

MINUTES, FLOOD CONTROL DISTRICT BOARD

DECEMBER 15, 2009

The Pima County Flood Control District Board met in its regular session in the regular meeting place of the Pima County Board of Supervisors (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, December 15, 2009. 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.    **US ARMY CORPS OF ENGINEERS PERMIT**

RESOLUTION NO. 2009 – FC 12, authorizing the execution of restrictive covenants on district property set aside as mitigation for the U.S. Army Corps of Engineers Section 404 Permit issued for the Pantano Wash Bank Stabilization Project. (District 4)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to adopt Resolution No. 2009 – FC 12.

2.    **CONTRACT**

Title Security Agency of Arizona, as Trustee under Trust Nos. 813 and 912, Amendment No. 1, to provide an Acquisition Agreement for the purchase of 852 acres located in the Ryan Ranch and Snyder Hill areas of the Black Wash watercourse in Section 31, T14S, R12E and Sections 5 and 6, T15S, R12E, Tax Parcel Nos. 210-13-002A, 210-12-009A, 210-13-004A, 210-13-0010, 212-38-1950 and 212-38-1960, needed for the Floodprone Land Acquisition Program, total acreage reduced from 852 acres to approximately 813 acres, Tax Levy Fund, contract amount \$161,492.87 decrease (11-59-T-142326-0909) Real Property

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

3. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:40 a.m.

MINUTES, BOARD OF SUPERVISORS' MEETING

DECEMBER 15, 2009

The Pima County Board of Supervisors met in regular session in its regular meeting place at Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, December 15, 2009. 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 Bob Sawvelle of Tucson Area Christian Fellowship.

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.

...   **EXECUTIVE SESSION**

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

4.    **RECONVENE**

The meeting reconvened at 9:35 a.m. All members were present.

5.    **CALL TO THE PUBLIC (for Executive Session items only)**

The Chairman inquired whether anyone wished to be heard on any item listed under Executive Session. No one appeared.

6.    **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3), for legal advice regarding Co14-09-01, Silverbell Road, Happy Valley Road and Santa Rita Road Major Streets and Scenic Routes Plan Amendments.

Chris Straub, Chief Civil Deputy County Attorney, stated this item was informational only, no Board action was required.

**7. LITIGATION**

Pursuant to A.R.S. §38-431.03 (A) (3) and (4), for legal advice and direction regarding Mountain Vista Fire District v. Pima County Board of Supervisors, Case No. C2009 8949.

Chris Straub, Chief Civil Deputy County Attorney, explained this case was in reference to the constitutionality of the recent amendment to A.R.S. §48-807, which pertained to the Fire District Assistance Tax. The County Attorney's Office sought direction from the Board, as discussed in executive session.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to proceed as discussed in executive session.

**8. LITIGATION**

Pursuant to A.R.S. §38-431.03 (A) (3) and (4), for legal advice regarding the waiver of the attorney client privilege with respect to legal advice from the County Attorney to the County Administrator regarding the Merit System Commission and the Law Enforcement Merit System Council.

Chris Straub, Chief Civil Deputy County Attorney, indicated this case concerned a request by the County Administrator to waive the attorney/client privilege with respect to a legal memorandum by the Civil Division of the County Attorney's Office, which was a response to legal memoranda and opinion letters drafted by Barry Corey, Attorney for the Pima County Merit System Commission and the Law Enforcement Merit Council. The County Attorney's Office requested permission to share the legal memorandum with the commission and council.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to waive the attorney/client privilege.

**9. CONSENT CALENDAR**

**A. CALL TO THE PUBLIC**

The Chairman inquired whether anyone wished to be heard on any item listed for action on the Consent Calendar. No one appeared.

**B. APPROVAL OF CONSENT CALENDAR**

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, that the Consent Calendar be approved as presented.

**CONSENT CALENDAR ITEMS ARE AS FOLLOWS:**

**1. CONTRACTS AND AWARDS**

**A. Community Development and Neighborhood Conservation**

1. RESOLUTION NO. 2009 - 319, approving an Intergovernmental Agreement with the U.S. Department of Housing and Urban Development, to provide for the administration of the Casa for Families Project, contract term 7/1/09 - 6/30/10, HUD Grant Fund, contract amount \$434,713.00 revenue (01-70-U-142559-0709)
2. RESOLUTION NO. 2009 - 320, approving an Intergovernmental Agreement with the Golder Ranch Fire District, to provide for the installation of five (5) fire hydrants in the Catalina area, contract term 10/1/09 - 9/30/10, CDBG Grant Fund, contract amount \$30,000.00 (01-70-G-142565-1009)

**B. Health Department**

3. RESOLUTION NO. 2009 - 321, approving an Intergovernmental Agreement with the Tucson Unified School District, to provide administration of childhood immunization services, no cost (01-01-T-142558-1209)
4. Arizona Family Planning Council, Amendment No. 1, to provide services under the Family Planning Title X Grant Project and amend contractual language, contract amount \$6,388.00 revenue (02-01-A-141806-0109)

**C. Information Technology**

5. Sprint Spectrum L.P., Amendment No. 3, to provide a Non-Exclusive Right-of-Way Use License for wireless communications facilities and amend contractual language, contract term 5/26/09 - 5/25/10, General Fund, contract amount \$12,000.00 revenue decrease (12-14-S-142320-0500)

**D. Pima Health System**

6. Devon Gables Health Care Center, Amendment No. 7, to provide nursing facility services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-D-137015-1005)
7. Kindred Nursing Centers West, L.L.C., d.b.a. Desert Life Rehabilitation and Care Center, Amendment No. 9, to provide nursing facility services, extend contract term from 11/1/09 to 10/31/10 and amend contractual language, PHCS Enterprise Fund, contract amount \$5,000,000.00 (18-15-K-137036-1005)

8. Juanita and Paul Hernandez, d.b.a. Ridgecrest I, Amendment No. 4, to provide assisted living home services, PHCS Enterprise Fund, contract amount \$100,000.00 (07-15-H-140262-0907)
9. Paul and Juanita Hernandez, d.b.a. Ridgecrest II, Amendment No. 4, to provide assisted living home services, PHCS Enterprise Fund, contract amount \$150,000.00 (07-15-H-140263-0907)
10. Fox Infusion, Inc., Amendment No. 2, to provide home infusion therapy services, extend contract term from 12/1/09 to 11/30/10 and amend contractual language, PHCS Enterprise Fund, contract amount \$50,000.00 (18-15-F-140460-1107)
11. The Oasis Assisted Living Center, L.L.C., d.b.a. The Oasis at El Corral Assisted Living Center, Amendment No. 4, to provide assisted living center services, PHCS Enterprise Fund, contract amount \$250,000.00 (18-15-O-140515-1007)
12. NSI-Nursing Services, Inc., Amendment No. 3, to provide homecare services, PHCS Enterprise Fund, contract amount \$500,000.00 (18-15-N-142082-0709)

**E. Procurement**

**Award**

13. Cooperative Procurement: Award of contract, Requisition No. 1000445, in the amount of \$420,000.00 for hardware, software and maintenance services for Spillman server upgrade awarded to IBM (Headquarters: Phoenix, AZ). The initial term is one three-year period. An annual award amount of \$60,000.00 for maintenance fees is required for the two one-year renewal periods. Funding Source: JAG Grant Fund. Administering Department: Sheriff Department.

**F. Sheriff**

14. RESOLUTION NO. 2009 - 322, approving an Intergovernmental Agreement with the Bureau of Land Management, to provide law enforcement assistance through special patrols, contract term 10/2/08 - 9/30/09, Federal Fund, contract amount \$10,000.00 revenue (01-11-B-142562-1008)
15. RESOLUTION NO. 2009 - 323, approving an Intergovernmental Agreement with the Town of Sahuarita, to provide video-court hearing of municipal prisoners, contract term 12/1/09- 11/30/10, General Fund, contract amount \$10,000.00 estimated revenue (01-11-S-142578-1209)

**2. DIVISION OF ELECTIONS**

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

<u>RESIGNATIONS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Hormel, Peter	019	DEM
Durham, Paul W.	075	DEM
Sandberg, Robert J.	209	DEM
Hammann, Jack A.	387	DEM
Hammann, Margarget	387	DEM
Gabaldon, Rosanna	414	DEM

<u>APPOINTMENTS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Gebrekidane, Ezekiel A.	064	DEM
Katz, Rebecca E.	080	DEM
Gunderson, Dianne M.	130	DEM
Lewis, Barbara M.	145	DEM
Krino, Gregory J.	189	REP
Durham, Paul W.	212	DEM
Rowe, Kathleen	225	REP
Dorgan, Patricia A.	254	DEM
Lenhard, Robert E.	267	REP
Rimer, Janice L.	270	REP
Rimer, John M.	270	REP
Ruhl, Frank G.	286	REP
Ruhl, Rebecca L.	286	REP
Orr, Michael J.	370	REP
Wilford, Michael A.	370	REP

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

Linda E. Jallad, Tohono Chul Park, 7366 N. Paseo del Norte, Tucson, December 13, 2009.

**4. REAL PROPERTY**

**Ratification of Utility Easements Serving Pima County Facilities**

Resolution No. 1979-48 of the Pima County Board of Supervisors authorizes the Pima County Administrative Officer or designee to execute utility easements and licenses to utility companies to service Pima County properties, subject to ratification by the Pima County Board of Supervisors. (All Districts)

Easement Type/ EASE #	Utility Company/Grantee	County Facility Served	Recording Date	Docket/ Page
Electric/08-02	Trico Electric Cooperative, Inc.	Avra Valley WWTF	5/23/08	13313/4264
Electric/08-06	Trico Electric Cooperative, Inc.	Marana WWTF	5/23/08	13313/4240
Water/08-08	City of Tucson Water	Children's Advocacy Center	5/23/08	13313/3870
Electric/08-12	Trico Electric Cooperative, Inc.	Avra Valley WWTF	1/26/09	13481/3337
Electric/08-17	Tucson Electric Power	Paradise Falls Park	11/17/08	13435/76
Water/08-20	Community Water Co. of Green Valley	G.V. Performing Arts Center	3/24/09	13521/946

Electric/09-09	Tucson Electric Power	Brandi Fenton Park	7/1/09	13591/713
Electric/09-11	Tucson Electric Power	Water Treatment Plant	7/1/09	13591-705
1' No Access 09-17 (Declaration)	Pima County	Canoa Ranch Drive	11/3/09	13677/54

**5. RATIFY AND/OR APPROVE**

Minutes:      October 20, 2009  
                   November 3, 2009

**REGULAR AGENDA/ADDENDUM ITEMS**

**10. REAL PROPERTY: RELEASE OF PUBLIC INGRESS / EGRESS EASEMENT**

The Board of Supervisors' on 10/6/09, 10/20/09 and 11/17/09, continued the following:

Leadstar, L.L.C., representing the Gates Pass Condominium Project, requests the release of an unneeded 25-foot public ingress/egress easement as reserved in Docket 8450 at Page 1623 and dedicated in Docket 8516 at Page 591 and Docket 9233 at Page 676, Section 15, T15S, R13E, G&SRM. No revenue. (District 5)

On consideration, it was moved by Chairman Elías, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to continue this item to the Board of Supervisors' Meeting of February 2, 2010.

**11. REGIONAL WASTEWATER RECLAMATION: PRETREATMENT SETTLEMENT AGREEMENT**

Staff recommends approval of the following proposed Pretreatment Settlement Agreement, RWRD Enterprise Fund.

Golden China Restaurant, L.L.C., No. 2009-13. Proposed settlement amount is \$391.65.

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

**12. FRANCHISES/LICENSES/PERMITS: FIREWORKS PERMIT**

Alan Raso, Westward Look Resort, 245 E. Ina Road, Tucson, December 31, 2009 at Midnight.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Bronson, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and approve the permit.

13. **FRANCHISES/LICENSES/PERMITS: LIQUOR LICENSE**

09-33-9004, Jessica Louise Rojas, Country Club of Green Valley, 77 E. Paseo De Golf, Green Valley, Series 14, Club, New License.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Bronson, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing, approve the application for liquor license and forward the recommendation to the Arizona State Liquor Licenses and Control.

14. **FRANCHISES/LICENSES/PERMITS: AGENT CHANGE/ACQUISITION OF CONTROL/RESTRUCTURE**

09-31-9002, Avtar Singh Thandi, Three Points General Store, 16225 W. Ajo Way, Tucson, Acquisition of Control.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Bronson, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing, approve the application for agent change/acquisition of control/restructure and forward the recommendation to the Arizona State Liquor Licenses and Control.

15. **DEVELOPMENT SERVICES: REZONING TIME EXTENSION**

The Board of Supervisors' on 11/17/09, continued the following:

Co9-04-06, FIDELITY NATIONAL TITLE, TRUST NO. 30226 – CAMINO VERDE REZONING

Request of Fidelity National Title, Trust No. 30226, for a five-year time extension of a rezoning from SR (Suburban Ranch) to CR-4 (Mixed Dwelling Type) Small Lot Option for approximately 29.09 acres located on the east side of Camino Verde approximately one half mile south of Ajo Highway. The subject site was rezoned in 2004 and expires in 2009. Staff recommends APPROVAL OF A FIVE-YEAR TIME EXTENSION WITH ADDITIONAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 3)

Without objection, this item was continued to the Board of Supervisors' Meeting of January 19, 2010.

16. **DEVELOPMENT SERVICES: COMPREHENSIVE PLAN AMENDMENT**

The Board of Supervisors' on 11/17/09, continued the following:

Co7-09-04, GATEWAY HACIENDA, L.L.C. - E. RIVER ROAD PLAN AMENDMENT

Request of Gateway Hacienda, L.L.C., represented by Tom Meehan, et. al., to amend the Pima County Comprehensive Plan from Low Intensity Urban 1.2 (LIU 1.2) to Neighborhood Activity Center (NAC) for approximately 7.24 acres located at the southeast corner of East River Road and Hacienda del Sol Road, in Section 20, T13S,

R14E, in the Catalina Foothills Subregion. On motion, the Planning and Zoning Commission voted 7-3 (Commissioners Membrila, Spendiarian and Smith voted NAY) to recommend DENIAL. Staff recommends APPROVAL SUBJECT TO REZONING POLICIES. (District 1)

"Rezoning Policies

1. Non-residential buildings shall not front River Road and shall be oriented to the westerly and southerly portions of the site. Rear sides of non-residential buildings shall not face the Rillito River. Non-residential buildings shall be designed with four-sided architecture.
  2. Vehicular access is primarily to be limited to the privately-maintained access road along the west side of the site. Direct access to River Road, if allowed by the Department of Transportation, is limited to one right-in right-out driveway east of the wash that bisects the amendment site.
  3. If compliance with Conservation Lands System Conservation Guidelines is to be accomplished wholly or partially within the boundaries of the amendment site, implementation will include re-vegetation along the southern boundary.
  4. No person shall construe any action by Pima County as a commitment to provide sewer service to any new development within the plan amendment area until Pima County executes an agreement with the owner / developer to that effect. By accepting this plan amendment, the owner / developer acknowledges that adequate treatment and conveyance capacity to accommodate this plan amendment in the downstream public sewerage system may not be available when new development within the plan amendment area is to occur, unless it is provided by the owner / developer and other affected parties.
  5. Notwithstanding the Neighborhood Activity Center (NAC) designation, a rezoning application to CMH-2 (County Manufactured and Mobile Home – 2 Zone), MR (Major Resort Zone), RVC (Rural Village Center Zone), or CB-2 (General Business Zone) is not allowed.
  6. TR (Transitional Zone) uses shall be restricted to any use as permitted in Sections 18.25.010 CR-3 (Single Residence Zone), 18.27.010 CR-4 (Mixed-Dwelling Type Zone), and 18.29.010 CR-5 (Multiple Residence Zone), in addition to the following uses listed as permitted in the TR Zone: Assisted living centers; Clinic or dispensary; Professional or semi-professional offices; Real estate office; Motel or hotel together with the following accessory uses located on the same premises: Retail shops, Personal services, Recreation facilities, Restaurant, and Beverage service; Administrative, engineering, scientific research, design, or experimentation facility, and such processing and fabrication as necessary thereto; and Nonexpressed residential uses. The uses shall be subject to development standards, restrictions, descriptions, and allowances as per the Zoning Code.
  7. CB-1 (Local Business Zone) uses shall be restricted to those uses listed as permitted for the TR Zone in Policy #6 above, in addition to the following uses listed as permitted in the CB-1 Zone: Art gallery or store; Bank (except non-chartered financial institutions); Café or lunchroom; Delicatessen; Gift, curio, or novelty shop; Hotel; Interior decorator; Medical laboratory; Office: Business, professional, or semi-professional; Orthopedic appliances (trusses, wheelchairs, etc.); Photograph studio; Trust company; Veterinary outpatient clinic for small animals; Other similar enterprise of business of the same class, which in the opinion of the Board of Supervisors, as evidenced by resolution of record, is not more obnoxious or detrimental to the welfare of the particular community than the enterprises or businesses enumerated herein; Retail sale, rental, or display of: Oxygen equipment for medical outpatient uses; Administrative, engineering, scientific research and development, design, or experimentation facility, and such treatment, processing, and fabrication as may be necessary thereto; and Sit-down Restaurant excluding drive-through and dance floor, including a restaurant liquor license [hours of operation shall not occur between 12 a.m. (midnight) and 5 a.m.]. The uses shall be subject to development standards, restrictions, descriptions, and allowances as per the Zoning Code.
  8. Future development shall aim to promote net zero sustainability via site design and green building principles, as volunteered by the property owner, which focus on increasing the efficiency of resource use — energy, water, and materials — while reducing the development's impacts on human health and the environment. Live/work home offices are encouraged. Multimodal transportation opportunities shall be incorporated into the design of the development to include pedestrian/bicycle linkage to the Rillito River Park Trail #6 and the River Road frontage and capability of adaptation to future transit service. The rezoning applicant shall show explicitly how the proposal meets the letter and intent of this policy.
- RP-64  
~~Notwithstanding the Low Intensity Urban 1.2 (LIU 1.2) designation, a rezoning application to TR Transitional zone is allowed for a private primary and/or secondary school."~~

Sherry Ruther, Planning Manager, provided a report and recommended approval subject to rezoning policies. She noted that in the interim, since the Planning and Zoning Commission recommended denial, staff and the applicant have forwarded four

additional rezoning policies that further defined the appropriate land uses and established sustainable development expectations. Five individuals addressed the Planning and Zoning Commission; three in opposition and two in support. Staff also received a 43 signature petition in objection to the amendment.

Wayne Rutschman, managing member of the Gateway Hacienda, L.L.C., felt the area was appropriate for a plan amendment. He explained that in response to the Planning and Zoning Commission's judgment that the applicant was not specific enough about uses that might be envisioned for the site if the area was appropriately changed to Neighborhood Activity Center, a list was developed that showed the particular uses that would be considered in the future. He indicated that three meetings had been held with neighbors and, at one of the meetings, they were able to discuss the restrictions that were put on the amendment.

The following speakers addressed the Board:

- A. Louise Kligman, citizen
- B. Jeff Goldstein, real estate broker

They provided the following comments:

1. They felt it was the perfect opportunity to have innovative 21<sup>st</sup> century thinking, regarding green building principles.
2. The neighbors' opposition of a hotel and a bar were reiterated.
3. The neighbors are never asked before things go into a neighborhood what effect it will have on them.
4. Keep the integrity of neighborhood as it is.

Supervisor Day stated that unfortunately none of the meetings held between Gateway Hacienda, L.L.C., and the neighbors resulted in many compromises. She explained two major concerns from neighbors that lived along River Road were they did not want a restaurant, and they did not want a hotel/motel. She asked Mr. Rutschman if Hacienda Gateway, L.L.C., would be willing to exclude those from their site plans. She said some of the concerns with the restaurant were that there would be a dance floor and drive-thru area. Supervisor Day indicated that she would like a commitment from the applicant that they understood the intent of the additional conditions 5 through 8, with special emphasis on 8; if and when the development is developed, they would be energy conscious and eco-friendly and would consider technology and design that incorporated net zero energy use, utilized solar power and recycled materials. She explained that they wanted to be seriously creative and progressive on how the County dealt with this area and all new development in and around the County.

Mr. Rutschman responded that he preferred not to exclude any potential businesses from the area. He stated the list of exclusions could be modified to include any reference to a dance floor or capacity of a restaurant to have a dance floor and any drive-thru restaurant activity. He confirmed that the future developments would aim to promote net zero sustainability and green building principles.

Supervisor Day indicated that land use planning must be balanced, creative and made to fit the area where the development is being proposed. She contended that she watched out for the River Road corridor for many years and had told the City of Tucson she did not want to see the area overdeveloped. She acknowledged that there had been some compromises with the applicant. The applicant had agreed to adhere to the 24-foot building height in residential zones and restrict the most intense commercial uses. She commented that the broader picture was that the area eventually would be developed and the question was who would develop it, the County or the City. She opined that the City had their eye on the property, and she felt they wanted it for the taxes they could receive from commercial buildings that they would allow to go up in that area. She appreciated the neighborhood's commitment and involvement in ensuring the River Road area be protected from strip commercial development. She noted that she wanted the County to have the say in the rezoning policies which the County would have if the plan amendment passed then they would be able to move forward with the development of the parcel under County criteria for design and development.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearing and approve Co7-09-04 subject to Rezoning Policies 1 through 4, as listed in the staff report; deleting a portion of existing Rezoning Policy RP-64, site for rezoning within a TR zone for a private school; adding additional Rezoning Policies 5 through 8; amending Rezoning Policy 8 to include a Special Area Policy S-2, Catalina Foothills, limiting the building height to 24 feet; and, modifying Rezoning Policy 7, limiting restaurant use to sit down establishments excluding a drive-thru and dance floor.

17. **DEVELOPMENT SERVICES: MAJOR STREETS AND SCENIC ROUTES PLAN AMENDMENT**

Co14-09-01, SILVERBELL ROAD, HAPPY VALLEY ROAD and SANTA RITA ROAD MAJOR STREETS AND SCENIC ROUTES PLAN AMENDMENT

Request from Pima County to amend the Pima County Major Streets and Scenic Routes Plan to designate Scenic Routes the portion of Silverbell Road west of Trico Road in Sections 16, 17, 19, 20, 21, 22 and 27, T11S, R10E; Sections 18, 19, 20, 21, 24, 25, 26, 27 and 28, T11S, R09E; Sections 09, 10, 13, 14, 15, 16, 17, 20, 29, 31, 32 and 33, T11S, R8E; Sections 04, 05, 08, 09, 10, 13, 14 and 15, T12S, R8E; designate Scenic Routes the portion of Happy Valley Road west of the Pima/Cochise County Boundary in Sections 01, 02, 11, 14, 15, 22, 23, 25, 26 and 36, T15S, R18E; and Section 01, T16S, R18E; designate Scenic Routes the portion of Santa Rita Road south of Sahuarita Road in Sections 19, 20, 27, 28, 29, 34 and 35, T17S, R14E; Sections 01, 02 and 12, T18S, R14E; Sections 07, 17, 18, 20, 21 and 22, T18S, R15E. On motion, the Planning and Zoning Commission voted 5-3 (Commissioners Spendiarian, Smith and Membrila voted NAY; Commissioner Ritchey abstained; Commissioner Matter was absent) to recommend APPROVAL WITH A MODIFICATION. Staff recommends APPROVAL WITH A MODIFICATION. (Districts 2, 3 and 4)

If approved, pass and adopt:

ORDINANCE NO. 2009 - 117

Chris Poirier, Assistant Planning Director, reported that the County Administrator directed staff to evaluate and consider these roads for designation. Staff concluded that the roads met the criteria for designation due to the exceptional scenic quality that help define the community. Staff provided notice by way of direct mailing, posting and newspaper advertisement. Staff received 25 letters of protest to date and two letters of support. If adopted, the scenic routes would have the effect of providing a 30-foot additional setback for buildings plus half of the future right-of-way. This setback would be less than the already required front yard setback for the underlying RH zone. There would also be an additional 200-foot overlay from the scenic route that established additional design criteria. He clarified that if the scenic roads were designated, they would not trigger a right-of-way dedication or any new improvements or new construction on the roads. He explained that it was simply a designation that would provide additional design criteria; it would not limit use.

The following speakers addressed the Board:

- A. Nancy Johannismeyer, Senior Environmental Engineer at Silverbell Mining
- B. Mark Lambert, Manager of Ironwood Forest National Monument
- C. Jane Scholer, citizen
- D. Cynthia Coping, citizen
- E. Paul Renwick, citizen
- F. Clarke Richards, citizen
- G. Lahsha Brown, Executive Director of Friends of Ironwood Forest

They provided the following comments:

- 1. Opposition was expressed concerning the proposed Ordinance.
- 2. Concerns were expressed that a scenic route designation could adversely impact present and future mining operations.
- 3. They requested that the Board delay a decision on the designations until at least February 2010, so that the affected property owners could fully assess the impact that the designations may have.
- 4. Support was expressed for the Silverbell Road scenic route designation along with concerns about the long term route conditions.
- 5. A huge burden would be created on current landowners.
- 6. The Ordinance imposed environmentally unfriendly building codes.
- 7. The County should not be taking on additional costs due to current economic conditions.
- 8. They felt the ecosystem and wildlife in the Happy Valley Road area had not been taken into consideration.

Supervisor Carroll inquired if any hearings had taken place in Cochise County or if staff had received any input from Cochise County since Happy Valley Road starts and ends in that County.

Chris Poirier responded no. Staff noticed the areas based within Pima County and, if approved, only the areas within Pima County would be designated.

Supervisor Carroll asked if it was a possibility to approve Silverbell Road and Santa Rita Road in the scenic route plan amendment, excluding Happy Valley Road, until meetings could be held in Cochise County.

Mr. Poirier indicated that it was at the discretion of the Board to approve a portion or all of the requested amendments.

It was thereupon moved by Supervisor Carroll, seconded by Supervisor Day, to close the public hearing and approve Silverbell Road and Santa Rita Road as scenic route designations and leave out Happy Valley Road until input could be received from the Cochise County. The motion failed 2-3, with Chairman Elías, Supervisor Valadez and Supervisor Bronson voting "Nay."

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to continue this item to the Board of Supervisors' Meeting of February 2, 2010.

**18. DEVELOPMENT SERVICES: REZONING**

Co9-07-20, SAHUARITA CORNERS L.P./EQUIVEST PROPERTIES L.P. – KOLB ROAD REZONING

Request of Sahuarita Corners L.P. / Equivest Properties L.P., represented by The Planning Center, for a rezoning of approximately 149.7 acres from RH (Rural Homestead) to CR-1 (Rural Residential) on property located at the northwest corner of Sahuarita Road and the Kolb Road alignment. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co20-00-20. On motion, the Planning and Zoning Commission voted 4-2 (Commissioners Spendiarian and Richey voting NAY) to recommend DENIAL. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 4)

Without objection, this item was continued to the Board of Supervisors' Meeting of January 19, 2010.

**19. DEVELOPMENT SERVICES: COMPREHENSIVE PLAN AMENDMENT**

Co7-09-02, LAWYERS TITLE OF ARIZONA TR 6549-T - E. INA ROAD PLAN AMENDMENT

Without objection, the item was withdrawn by the applicant.

**20. DEVELOPMENT SERVICES: COMPREHENSIVE PLAN AMENDMENT**

Co7-09-03, DAVIDSON - E. EDWIN ROAD PLAN AMENDMENT

Request of Christiaan Davidson, represented by Tim McCann Consulting, L.L.C., to amend the Pima County Comprehensive Plan from Low Intensity Urban 3.0 (LIU 3.0) to

Community Activity Center (CAC) for approximately 1.38 acres located on the south side of E. Edwin Road, approximately 1,250 feet east of N. Oracle Road, in Section 4, Township 11 South, Range 14 East, in the Northwest Subregion. On motion, the Planning and Zoning Commission voted 6-0 (Commissioners Smith, Cook, Creasy-Klein, and Membrila were absent) to recommend MODIFIED APPROVAL SUBJECT TO A REZONING POLICIES **POLICY**. Staff recommends MODIFIED APPROVAL SUBJECT TO A REZONING POLICIES **POLICY**. (District 1)

“Rezoning Policy

Notwithstanding the Low Intensity Urban 3.0 (LIU 3.0) designation, a rezoning application to the TR Transitional Zone for an assisted living center with a maximum of 24 residents is allowed.”

Sherry Ruther, Planning Manger, provided a report and recommended modified approval subject to the Rezoning Policy. Staff received one letter of opposition.

The following individual addressed the Board:

Marcus Davis, citizen

His comments were:

1. He expressed his opposition and requested that the Board keep the area residential to preserve what neighborhood he has to the east of his property.
2. He felt an assisted living home might increase traffic.
3. His property is the only one that would be between the proposed assisted living center and a feed store.

Tim McCann, Tim McCann Consulting, L.L.C., stated that he had a number of amicable conversations with Mr. Davis and Mr. Davidson, and he was confident that a solution could be reached between them before a rezoning request was made. He replied that an assisted living center was a relatively low traffic generator.

Supervisor Bronson inquired if Mr. Davis presented the same testimony at the Planning and Zoning Commission hearing.

Mr. Davis responded that he was at the hearing but had to leave before he could speak due to a death in the family. He indicated that he submitted a letter, via email, to several Development Services staff and had delivered a hardcopy of the letter to the Development Services Department. He asked them to place the letter on file for today’s meeting.

Supervisor Day stated that she had not heard from Mr. Davis concerning this item.

Mr. Davis indicated that he was unfamiliar with the entire process and was unaware that he should have contacted her.

Supervisor Day advised Mr. Davis to contact her office and talk with her staff before the rezoning process on this proposal.

Chairman Elías asked staff if any of Mr. Davis’s letters had been submitted for the Planning and Zoning hearing.

Ms. Ruther responded no. They had not received the letter until after the conclusion of the hearing. She stated that it was included in the packet before the Board.

Supervisor Bronson commented that it was unfortunate that Mr. Davis was not able to attend the Planning and Zoning Commission hearing because she felt a personal presence would have made a difference.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Carroll and carried by a 3-2 vote, Chairman Elías and Supervisor Bronson voting “Nay,” to close the public hearing and approve Co7-09-03 with the recommendation of modified approval subject to the Rezoning Policy.

## 21. **DEVELOPMENT SERVICES: COMPREHENSIVE PLAN AMENDMENT**

### Co7-09-06, TUCSON UNIFIED SCHOOL DISTRICT (TUSD) – N. SABINO CANYON ROAD PLAN AMENDMENT

Request of Tucson Unified School District (TUSD), represented by The Planning Center, to amend the Pima County Comprehensive Plan from Low Intensity Urban 1.2 (LIU-1.2) and Resource Transition (RT) to Low Intensity Urban 3.0 (LIU-3.0) for approximately 16.7 acres located on the northwest corner of N. Sabino Canyon Road and Old Sabino Canyon Road, in Section 29, Township 13 South, Range 15 East, in the Catalina Foothills Subregion. On motion, the Planning and Zoning Commission voted 6-0 (Commissioners Smith, Cook, Creasy-Klein and Membrilla were absent) to recommend APPROVAL SUBJECT TO REZONING POLICIES. Staff recommends APPROVAL SUBJECT TO REZONING POLICIES. (District 1)

#### “Rezoning Policies

1. The developer shall consult with the Pima County Green Building Program Manager and other staff as may be identified to work toward creation of a sustainable, green project.
2. No person shall construe any action by Pima County as a commitment to provide sewer service to any new development within the plan amendment area until Pima County executes an agreement with the owner / developer to that effect. By accepting this plan amendment, the owner / developer acknowledges that adequate treatment and conveyance capacity to accommodate this plan amendment in the downstream public sewerage system may not be available when new development within the plan amendment area is to occur, unless it is provided by the owner / developer and other affected parties.
3. Residential development shall be limited to 40 lots.”

Sherry Ruther, Planning Manger, provided a report and recommended approval subject to Rezoning Policies. Staff received one letter that expressed interest on being informed about future drainage improvements. Three individuals addressed the Planning and Zoning Commission; one in opposition and two expressed concerns for traffic and run-off issues.

The following individual addressed the Board:

George Weiss, Vice-President of the Sabino Vista Village Homeowner’s Association

His comments were:

1. Concern was expressed for increased congestion and traffic problems on Sabino Canyon Road.
2. Recently there had been two accidents in this area that have caused major injuries to the people involved.
3. The intersection to the road is unmarked. The road needs to be refurbished with lanes marked, the traffic signal light needs to allow for u-turns and a left turn signal is also needed.
4. Neighbors were worried about the County proceeding with this development unless the traffic and safety issues were dealt with.

Chairman Elías indicated that some of the issues would be more appropriately addressed at the rezoning process. He appreciated Mr. Weiss making the Board aware of these issues and concerns.

Linda Morales, representative with the Planning Center, provided a report. She indicated that the proposed project was for a 40 lot subdivision for individuals that wanted to stay in the area with modestly sized homes. The lot sizes and density kept with the surrounding subdivisions in the area and would be a nice fit. She explained that Jerry DeGrazia had worked out a land swap with Tucson Unified School District, and he was now the current owner of the property. A neighborhood meeting was held prior to moving forward with planning staff. Around 30 to 40 residents from the neighborhood attended the meeting. The two major concerns were hydrology and traffic. She said preliminary work had been done and believed that the proposed project could be done without any negative impact on the hydrology downstream from the site and maybe able to solve some of the existing problems as well. She stated that the traffic issues had been recognized and they would work cooperatively with the existing project across the street. She explained that they were prepared to get into detail concerning these issues during the site planning process and would stay in contact with Mr. Weiss and the neighborhood concerning these issues. She explained that the Rezoning Policy of consulting with the Green Build Program Manager had already been initiated and several meetings had taken place between the applicant and the County Administrator's staff. She indicated that the applicant was enthusiastic about moving forward with the green building concepts and embraced the ideas.

Supervisor Carroll inquired about the ownership of the property.

Ms. Morales explained that when the original application was made, Tucson Unified School District was the owner of the parcel. Shortly after, Jerry DeGrazia took ownership of the property. The proper changes were made in the files and with staff but, since it had been originally advertised as Tucson Unified School District, the name was kept the same on this case.

Jerry DeGrazia, applicant, declared that with the proposal, the goal was to develop something unique that could turn into a template for future developments. He noted that there had been discussion to look at improvements regarding the development. In thinking about his project and, if approved, problems with the roads would not be good

for them or for sales. He affirmed that he wanted a safe intersection just like everyone else and had no problem going through the requirements of that process to accomplish this goal.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve Co7-09-06 subject to Rezoning Policies with the additional policy of limiting the development to 40 lots.

## 22. **DEVELOPMENT SERVICES: PLAT NOTE MODIFICATION**

### P1200-015, CANOA NORTHWEST SUBDIVISION

Request of Landmark Title Assurance Agency of Arizona, L.L.C., as Trustee under Trust No. 18349-T and Landmark Title Assurance Agency of Arizona, L.L.C., as Trustee under Trust No. 18354-T, WLB Group, Inc. applicant for modification of General Plat Note No. 5 of the Canoa Northwest Plat (Bk 53, Pg 81) to add Tax Parcel Nos. 304-68-003K and 304-68-003L to Common Area "B" and to remove Tax Parcel No. 304-68-763E from Common Area "B." Staff recommends APPROVAL. (District 4)

The Chairman inquired whether anyone wished to be heard. No one appeared.

On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve P1200-015.

## 23. **TRANSPORTATION: TRAFFIC ORDINANCES**

- A. ORDINANCE NO. 2009 - 118, of the Board of Supervisors, regulating parking on the north side of Condor Drive from 735 feet to 765 feet west of Bald Eagle Avenue at the drainage/pedestrian/utility easement as "No Stopping, Standing or Parking" in Pima County, Arizona. Staff recommends APPROVAL. (District 1)
- B. ORDINANCE NO. 2009 - 119, of the Board of Supervisors, regulating traffic at the intersection of Lake Echo Road and Sherbrooke Street in Pima County, Arizona. Staff recommends APPROVAL. (District 1)
- C. ORDINANCE NO. 2009 - 120, of the Board of Supervisors, prohibiting all motor vehicles with a gross vehicle weight rating greater than 30,000 pounds from using Trico Marana Road over the Santa Cruz River Bridge (Structure No. 9552) in Pima County, Arizona. Staff recommends APPROVAL. (District 3)
- D. ORDINANCE NO. 2009 - 121, of the Board of Supervisors, prohibiting all motor vehicles with a gross vehicle weight rating greater than 6,000 pounds from using Silverbell Road over the Blanco Wash Bridge (Structure No. 8259) in Pima County, Arizona. Staff recommends APPROVAL. (District 3)

- E. ORDINANCE NO. 2009 - 122, of the Board of Supervisors, prohibiting all motor vehicles with a gross vehicle weight rating greater than 10,000 pounds from using Mile Wide Road over the East Branch Brawley Wash Bridge (Structure No. 8474) and the West Branch Brawley Wash Bridge (Structure No. 8475) in Pima County, Arizona. Staff recommends APPROVAL. (District 3)
- F. ORDINANCE NO. 2009 - 123, of the Board of Supervisors, prohibiting all motor vehicles with a gross vehicle weight rating greater than 30,000 pounds from using Trico Road over the Santa Cruz River Bridge (Structure No. 8262) in Pima County, Arizona. Staff recommends APPROVAL. (District 3)
- G. ORDINANCE NO. 2009 - 124, of the Board of Supervisors, establishing prima facie reasonable speed limits for motor vehicles on McGee Ranch Road in Pima County, Arizona. Staff recommends APPROVAL. (District 3)
- H. ORDINANCE NO. 2009 - 125, of the Board of Supervisors, prohibiting all motor vehicles with a gross vehicle weight rating greater than 36,000 pounds from using Houghton Road over the Southern Pacific Rail Road Bridge (Structure No. 9563) 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 Chairman Elías and unanimously carried by a 5-0 vote, to close the public hearings and adopt Ordinance No's. 2009 - 118, 119, 120, 121, 122, 123, 124 and 125.

#### 24. **TRANSPORTATION: TRAFFIC RESOLUTION**

RESOLUTION NO. 2009 - 324, of the Board of Supervisors, permitting the temporary closure of Esperanza Avenue, Lomita Avenue, and Plaza Street in the Town of Ajo, for the Ajo Rotary Club Christmas Eve Street Parade on December 24, 2009. Staff recommends APPROVAL. (District 3)

The Chairman inquired whether anyone wished to be heard. No one appeared.

On consideration, it was moved by Supervisor Bronson, seconded by Chairman Elías and unanimously carried by a 5-0 vote, to close the public hearing and adopt Resolution No. 2009 - 324.

#### 25. **BOARD OF SUPERVISORS**

Request to initiate an emergency plan amendment to the Pima County Comprehensive Plan from Medium Intensity Urban (MIU) to Heavy Industrial (HI), and direct staff to proceed with advertising an amendment for immediate review for the next available Board of Supervisors' agenda. The subject property is zoned SP and is located within Section 12 of the Swan Southlands Specific Plan, on the west side of Wilmot Road, one mile south of E. Old Vail Connection Road and approximately four miles south of Interstate 10. (District 2)

On consideration, it was moved by Supervisor Bronson, seconded by Chairman Elías, to approve the request. The motion was withdrawn.

On consideration, it was moved by Supervisor Valadez, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to approve the request and direct staff to initiate an emergency plan amendment.

**26. DEVELOPMENT SERVICES: APPROVAL OF WRITTEN DECISIONS**

- A. Written decision of P21-09-021, Cottonwood De Tucson – W. Sweetwater Drive, denied by the Board of Supervisors on 12/1/09.
- B. Written decision of P21-09-022, PC ROW – W. Speedway Boulevard, denied by the Board of Supervisors on 12/1/09.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to approve the written decisions as presented.

**27. DEVELOPMENT SERVICES: FINAL PLAT WITH ASSURANCES**

P1209-049, The Estates at Canoa Ranch. Lots 1-26 and Common Areas A and B. (District 4)

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

**28. DEVELOPMENT SERVICES: FINAL PLAT WITHOUT ASSURANCES**

P1208-014, Montanas De Paz II, Lots 1 and 2. (District 1)

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to approve the final plat without assurances.

**29. DEVELOPMENT SERVICES: CANOA RANCH DEVELOPMENT AGREEMENT**

Fairfield Canoa Ranch, L.L.C., Amendment No. 2, to provide a five year time limit on the Tentative Plat approval of Canoa Ranch South Blocks 1-5, upon payment of applicable extension fees of \$68,756.00 revenue. (District 4)

Arlan Colton, Planning Director, explained that a change needed to be made pertaining to item 2, and it should read: “from 10 calendars days to 45 calendar days.”

On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to approve the agreement as amended.

30. **CONTRACTS: COMMUNITY SERVICES, EMPLOYMENT AND TRAINING**

- A. Arizona Department of Economic Security, Amendment No. 15, to provide homeless assistance/eviction prevention services and amend contractual language, Arizona Department of Economic Security Grant Fund, contract amount \$248,252.00 revenue-decrease (01-69-A-136291-0705)
- B. Life Directions USA – Tucson, to provide emergency assistance for low income households experiencing a temporary financial crisis, contract term 7/1/09–6/30/10, American Recovery and Reinvestment Act Grant Fund, contract amount \$18,326.00 (07-69-L-142596-0709)

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

31. **CONTRACTS**

A. **Forensic Science Center**

- 1. Arizona Criminal Justice Commission, to provide for DNA testing computer equipment and scanners, ACJC Grant Fund, contract amount \$250,000.00 revenue (02-48-A-142593-1009)
- 2. Arizona Criminal Justice Commission, to provide for computer equipment and scanners to reduce DNA sample turn around time, ACJC Grant Fund, contract amount \$19,047.00 revenue (02-48-A-142594-1009)

B. **Institutional Health**

- 3. RESOLUTION NO. 2009 - 325, approving an Intergovernmental Agreement with Yavapai County to provide the Restoration to Competency services, General Fund, contract amount \$250,000.00 revenue-depending on utilization (01-65-Y-142605-1209)

On consideration, it was moved by Chairman Elías, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to approve the contracts and adopt Resolution No. 2009 - 325.

32. **CONTRACTS: REGIONAL WASTEWATER RECLAMATION PROCUREMENT**

- A. MWH Constructors, Inc., Amendment No. 4, to provide construction manager at-risk services needed for the Ina Road Water Pollution Control Facility Capacity and Effluent Quality Upgrade Project, extend contract term from 12/15/09 to 12/31/14 and amend contractual language, 2004 Sewer Revenue Bond Fund, contract amount \$998,496.62 (03-03-M-140959-0408) **Regional Wastewater Reclamation**

- B. CH2M Hill, Inc., Amendment No. 5, to provide design engineering services needed for the Ina Road Water Pollution Control Facility Capacity and Effluent Quality Upgrade Project, extend contract term from 9/1/09 to 2/4/10 and amend contractual language, 2004 Bond Fund and future bond issues, contract amount \$599,499.00 (16-03-C-140877-0208) **Regional Wastewater Reclamation**

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

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

A. **Outside Agency Review Committee**

Appointment of Nubia Bertsch to replace Carlos Salaz. No term expiration. (District 2)

B. **Parks and Recreation Commission**

Appointment of Lisa Uhler to fill the unexpired term of Teresa Pulido. Term expiration: 6/30/13. (District 2)

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

34. **CALL TO THE PUBLIC**

The Chairman inquired whether anyone wished to be heard.

Jim March addressed the Board concerning security issues, email policies and gun policies.

35. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:40 a.m.