was expressed for Option 2.
- F. Support was expressed for Options 1, 2 and 3.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the hearing; approve the Code Text Amendments, as amended, to lower potential for development of incompatible uses, development patterns and construction types that could risk health and safety within airport environs, i.e., enlarge the approach/departure corridor southeast of the runway, expand/add noise contours and choose Option 2 to omit the underground meeting and function area; approve the rezoning Co8-05-01 and adopt Ordinance Nos. 2008-118 and 119.

16. DEVELOPMENT SERVICES: CONDITIONAL USE PERMIT

P21-08-075, EPIDAUROS – EAST TANQUE VERDE ROAD

Epidaurus, represented by Rick Engineering, on property located at 10500 E. Tanque Verde Rd., in the SR zone, requests a Conditional Use Permit for a community service agency. Chapter 18.97, in accordance with Section 18.17.030C7 of the Pima County Zoning Code, allows a Community Service Agency as a Type II Conditional Use in the SR zone. The Hearing Administrator recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 4)

Standard Conditions

- 3. Receive an approved Development Plan.
- 4. Minimum site: ten acres.
- 5. Minimum setback: one hundred feet from any property line.
- 6. Height: One store or eighteen feet.
- 7. Maximum lot coverage by structures: fifteen percent.
- 8. Maximum number of patient rooms: seventy-five.
- 9. Minimum distance between main buildings: twenty feet.

NOTE: Any relief from any of the above standard requirements, attendant to the newly proposed site facilities, shall be subject to separate applications for variance, modification of setback request, etc. as may be determined applicable or necessary by staff.

Special Conditions

- 3. The maximum number of beds is limited to a total of 139. Any expansion beyond this number shall be subject to a new conditional use permit application, public notice, and public-hearing process.
- 4. All new structures for residential components of the use (i.e. institutional sleeping/living quarters) shall be limited to one (1) story and to a maximum height of twenty-four feet (24').
- 5. All new structures for non-residential components of the use (e.g. kitchen dining, retreat/family center, etc.) shall be limited to one (1) story and to a maximum height of thirty feet (30').
- 6. The music-room function and related activities shall occur in a structure located a minimum of four hundred feet (400') from the east and south property lines, respectively.
- 7. Access to and from the site shall be via Tanque Verde Road only.

New Condition:

A pipe-rail fence with "V" wire (except for the bottom 12") will be provided along the property line adjacent to Kimberly Lane. Hopseed bush or other plant material (as approved by Pima County) will be provided along the fence as necessary to provide additional screening.

Jim Portner, Hearing Administrator, stated that the neighbors and applicant collaborated on the one additional condition.

The Chairman inquired whether anyone wished to be heard. No one appeared. On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to close the hearing and approve the permit subject to standard and special conditions, with one new condition.

17. **DEVELOPMENT SERVICES: STREET NAME CHANGE**

Present

Proposed

Co14-08-010, Unnamed easement/roadway (District 4)

Prairie View Court

The Chairman inquired whether anyone wished to be heard. No one appeared. On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the hearing and approve the name change.

18. **TRANSPORTATION: TRAFFIC ORDINANCES**

- A. ORDINANCE NO. 2008-120, of the Board of Supervisors, establishing prima facie reasonable speed limits for motor vehicles on Golder Ranch Drive in Pima County, Arizona. Staff recommends APPROVAL. (District 1)
- B. ORDINANCE NO. 2008-121, of the Board of Supervisors, designating Ajo Well No. 1 Road as a through street and correcting road name, in Pima County, Arizona. Staff recommends APPROVAL. (District 3)
- C. ORDINANCE NO. 2008-122, of the Board of Supervisors, establishing prima facie reasonable speed limits for motor vehicles on Mile Wide Road in Pima County, Arizona. Staff recommends APPROVAL. (District 3)
- D. ORDINANCE NO. 2008-123, of the Board of Supervisors, regulating parking on Sabino Canyon Park in Pima County, Arizona. Staff recommends APPROVAL. (District 4)
- E. ORDINANCE NO. 2008-124, of the Board of Supervisors, establishing pedestrian crosswalks on Sabino Canyon Park in Pima County, Arizona. Staff recommends APPROVAL. (District 4)
- F. ORDINANCE NO. 2008-125, of the Board of Supervisors, establishing a non-abutting school crosswalk for Old Vail Middle School on Mary Ann Cleveland Way at Driscoll Mountain Drive in Pima County, Arizona. Staff recommends APPROVAL. (District 4)
- G. ORDINANCE NO. 2008-126, of the Board of Supervisors, regulating parking on Mary Ann Cleveland Way in Pima County, Arizona. Staff recommends APPROVAL. (District 4)
- H. ORDINANCE NO. 2008-127, of the Board of Supervisors, establishing parking spaces for physically disabled persons on Sabino Canyon Park in Pima County, Arizona. Staff recommends APPROVAL. (District 4)
- I. ORDINANCE NO. 2008-128, of the Board of Supervisors, establishing prima facie reasonable speed limits for motor vehicles on Bear Canyon Road in Pima County, Arizona. Staff recommends APPROVAL. (District 4)

The Chairman inquired whether anyone wished to be heard. No one appeared. On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the hearing and adopt Ordinance Nos. 2008-120 through 128.

19. **BOARD OF SUPERVISORS: RILLITO RACE TRACK FEES WAIVER**

Miracles, Inc., of Arizona and Toys for Tots, non-profit organizations, request the Board of Supervisors approve a waiver of fees totaling \$550.00 and a deposit, for use of the Rillito Race Track on Sunday, December 20, 2008 for an all-day event (10:00 a.m. to 6:00 p.m.) in conjunction with the U.S. Marine Corps to distribute holiday toys for needy children. (District 5)

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

20. **BOARDS, COMMISSIONS AND/OR COMMITTEES**

A. **CORRECTIONS OFFICERS RETIREMENT BOARD**

Appointment of Michael Escobar, Elected Representative, to replace Brooke Moore. Term expiration: 12/31/12. (Committee recommendation)

B. **PUBLIC SAFETY RETIREMENT BOARD**

Reappointment of Sgt. Brad Foust, Elected Representative. Term expiration: 12/31/12. (Committee recommendation)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to approve the appointments.

21. **CONTRACTS**

A. **COUNTY ATTORNEY**

Snell and Wilmer, L.L.P., Amendment No. 1, to provide legal services relating to Superior Court Case No. C2007-4840, Seaboard Surety Co. v. Pima County, et. al., WWM Enterprise Fund, contract amount \$100,000.00 (17-02-S-140916-0208)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to approve the contract.

AWARD

B. **FACILITIES MANAGEMENT**

Amendment of Award: B505813, Solon America Corporation, (Headquarters: Tucson, AZ) in the amount of \$3,551,000.00 for the purchase of approximately 37,014,000 kilowatt hours of electricity over a twenty year period from a facility to be financed, constructed, owned and operated by Solon America Solar (Solon). The purchase of this electricity will replace that which would otherwise have been purchased from Tucson Electric Power Company (TEP). The facility will be built on County land at, and for the Roger Road Wastewater Reclamation Facility. This amendment of award request

includes the authority to negotiate and execute the required Power Purchase Agreement and Solar License Agreement contracts with Solon. In the event that an agreement cannot be reached with Solon, request authorization to negotiate with the next highest ranked firm, Sun Edison. The agreements will be for a period of twenty (20) years. Funding Source: Existing Utility Expense Budget. Administering Department: Facilities Management.

Supervisor Bronson commended staff for their work to create a green County.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to approve the award.

C. **INSTITUTIONAL HEALTH**

University Physicians Healthcare (UPH), Amendment No. 3, to provide for a change in the payment schedule for the lease of the Kino Community Hospital Campus, General Fund, contract amount \$199,998.00 decrease (04-65-U-134151-0604)

The Chairman inquired whether anyone wished to be heard.

The following speaker addressed the Board:
John Kromko

Comments included the following:
It was inquired why UPH payments were being accelerated.

Chuck Huckelberry, County Administrator, stated that UPH offered an accelerated schedule option, i.e., a lump sum payment to save \$199,998.00. Supervisor Day proposed delaying the item until Kino's financial status was better known. Mr. Huckelberry added that the option's deadline was December 29, 2008.

Larry Aldrich, UPH's Chief Executive Officer, stated that UPH appreciated the County's ongoing support. No risk existed of Kino's current fiscal year financial situation causing a misallocation of the County's money. UPH was requesting earlier payment in order to accelerate Kino's system software purchases to benefit both Kino and patients and also to enhance certain patient care issues, none quality-related.

On consideration, it was moved by Supervisor Bronson and seconded by Supervisor Valadez to approve the award.

A substitute motion was made by Supervisor Day, seconded by Supervisor Carroll and defeated by a 2-3 vote, Chairman Elías and Supervisors Bronson and Valadez voting "Nay," to continue the item for 30 days.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and carried by a 3-2 vote, Supervisors Carroll and Day voting "Nay," to approve the award.

D. REAL PROPERTY

Sands Properties, L.L.C., to provide the following for the acquisition of the Sands Ranch: Purchase Agreement; Restrictive Covenant; Right of First Offer; Deed; Exhibit Memorandum; and a Ranch Management Agreement with LS Cattle Company, L.L.C., 2004 Open Space Bond Fund, contract amount not to exceed \$21,024,000.00 including closing costs (22-64-S-141624-1208)

Supervisor Bronson and Chairman Elfas thanked the Arizona Open Land Trust for assisting the County.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to approve the award.

22. CALL TO THE PUBLIC

Joe Sweeney spoke about illegal aliens.

J.J. Lamb, recent Project Manager, Statewide Heritage Tourism Map, spoke about designating Davidson Canyon's riparian area as an important riparian area. She queried how this vital area was overlooked.

Elizabeth Webb stated that there were errors related to the permit issuance. It was uncertain if Portland Cement properly portrayed the map area.

Bruce Whitehouse, Fire Chief of Corona del Tucson, Davidson Canyon's backup fire department, spoke about Portland Cement's haul road affecting Davidson Canyon's emergency services access.

Nancy Freeman stated that flood sites have augmented continuously for 30 years with County Flood Control unresponsive to complaints. She inquired if Portland Cement had to sign a covenant with the County.

Linda Schmidt, speaking for Kim Rego, former Empire-Fagan Coalition (EFC) Board member, stated that Portland Cement did not consider emergency services access.

Michael Toney stated that Portland Cement did not request a permit from the Army Corps of Engineers (ACE).

Charlotte Cook, EFC Board member, stated that the EFC was not kept informed about the permit. Davidson Canyon's rich trove of artifacts should be preserved. She verified that Portland Cement did not submit a 404 permit to ACE.

J. Lisa Jones thanked the Board for the honorarium for election night volunteers. She suggested that Voting and Receiving Precinct Stations be separate locations, as the same location for both processes created serious logistical problems. She asked that safety be considered. People waited a lengthy time in an unlit lot.

Kim Rego, former EFC Board member, requested that Davidson Canyon's riparian area be remapped, as it was within 500 feet of Portland Cement's haul road.

23. ADJOURNMENT

The meeting adjourned at 12:30 p.m.