

MINUTES, FLOOD CONTROL DISTRICT BOARD

JANUARY 12, 2010

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, January 12, 2010. Upon roll call, those present and absent were as follows:

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

1. **CONTRACTS**

- A. RESOLUTION NO. 2010 – FC 1, approving an Intergovernmental Agreement with the City of South Tucson, to provide for drainage administration and maintenance for FY 2007/2008, 2008/2009 and 2009/2010, District Levy Fund, contract amount \$480,000.00 (01-59-S-142631-0110)
- B. RESOLUTION NO. 2010 – FC 2, approving an Intergovernmental Agreement with the U.S. Department of the Interior, U.S. Geological Survey, to provide for water resources investigation and methodologies to predict the magnitude and frequency of floods for the term October 1, 2009 to September 30, 2012, District Levy Fund, contract amount \$70,000.00 (01-59-U-142663-0110)
- C. Department of the Interior, U.S. Geological Survey, Amendment No. 1, to provide for the collection and analysis of flood and stream flow data and amend contractual language, no cost (01-59-U-139935-1007)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and carried by a 4-1 vote, Supervisor Carroll voting “Nay,” to approve the contracts and adopt Resolution Nos. 2010-FC 1 and 2010-FC 2.

2. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:20 p.m.

MINUTES, BOARD OF SUPERVISORS' MEETING

JANUARY 12, 2010

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, January 12, 2010. Upon roll call, those present and absent were as follows:

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

1. INVOCATION

The invocation was offered by Pastor Phil Kruis of Rincon Mountain Presbyterian 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. CITY/COUNTY WATER AND WASTEWATER STUDY FINAL REPORT

The following items were heard jointly with the Pima County Board of Supervisors and the City of Tucson Mayor and Council:

A. Comments from Oversight Committee

James Barry, Chairman of the City/County Water and Wastewater Study Oversight Committee, spoke on the cooperative efforts of all involved entities and the public participation that culminated in completing the Water and Wastewater Study Final Report. Supervisor Elías, on behalf of the Board, thanked and recognized Mr. Barry and all of the members of the committee.

Chris Brooks and Joseph Mayer, members of the Oversight Committee,

expressed appreciation to the Board and City Council Members for initiating and supporting the study that used a comprehensive integrated planning approach to water with sensitivity to sustainability. They emphasized the importance of carrying forth the same effort to the other phases in the report for the benefit of the community.

B. Staff presentation of Phase II Report

Melanie Seacat, Pima County Project Coordinator and Nicole Ewin Gavin, City of Tucson Project Coordinator, provided a Powerpoint Presentation on the City/County Water and Wastewater Study Final Report Phase II which highlighted the key elements and goals recommended by the Oversight Committee.

C. Call to the Public (for this item only)

The following speakers addressed the Board and Council:

1. Cynthia Bruwer
2. Madeline Kiser
3. Chuck Freitas, Vice-President, Tucson Mountain Homeowners Association
4. Ed Verburg
5. Ron Proctor, Co-Chair, Sustainable Tucson
6. Michael McNulty, Tucson Regional Water Coalition
7. David Godlewski
8. Richard Basye
9. John Kromko
10. Judith Meyer, President, Tucson Mountain Homeowners Association
11. David Ludwig
12. Donna-Branch Gilby
13. John Kai
14. John Carlson, Registered Groundwater Engineer
15. Bob Cook, Alternate Committee Member, Oversight Committee

They provided the following comments:

- A. Central Arizona Project (CAP) water is a fragile resource and not guaranteed.
- B. It is anticipated that there will be a shortage of CAP water by 2012.
- C. De-emphasize the use of CAP water and focus more on harvesting rain water.
- D. Adopt the recommendations contained in the report.
- E. Regional dialogue is vital to water policy development and outside experts in creating regional and national plans should be invited to participate.

- F. An economic analysis on the costs vs. benefits was important; and, proposed enhancements and potential project costs need to be transparent and made available to public prior to jurisdictional approval.
- G. The Oversight Committee, County, and City staff did an outstanding job.
- H. Sustainability needs to encompass three major components: environment, economics and people.
- I. A permanent water policy should be adopted by the City and the County.
- J. The plan required comprehensive integration planning and a look at global warming/climate change.
- K. Look at reuse because effluent was the future of Arizona.
- L. The obligated water service area should be defined and addressed in a timely way.
- M. A reliable water assurance program requires funding, so stop spending on non-essential projects and direct those funds to water.
- N. There should be incentives for smart growth.
- O. The plan contained nothing specific.
- P. There should be no expansion of the City's CAP water obligated area.
- Q. Access to Indian Reservation's water allocation was not likely.
- R. Rain water harvesting in Tucson and Pima County should be publicized, incentivised and subsidized.
- S. Sustainability was defined as meeting the needs of current population without diminishing the ability of future populations to meet their needs.
- T. The decrease in Lake Meade's water elevation posts a potential problem because Arizona, as well as California, will be required to relinquish a portion of their CAP allocation.
- U. Water quality was a big issue, especially relative to pharmaceuticals and sludge. It was time to think out of the box and make the "green deal" work for everyone.
- V. Remember photosynthesis – a leaf will take out the CO₂ and exchange it for oxygen, keeping the air quality good. Let's not end up like the City of Phoenix.

Margot Garcia, citizen and former City Council Member, appeared to respond to a question by Supervisor Bronson as to why the Metropolitan Utilities Management (MUM) Agency was not successful.

- D. Adoption of RESOLUTION NO. 2010 - 16, of the Pima County Board of Supervisors, supporting the implementation of the City/County Water and Wastewater Study Final Report.

Supervisor Elías stated that they had heard a lot of positive feedback and some criticism on the issues. He said that there were many unanswered

questions, the largest being the cost of additional water allocations now and well into the future. Conditions were certain to change between now and the future so how do they approach integrated planning. The process, so far, had been open and transparent to the public, and he would like to see the committee continue their work. He also referenced receipt of a letter from the Tucson Regional Water Coalition and said he understood their concerns and position. He did not, however, agree with their suggestion that the City and County “commit to a truly cooperative process focused on maximizing economic benefits derived from the use of the regions available water supply.” He did not believe that was the proper approach to water conservation and preferred that a more broad-minded approach be taken to include considering economic benefits.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson that the Board adopt Resolution No. 2010-16, and support the implementation of Phase II of the Final Report. No vote was taken at this time.

Supervisor Day commented that after the passing of this Resolution, an analysis with the highest priority should begin to clarify where and how to expand the water service area.

Supervisor Carroll stated that he appreciated the work done thus far; however, he preferred to defer the adoption of the report and requested more time be spent reviewing additional issues. He also suggested that the committee reconvene with a full body of interested parties at the table. He felt that if it passed today, it was important to reduce the losses by inviting a full body of interested parties to participate as was done with the Conservation Plan.

Supervisor Day disagreed and stated that sufficient time had been spent on studying the matter and they now needed to move towards resolving the issues.

Supervisor Bronson agreed with Supervisor Day and advised that the growth model that had been used over the last two decades had proven to be unsustainable, and she agreed with a comment by Elliott Pollock, that Arizona had to get off that tract if they were going to have a sustainable water system.

Supervisor Elías responded that he did not want the direction to staff to be included as part of his motion as he did not feel it appropriate to speak for the City staff who were responsible for looking at the obligated areas.

Upon a roll call vote being taken, the motion to adopt Resolution No. 2010-16 and support the recommendations contained in the City/County Water and Wastewater Phase II Report. The motion carried 4-1, with Supervisor Carroll voting “Nay.”

Mayor Walkup called for comments from the Council on the adoption of City Resolution No. 21468, and supporting the implementation of the City/County Water and Wastewater Phase II Report. After discussion, a recommendation to bring the item back to Mayor and Council in 30 days was approved.

* * *

... EXECUTIVE SESSION

On consideration, it was moved by Chairman Valadez, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to convene to Executive Session at 11:35 a.m.

5. RECONVENE

The meeting reconvened at 11:55 a.m. All members were present.

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

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

7. LITIGATION

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding the tax appeal settlement recommendation for Stone v. Pima County, Tax Parcel No. 114-18-3070, Arizona Tax Court Case No. ST2009-000347.

Chris Straub, Chief Civil Deputy County Attorney, stated this case involved a valuation appeal by a property taxpayer for tax year 2010. The property was located on N. Larrea Lane, east of Sabino Canyon Road. The proposed settlement reflected the sales price of similar properties in the area and would result in the decrease of the Full Cash Value from \$605,663.00 to \$438,000.00. The Pima County Assessor and Attorney's Office recommended approval of the settlement.

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

8. LITIGATION

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction to discuss settlement in the matter of Mountain Vista Fire District v. Pima County Board of Supervisors, Pima County Superior Court Case No. C20098949.

Chris Straub, Chief Civil Deputy County Attorney, stated that the case related to a proposed settlement in Mountain Vista Fire District v. Pima County. The case involved a lawsuit to have A.R.S. §48-807.02 declared unconstitutional. The proposed settlement would require Pima County to enter into a Stipulated Motion for Judgment on the Pleadings to have A.R.S. §48-807.02 declared unconstitutional with each side paying its own costs and attorney's fees. The Pima County Attorney's Office recommended approval of the settlement.

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

9. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction to discuss the appeal of the State Board of Equalization's decisions on **Improvements with Pository Rights** on real property (IPR's) owned by Raytheon - Identification Numbers: 9405674-0183782, 183785, 183787, 183789, 183790, 89136, 89140, 89142, 89144, 89146, 89148, 89150, 89152, 89154, 89155, 89158, 89160, 89163, 89162 which are located on Tax Parcel Number 140-43-013A belonging to the City of Tucson.

Chris Straub, Chief Civil Deputy County Attorney, advised that this was a request to appeal the State Board of Equalization (SBOE) decisions concerning the valuation of IPR's owned by Raytheon that is on property owned by the City of Tucson. The SBOE reduced the value of these IPR's from \$79,539,918.00 to \$25,639,840.00. The potential loss in tax revenue from the SBOE actions was \$1,217,000.00. The Pima County Assessor and Attorney's Office recommended that an appeal be filed.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to approve the recommendation to file an appeal.

10. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding approval of the tax appeal settlement recommendations for the following:

- A. Begay v. Pima County
Tax Parcel No. 116-27-4100
Arizona Tax Court Case No. ST2009-000076

Chris Straub, Chief Civil Deputy County Attorney, advised that this case involved a valuation appeal by a property taxpayer for tax year 2010 for real property identified as 3421 W. Foxes Meadow Drive. The proposed

settlement reflected the sales price of similar properties in the area and would result in the decrease of the Full Cash Value from \$387,889.00 to \$310,000.00. The Pima County Assessor and Attorney's Office recommended approval of the settlement.

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

- B. Harris, et. al. v. Pima County
Tax Parcel No. 219-41-008G
Arizona Tax Court Case No. ST2009-000473

Chris Straub, Chief Civil Deputy County Attorney, reported that this was a case involving a valuation appeal by a property taxpayer for tax year 2010 for real property identified as vacant land located just north of Tangerine Road between Thornydale Road and La Cholla Boulevard in northwest Tucson on Camino Del Fierro. The parcel was 3.31 acres and zoned SR. The proposed settlement reflected the sales price of similar properties in the area and would result in the decrease of the Full Cash Value from \$250,000.00 to \$175,000.00. The Pima County Assessor and Attorney's Office recommended approval of the settlement.

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

11. **CONSENT CALENDAR:** For consideration and approval

A. **CALL TO THE PUBLIC**

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

B. **APPROVAL OF CONSENT CALENDAR**

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

CONSENT CALENDAR ITEMS ARE AS FOLLOWS:

1. **CONTRACTS AND AWARDS**

A. **Pima Health System**

1. Arizona Community Physicians, P.C., Amendment No. 7, to

provide physician services, flu vaccine administration, sleep studies and amend contractual language, PHCS Enterprise Fund, no cost (18-15-A-135580-0405)

2. Albert S. Callie, M.D., P.C., Amendment No. 5, to provide pediatric physician services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-C-136171-0905)
3. Manor Care of Tucson, L.L.C., d.b.a. Manorcare Health Services No. 498, Amendment No. 8, to provide nursing facility services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-M-137016-1005)
4. Handmaker Jewish Services for the Aging, Amendment No. 6, to provide skilled nursing facility services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-H-137063-1005)
5. Cholla Pediatrics, P.C., Amendment No. 3, to provide pediatric physician services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-C-137763-0506)
6. La Paloma Home for the Aging, L.L.C., Amendment No. 5, to provide assisted living home services, PHCS Enterprise Fund, contract amount not to exceed \$250,000.00 (07-15-L-140212-0907)
7. Javier R. Rios, M.D., A Medical Professional Corporation, d.b.a. Tucson Clinica Medica Familiar, Amendment No. 1, to provide primary care physician, radiology, transportation services, extend contract term from 1/1/10 to 12/31/10 and amend contractual language, PHCS Enterprise Fund, contract amount not to exceed \$150,000.00 (18-15-R-140509-0108)
8. East Tucson IM & Geriatric, Inc., Amendment No. 1, to provide internal medicine physician services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-E-141905-0709)
9. Pima Council on Aging, Amendment No. 1, to provide case management, housekeeping, personal care and caregiver support services, contract amount \$184,060.00 revenue (07-15-P-142230-0709)

10. Oro Valley Hospital, L.L.C., to provide hospital services for the term 5/1/09 to 4/30/11, PHCS Enterprise Fund, contract amount \$800,000.00 (18-15-O-142664-0509)

B. Procurement

11. Sun-Western Contractors for Industry, Inc., Amendment No. 2, to provide site improvements at the Pima County Wastewater Management Field Office Phase II Project, amend contractual language and extend contract term to 5/18/10, no cost (03-13-S-142298-0809) Facilities Management

Awards

12. Low Bid: Award of Contract, Requisition No. 1000919, in the amount of \$767,000.00 to Norquay Construction, Inc. (Headquarters: Tempe, AZ), the lowest responsive bidder for the replacement of the roof and heating, ventilating and air-conditioning (HVAC) units at the West Unit of the Pima County Adult Detention Center. The contract is for a seven month period and may be extended for project completion. Funding Sources: 2004 Bond Fund, \$234,128.00; Criminal Justice Enhancement Fund, \$266,436.00; and Facilities Renewal Fund, \$266,436.00. Administering Department: Facilities Management.
13. Most Qualified: Award of Contract, Requisition No. 0901706, in the total amount of \$23,318,595.00 (\$3,142,341.00 for software acquisition; \$6,569,537.00 for maintenance/support for 10 years; \$12,606,717.00 for professional services; and \$1,000,000.00 for Contingency) to the highest ranked/most qualified respondent, CGI Technologies and Solutions, Inc. (Headquarters: Fairfax, VA) for software and implementation services for an Enterprise Resource Planning (ERP) System. Professional service contract term is for three years with two, one year renewal options. Maintenance and support will be paid annually. The award includes the authority for the Procurement Department, pursuant to approval by the PimaCore Steering Committee, to reallocate the contingency award amount among the contracts considering actual usage and anticipated requirements without further action by the Board of Supervisors provided that the sum of the revised contract amounts does not exceed the total award amount. Funding Source: 2010 Certificates of Participation. Administering Department: Information Technology.

14. Low Bid: Award of Contract, Requisition No. 1000425, in the amount of \$819,946.66 to the lowest responsive bidder, SQP Construction, L.L.C. (Headquarters: Tucson, AZ) for construction of the Ina Road Water Reclamation Facility Enclosed Transfer Station for Dewatering Project. Funding Source: Wastewater Management System Development Fund. Administering Department: Regional Wastewater Reclamation Department.

C. Sheriff

15. RESOLUTION NO. 2010 -14, approving an Intergovernmental Agreement with the Arizona Department of Homeland Security, to provide microwave connectivity for the Pima County Wireless Integrated Network (PCWIN), for the term 11/16/09 – 5/31/10, Federal Grant Fund, contract amount \$6,197.76 revenue (01-11-A-142665-1109)
16. RESOLUTION NO. 2010 -15, approving an Intergovernmental Agreement with the Arizona Department of Homeland Security, to provide microwave connectivity for the Pima County Wireless Integrated Network (PCWIN), Federal Grant Fund, for the term 12/1/09 – 11/30/10, contract amount \$39,090.79 revenue (01-11-A-142666-1209)

2. **RATIFY AND/OR APPROVE**

Minutes: November 17, 2009

REGULAR AGENDA/ADDENDUM ITEMS

12. **FINANCE AND RISK MANAGEMENT: Operating Transfers**

Staff requests approval of the following operating transfers:

- A. \$255,801.00 from Pima Health System and Services to the General Fund for the Community Services System portion of Pima Health System.
- B. \$1,000,000.00 from Pima Health System and Services to the General Fund.

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

13. **INFORMATION TECHNOLOGY**

RESOLUTION NO. 2010 -17, of the Board of Supervisors, ratifying Pima County's Non-Exclusive Right-of-Way Use License issued to AT&T Wireless, P.C.S., Inc., dated September 24, 2000, for the purpose of installing and maintaining cellular communication facilities and related structures, and ratifying subsequent License Amendment No. 1, issued to Cingular Wireless, P.C.S., L.L.C., Successor in Interest to AT&T Wireless, P.C.S., Inc., effective September 24, 2005.

Supervisor Day stated that the recent increase in demand for wireless services/applications and review of Right-of-Way Use Licenses for utilities, should propel staff to review the fee structure for these types of applications. Supervisors Elías and Bronson agreed.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to adopt Resolution No. 2010-17.

14. **CONTRACTS**

A. **Assessor**

Pictometry International, Corp., Amendment No. 1, to provide aerial photography and extend contract term to 4/16/16, General Fund, contract amount \$1,186,725.00 (11-28-P-140811-0408)

B. **Community Services, Employment and Training**

JobPath, Inc., to provide workforce development services for the term 7/1/09 to 6/30/10, Board of Supervisors Contingency **and Outside Agency Funds**, contract amount \$384,827.00 (07-69-J-142681-0709)

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

15. **BOARD, COMMISSION AND/OR COMMITTEE**

Pima County Housing Commission

Appointment of Jessica Whyde, representing Southern Arizona Homebuilders Association, to replace Ed Taczanowsky. No term expiration. (County Administrator)

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

16. **Community Development and Neighborhood Conservation**

RESOLUTION NO. 2010 -18, relating to the allocation of \$111,000.00 from the United States Department of Housing and Urban Development Home Investment Partnership Program for Casitas on Broadway, an affordable housing project, in the City of Tucson, Pima County, Arizona.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to adopt Resolution No. 2010-18.

17. **DEVELOPMENT SERVICES: Final Plat without Assurances**

The Board of Supervisors' on January 5, 2010 continued the following:

P1209-030, THE CANOA RANCH RESORT. (District 4)

Supervisor Carroll thanked Eddie Peabody, Chairman of the Green Valley Coordinating Committee for his assistance.

Chris Straub, Chief Civil County Attorney, reminded the Board that any motion for approval needed to include the following language:

“The plat was not to be executed and/or recorded unless the applicant acquired the appropriate Water Assurance Certificate from the Arizona Department of Water Resources (ADWR) and submitted it to Development Services within 30 days from the date of this meeting.”

On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Day, and unanimously carried by a 5-0 vote, to approve the final plat without assurances for P1209-030, Canoa Ranch Resort, subject to the additional language.

18. **DEVELOPMENT SERVICES: Modification of Rezoning Conditions**

The Board of Supervisors' on January 5, 2010 continued the following:

Co9-01-01, PIMA COUNTY – CANOA RANCH REZONING

Request of Fairfield Green Valley, Inc., represented by The WLB Group, Inc., for a modification of Rezoning Condition No. 16B, that restricts the rezoning to a maximum of 2,199 dwelling units to allow a total of 2,499 dwelling units with the 300 unit increase to be entirely within Blocks 8 and 29, east and west of the intersection of West Canoa Ranch Drive and Camino del Sol as shown on the Canoa Ranch Block Plat, recorded in Book 54, Maps and Plats Page 74; and a modification of Rezoning Condition No. 16G, that restricts the height of residential buildings to 24 feet to allow Buildings 5, 8 and 12 as shown on the P1207-031, Lodge at Canoa Development Plan, approved by the Pima County Subdivision and Development Review Committee on January 15, 2008, to be a

maximum of 39 feet in height. The subject property is approximately 1,261 acres, was rezoned from RH (Rural Homestead) to CR-5 (Multiple Residence), CR-5 (GC) (Multiple Residence, Golf Course), CB-1 (Local Business Zone), CB-2 (General Business Zone), CB-2 (GC) (General Business Zone, Golf Course), and restricted RH (Rural Homestead). The subject property is located within the San Ignacio de la Canoa Land Grant on both sides of Interstate 19 and generally south of Demetrie Wash on Pima County Zoning Map Nos. 1141, 1280, 1281 and 1428. Staff recommends APPROVAL. (District 4)

IF THE DECISION IS MADE TO APPROVE THE MODIFICATION OF REZONING CONDITIONS, THE FOLLOWING REQUIREMENTS SHOULD BE MADE CONDITIONS OF APPROVAL:

Special and Standard Conditions:

16. Development and Design Requirements:

- B. This rezoning is restricted to a maximum of ~~2,499~~ 2,499 dwelling units. This reflects the original approved 2,199 dwelling units, plus 300 dwelling units reallocated and derived from the conversion of non-residential resort living units previously included in the approved Lodge at Canoa Ranch development plan. No new non-residential resort living units are allowed. The 300 dwelling units are to be entirely located within Block 29 and partially within Block 8 as shown on the Canoa Ranch Block Plat, recorded in Book 54, Maps and Plats Page 74, at the Pima County Recorder's Office. The Block 8 portion is located west of Turquoise Canyon Drive, excluding parcels 304-69-492A and 304-69-492B. Residential development of commercial zoning is encouraged within Planning Area 5.
- G. Residential building height is restricted to 24 feet, excepting existing buildings 5, 8, and 12 as shown on the P1207-031, Lodge at Canoa Development Plan, approved by the Pima County Subdivision and Development Review Committee on January 15, 2008, which are allowed to be 39 feet in height. The building height of development east of Interstate 19 is restricted to 30 feet and one story.

Arlan Colton, Planning Director, provided a report. He reported that staff had received four letters and 94 signatures of protest to date on the matter. He clarified, however, that the correspondence had been received prior to the latest meeting in Green Valley sponsored by the Green Valley Coordinating Council for local residents. He requested that special and standard conditions, 16B and G be modified as it related to the maximum of 2,499 dwelling units and building height restrictions.

Mr. Eddie Peabody, Chairman of the Green Valley Community Coordinating Council (Planning and Architectural Committee), appeared before the Board. He reported that the community meeting at Canoa Ranch was positive and successful. He stated that the applicant did an excellent job answering questions from over 30 speakers, addressed public concerns, and eliminated the confusion about his intended use for the units.

On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to close the public hearing and approve the modification of rezoning conditions 16B and G for Co9-01-01, as recommended by staff.

19. **CALL TO THE PUBLIC**

The Chairman inquired whether anyone wished to be heard.

The following citizens addressed the Board:

Clint Rowley stated that poor response time by the Sheriff and Animal Care Departments and unresolved issues pertaining to barking dogs and shots fired near his residence in Three Pointes were beginning to affect his mental and physical health.

Gary Bahr, who resides at the same residence as Mr. Rowley, reported that even though Animal Care had made weekly attempts, problems with barking dogs remained unresolved, and he would take whatever action necessary to take care of the problem.

20. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:20 p.m.