

## MINUTES, BOARD OF SUPERVISORS' MEETING

APRIL 20, 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, April 20, 2010. Upon roll call, those present and absent were as follows:

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

### 1. **MOMENT OF SILENCE**

Chairman Valadez requested a moment of silence in honor of Cipriano Gamboa who recently passed away and was a dedicated Pima County employee and citizen of our community.

### 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**

#### A. **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.

The following speakers addressed the Board:

1. Linda Dyer
2. Mike Humphrey
3. Carol Wittels
4. Michael Coiro, Executive Director of the Federation of State and Municipal Employees

5. Weaver Barkman
6. David Mitchell, President Emeritus, Service Employees International Union (SEIU)
7. Ron Riska

They provided the following comments:

- A. Retired employees did their part by faithfully working their years of service.
- B. They banked on the Board to uphold their agreement to provide retirees with health insurance.
- C. They inquired about the potential of reimbursement by the National Healthcare Coverage Plan (NHCP).
- D. The projected costs for maintaining health care coverage for retirees does not add up.
- E. Many retirees will not sign up for State coverage because they cannot afford the substantive increase.
- F. They opposed Pima County's decision to terminate health benefits coverage for retired employees.
- G. Many retirees felt that they received untimely, incomplete and/or incorrect information regarding this matter prior to Board action.

**B. CONVENE TO EXECUTIVE SESSION**

On consideration, it was moved by Supervisor Bronson, seconded by Chairman Valadez and unanimously carried by a 5-0 vote, that the Board convene to Executive Session at 9:30 a.m.

**C. RECONVENE**

The meeting reconvened at 10:22 a.m., all members were present.

**4. LITIGATION**

- A. Pursuant to A.R.S. §38-431.03(A) (3), for legal advice regarding legal issues that might impact Pima County's decision whether to continue to offer a health insurance benefit to retirees of Pima County government or to offer a subsidy to those retirees.

This item was informational only. No Board action was taken.

- B. Pursuant to A.R.S. §38-431.03(A)(3) and (4), for legal advice and direction regarding waiver of the attorney client privilege to permit release, as directed by the Board or County Administration, of a response to comments from the attorney who advises the Merit

Commission regarding amendments to the Pima County Merit System/Law Enforcement Merit System Rules.

Chris Straub, Chief Civil Deputy County Attorney, stated this was a request for the Board of Supervisors to waive the attorney client privilege with respect to a legal memorandum from the County Attorney's Office to Mr. Huckelberry in response to attorney Barry Corey's March 2, 2010, letter to the Pima County Merit System Commission/Law Enforcement Council regarding proposed amendments to the commission/council rules. Waiver of the attorney client privilege would allow release of the memorandum to the Commission/Council in time for its meeting next week and would provide them with the benefit of the County Attorney's opinion on the matters.

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

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

1. Kwong v. Pima County  
Tax Parcel No. 113-04-0750  
Arizona Tax Court Case No. ST2009-001584

Chris Straub, Chief Civil Deputy County Attorney, stated this case involved a valuation appeal for tax year 2010. The settlement would decrease the Full Cash Value from \$125,393.00 to \$95,000.00 for tax year 2010, and would not roll over to 2011. 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 recommendation.

2. Quijada v. Pima County  
Tax Parcel No. 214-54-0140  
Arizona Tax Court Case No. ST2009-00567

Chris Straub, Chief Civil Deputy County Attorney, stated this case involved a valuation appeal for tax year 2010. The settlement would result in no change to the 2009 value of \$516,967.00, a decrease in the Full Cash Value from \$484,453.00 to \$444,502.00 for tax year 2010, and set the 2011 value at \$370,000.00 which would not roll over to

2012. The Pima County Assessor and Attorney's Office recommended approval of the settlement.

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

5. **CONSENT CALENDAR**

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 Bronson, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to approve the Consent Calendar.

**CONSENT CALENDAR ITEMS ARE AS FOLLOWS:**

1. **CONTRACTS AND AWARDS**

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

1. Yuma Private Industry Council, to provide workforce development services for veterans to assist in obtaining employment and/or training in green jobs industries for the term 1/1/10 to 3/31/11, U.S. Department of Labor Grant Fund, contract amount \$75,000.00 (07-69-Y-142870-0110)
2. Cochise Private Industry Council, to provide workforce development services for veterans to assist in obtaining employment and/or training in green jobs industries for the term 1/1/10 to 3/31/11, U.S. Department of Labor Grant Fund, contract amount \$75,000.00 (07-69-C-142871-0110)

B. **Health Department**

3. Pima County Community College District, Amendment No. 1, to provide mutual aid assistance for use of campus facilities for the term 5/3/10 to 5/2/15, no cost (01-01-P-135962-0502)

4. Arizona Board of Regents, University of Arizona, Amendment No. 2 (Revised), to provide overseeing and delivering the HIV, STD, TB and Hepatitis A, B and C testing, treatment and referral component in coordination with the University of Arizona, The Haven and Primavera Foundation's Her Story Health Project for the term 9/30/09 to 9/29/10, contract amount \$36,073.98 revenue (02-01-A-140708-0907)

**C. Procurement**

5. Lifeline Systems, Inc., Amendment No. 3, to provide emergency alert system and monitoring services, extend contract term to 8/31/11 and amend contractual language, PHCS Enterprise Fund, contract amount \$430,000.00 (11-15-L-141067-0908) Pima Health System

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

**Pima County/Tucson Commission on Addiction, Prevention and Treatment**

Appointment of Kristina Simpson to replace Joan McNamara. Term expiration: 4/30/12. (Commission recommendation)

**3. DEVELOPMENT SERVICES**

**Approval of Written Decision**

Written decision of P21-09-023, Pima County Right of Way (PC ROW) – W. Ironwood Hill Drive, denied by the Board of Supervisors on 2/2/10.

**4. SPECIAL EVENT LIQUOR LICENSE APPROVED PURSUANT TO RESOLUTION NO. 2002-273**

Stephanie C. Linden, Student Bar Association, U of A College of Law, Westin La Paloma, 3800 E. Sunrise Drive, Tucson, April 16, 2010.

**5. REGIONAL WASTEWATER RECLAMATION**

**Public Announcement**

Pursuant to A.R.S. §49-391(C), a public comment period of 30 days must occur before any Pretreatment Consent Decree or Negotiated Settlement Agreement is made final. The Public Information Enforcement File for the following case(s) will be made available for public review or copies may be obtained for \$.35 per page at the Public Works Building, Regional Wastewater Reclamation Department's

reception desk, 201 North Stone, 8th Floor, Tucson, Arizona, 85701. Comments will be taken for the next thirty days and written comments may be sent to Industrial Wastewater Control, 5025 W. Ina Road, Tucson, Arizona, 85743. If sufficient interest is expressed, a public hearing may be held by the Board of Supervisors. After the comment period, the Board of Supervisors will vote on acceptance of the following Settlement Agreement:

Marco Crane and Rigging Company, Case No. C2009-27. Proposed settlement amount is \$1,500.00.

**6. RATIFY AND/OR APPROVE**

Minutes: March 2, 2010

**REGULAR AGENDA/ADDENDUM ITEMS**

**6. COUNTY ADMINISTRATOR: Classification and Compensation Matters**

A. The Health Department requests approval to create 15 Position Control Numbers (PCN's) to be allocated as follows. There is no General Fund impact.

<u>PCN</u>	<u>CLASS CODE</u>	<u>CLASS TITLE</u>	<u>GRADE</u>
3	7015	Senior Secretary-Unclassified	U1
6	7020	Special Staff Assistant-Unclassified	U1
2	7120	Program Coordinator-Unclassified	U2
2	7150	Program Manager-Unclassified	U3
2	1351	Accountant	40

B. The Regional Wastewater Reclamation Department requests the creation of three new classifications. There are no costs associated with the creation of these classifications.

<u>CLASS CODE</u>	<u>CLASS TITLE</u>	<u>GRADE/RANGE</u>	<u>EEO, O/T CODE</u>
2701	Wastewater Planner/Scheduler	54 (\$49,560-\$73,359)	NE
2727	Wastewater Heavy Duty Maintenance Mechanic	44(\$39,731-\$57,780)	NE
2780	Wastewater Operations and Maintenance Technician	F1(\$36,923-\$60,589)	NE

\*NE = Not Exempt (Paid overtime)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to approve the PCN's and creation of the classifications.

**7. DIVISION OF ELECTIONS**

In accordance with A.R.S. §16-449 and the Arizona Secretary of State Election Procedures Manual, the Pima County Board of Supervisors shall appoint an Accuracy and Certification Board for a Special Election to be held on May 18, 2010 to consist of two election officials representing voters of different political parties to verify the accuracy of the computer programs, through the logic and accuracy test materials, and attest to the procedures during computer processing of the ballots.

The Chairman read the following names of the nominees into the record:

Benny White	Republican (lead)
Bob Hancock	Republican (alternate)
Pat Peoraro	Democrat (lead)
Barb Tellman	Democrat (alternate)
Vivian Harte	Democrat (alternate)
Tom Ryan	Democrat (alternate)
Paul Hilts	Democrat (alternate)

On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Day and unanimously carried by a 5-0 vote to approve the appointments as read into the record.

**8. INDUSTRIAL DEVELOPMENT AUTHORITY**

RESOLUTION NO. 2010 - 81, of the Board of Supervisors of Pima County, Arizona, approving the proceedings of the Industrial Development Authority of the County of Pima regarding the issuance of its not-to-exceed \$4,000,000.00 Health Facility Revenue Note (El Rio Health Center Project), Series 2010.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to adopt Resolution No. 2010-81.

**9. SHERIFF**

RESOLUTION NO. 2010 - 82, approving and authorizing submission of a grant proposal to the Governor's Office of Highway Safety for Child Seat Enforcement and Car Seat Equipment in the amount of \$31,612.00.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to adopt Resolution No. 2010-82.

10. **FRANCHISE/LICENSE/PERMIT: Liquor License**

10-07-9019, Richard J. Mascolino, Branding Iron North Bar and Grill, 2660 W. Ruthrauff Road, Tucson, Series 6, Bar, Person Transfer.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing, approve the application subject to the Sheriff's Report and forward the recommendation to the State Liquor Control Board.

11. **FRANCHISES/LICENSES/PERMITS: Liquor Licenses**

A. 10-06-9018, Kim Kenneth Kwiatkowski, Circle K No. 0809, 4395 N. Romero Road, Tucson, Series 9, Liquor Store, Person Transfer/Location Transfer.

B. 10-08-9020, Janet Elaine Petrauskas Blackwell, Café Tremolo, 7401 N. La Cholla Boulevard, Suite 152, Tucson, Series 12, Restaurant, New License.

C. 10-09-9021, Kim Kenneth Kwiatkowski, Circle K Store No. 1737, 3845 S. Country Club Road, Tucson, Series 9, Liquor Store, Person Transfer/Location Transfer.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearings, approve the applications, and forward the recommendations to the Arizona State Liquor Licenses and Control.

12. **FRANCHISE/LICENSE/PERMITS: Extension of Premises/Patio Permit**

Richard J. Mascolino, Branding Iron North Bar and Grill, 2660 W. Ruthrauff Road, Tucson, Temporary Extension of Premises for May 4, 15, 22, June 1, 19, July 6, 17, August 3 and 20, 2010.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing, approve the permit and forward the recommendation to the Arizona State Liquor Licenses and Control.

13. **DEVELOPMENT SERVICES: Street Naming and Addressing Services**

A. Co8-10-03, ADDRESS STANDARDS FEE AMENDMENT

An ordinance of Pima County, Arizona; relating to fees for addressing services provided by the Development Services Department; and amending Ordinance No. 2003-27, Section 2 and Exhibit A, Table 1, Paragraph 15 (street names and addressing). On motion, the Planning and Zoning Commission voted 9-0 (Commissioner Membrila was absent) to recommend APPROVAL. Staff recommends APPROVAL. (All Districts)

If approved, pass and adopt:

ORDINANCE NO. 2010 - 25

B. Co8-10-02, ADDRESS STANDARDS

An ordinance of Pima County, Arizona relating to Zoning; amending the Pima County Zoning Code Chapter 18.83 to bring address standards up to date with current practices and technologies, redefine the address system for Ajo; establish address systems for Corona de Tucson and Why; and amend address and street name change procedures and appeal procedures. On motion, the Planning and Zoning Commission voted 9-0 (Commissioner Membrila was absent) to recommend APPROVAL. Staff recommends APPROVAL. (All Districts)

If approved, pass and adopt:

ORDINANCE NO. 2010 - 26

Yves Khawam, Chief Building Official, reported that these items related to street naming and addressing services comprised of a fee amendment and a Code amendment. The Code amendment proposed to bring address standards up-to-date with current practices and technologies, redefined address systems for Ajo, established systems for Corona de Tucson and Why, and amended address and street naming appeal procedures.

In June 2009, the County Administrator sent out letters to the managers of the City of Tucson and the Towns of Oro Valley and Sahuarita stating that the intergovernmental agreements for addressing and street naming services needed to be renegotiated for full cost recovery. All entities concurred.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing, and adopt Ordinances Nos. 2010-25 and 26.

14. **DEVELOPMENT SERVICES: Contracts**

- A. RESOLUTION NO. 2010 - 83, approving an Intergovernmental Agreement with the Town of Oro Valley, to provide street naming and addressing services, revenue based on fees (01-25-O-142853-0410)
- B. RESOLUTION NO. 2010 - 84, approving an Intergovernmental Agreement with the Town of Sahuarita, to provide street naming and addressing services, revenue based on fees (01-25-S-142854-0410)
- C. RESOLUTION NO. 2010 - 85, approving an Intergovernmental Agreement with the City of Tucson, to provide street naming and addressing services, revenue based on fees (01-25-T-142855-0410)

Staff explained that in order to match the fee ordinance effective date, the agreements could not be executed until July 1, 2010.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing, and adopt Resolution Nos. 2010-83, 84 and 85.

**DEVELOPMENT SERVICES: Conditional Use Permit**

The Board of Supervisors' continued the following on 2/2/10 and 3/2/10:

15. P21-09-033, WOSICKI – E. INTERSTATE - 10  
Request of T-Mobile, (c/o Declan Murphy, applicant), on behalf of David Wosicki (property owner), on property at 22700 E. Interstate - 10, in the RH zone, for a Conditional Use Permit for a communication tower and associated on-the-ground equipment area. The property in question is a former Titan Missile installation site that has since been physically removed and the property accordingly cleared. The proposed tower height is one hundred ninety feet (190') and is of "lattice" construction. Chapter 18.97, of the Pima County Zoning Code, allows this use in the RH zone, subject to a Type III Conditional Use Permit. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Matter, Creasy-Klein and Cook were absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. The Hearing Administrator recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 4)

IF THE DECISION IS MADE TO APPROVE THE REZONING, THE FOLLOWING STANDARD AND SPECIAL CONDITIONS SHOULD BE CONSIDERED:

Standard Conditions

- 1. Obtaining an approved Development Plan.
- 2. Adherence to all requirements of Section 18.07.030.H and Section 18.07.040.A.4 (General Regulations and Exceptions) of the Pima County Zoning Code.

Special Conditions

1. The tower height shall be no more than one hundred ~~ninety feet (190')~~ ten feet (110).
2. The proposed tower will be of lattice construction similar to that shown in the photographs provided by the applicant. The color of the tower shall be flat gray or anodized aluminum.
3. The location of the lease property and equipment compound shall be within the previously-disturbed area of the property as shown on the submitted Development Plan.

Condition Added by Board of Supervisors

1. The tower height be of lattice construction.

Jim Portner, Hearing Administrator, reported that this was a continued public hearing request for a Type III Conditional Use Permit for a communication tower on property zoned RH that had been previously used as a former Titan Missile site and was now clear on surface and subsurface. This request was approved by the Planning and Zoning Commission and was recommended for approval by staff subject to special and standard conditions.

Supervisor Carroll stated that he and the applicant visited the actual site, as well as a similar site in Cochise County. He said that the applicant had voluntarily reduced the proposed height of the tower from 190' (previously approved by the Planning and Zoning Commission) to 110', and had also agreed to lattice construction on the site.

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 Conditional Use Permit subject to special and standard conditions, including the new height of 110' and lattice construction of the tower.

**DEVELOPMENT SERVICES: Conditional Use Permit**

16. P21-09-038, BROWNING – N. FORECASTLE AVE.  
Request of Jerry D & Mary Jean Browning, TR, represented by Western Land Services L.L.C., on property located at 16741 N. Forecastle Ave., in the GR-1 Zone, for a Conditional Use Permit for a communication tower. Chapter 18.97, in accordance with Section 18.07.030.H.2.e of the Pima County Zoning Code, allows a communication tower as a Type III Conditional Use in the GR-1 zone. On motion, the Planning and Zoning Commission voted 6-1 (Commissioner Holdridge voted NAY, Commissioners Richey, Membrila and Smith were absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. The Hearing Administrator recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 1)

Standard Conditions

1. Obtaining an approved Development Plan.

2. Adherence to all requirements of Section 18.07.030.H and Section 18.07.040.A.4 (General Regulations and Exceptions) of the Pima County Zoning Code.

Special Conditions

1. The tower height shall be no more than 47'.
2. The proposed tower shall "double" as a utility pole and be in-line with (and support) the existing north-south string of power lines at this location.
3. The new antennae shall be painted to match, as closely as possible, the existing wooden utility poles in the area. The proposed antennae will be painted to match the pole. The cabling necessary to serve the antennae will either be located within the interior of the pole or will be placed within a cable tray painted to match the pole.
4. The wall surrounding the equipment area will be masonry and will be textured and/or painted to match the existing masonry wall on the subject property.

Jim Portner, Hearing Administrator, presented a staff report and explained the new utility pole would be located within an existing string of utility poles and power lines that serve the surrounding areas. This pole would double as a communication tower and a utilities support pole. Routine conditions included painting the antennae to match the pole and texturing and/or painting the wall surrounding the equipment to match the existing masonry wall on the subject property. There was no public comment on this request, and the Planning and Zoning Commission recommended approval subject to standard and special conditions.

The Chairman asked if anyone wished be heard. No one appeared. On consideration, it was moved by Supervisor Day, seconded by Chairman Valadez and carried by a 4-0 vote, Supervisor Carroll not present for the vote, to close the public hearing, and approve the Conditional Use Permit subject to special and standard conditions.

**DEVELOPMENT SERVICES: Rezoning**

17. Co9-08-22, REAY, ET. AL. – SANDARIO ROAD REZONING

Request of Gordon and Lois Reay, et al, represented by The Planning Center, for a rezoning of approximately 6.11 acres from GR-1 (GZ) (Rural Residential) (Gateway Zone) to CB-1 (GZ) (Local Business) (Gateway Zone), on property located on the east side of Sandario Road, approximately 500 feet north of Picture Rocks Road. The proposed rezoning conforms to the Pima County Comprehensive Plan Co7-00-20. On motion, the Planning and Zoning Commission voted (6-2) (Commissioners Membrila and Spendiarian voted Nay, Commissioners Smith and Richey were absent) to recommend DENIAL. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 3)

IF THE DECISION IS MADE TO APPROVE THE REZONING, THE FOLLOWING STANDARD AND SPECIAL CONDITIONS SHOULD BE CONSIDERED:

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

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.

3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. Prior to the preparation of the development related covenants and any required dedication, a title report current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.
6. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
7. Transportation conditions:
  - A. The property owner/developer shall dedicate 25 feet right-of-way for Sandario Road.
  - B. The property owner/developer shall provide improvements to Sandario Road as determined necessary by the Department of Transportation.
  - C. Internal access shall be designed and provided between the existing and proposed uses and to the north, south and east. Cross access and maintenance shall be provided by the property owner for all portions of the rezoning and to adjacent properties. The access to the north should only be provided at the time when the property to the north is developed as transitional or commercial type use. Some acceptable means of blocking access to the southern access shall be provided until property to the south is developed commercially.
  - D. Access shall be limited to two (2) driveways on Sandario Road.
8. Flood Control conditions:
  - A. Earthen perimeter channels are prohibited.
  - B. The property owner(s) developer(s) shall provide all necessary on-site and off-site drainage related improvements at no cost to Pima County that are needed as a result of the proposed development of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.
  - C. A riparian mitigation plan shall be required for development in designated riparian areas.
  - D. Note 5 on the PDP submitted with the Site Analysis shall be changed to read: "Site is within regulatory sheet flood area. All structures shall be elevated 1.5' above natural grade.
  - E. Low Impact Development (LID) water harvesting shall be incorporated into landscaping, paving, and parking lot designs to encourage use of storm water to irrigate exterior areas and conserve use of groundwater.
  - F. A letter of intent to serve from a water service provider shall be submitted with the submittal of the Development Plan.
9. Wastewater Management condition:  
If the should the project connect to the public sewer at any time in the future, the property owner / developer shall abide by all applicable regulations and policies of the Pima County Regional Wastewater Reclamation Department.
10. Environmental Quality condition:  
The property owner / developer shall demonstrate that the new lot can accommodate the proposed development and a primary and reserve onsite wastewater disposal area, while meeting all required setbacks, for each on-site wastewater disposal system. The size of the primary and reserve areas shall be determined by on-site soil evaluations and/or percolation testing and shall be designed to accommodate the type of facility proposed in accordance with Arizona Administrative Code, Title 18, Chapter 9, Table 1. This demonstration shall be made prior to issuance of the Certificate of Compliance.
11. Cultural Resources conditions:
  - A. Prior to ground modifying activities, an on-the-ground archaeological and historic resources survey shall be conducted on the subject property, and submitted to Pima County for review.
  - B. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate.
  - C. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
12. Environmental Planning condition:  
Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of

- removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.
13. Prior to approval of the development plan, the property owner shall provide documentation that the parcels have been reconfigured such that only the area to be zoned CB-1 is fully contained within a single parcel, in accordance with RP-92.
  14. In the event the subject property is annexed, the property owner(s)/developers(s) shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
  15. The property owner shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner to any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."
  16. Adherence to the preliminary development plan as approved at public hearing.
  17. No 24 hour per day business operations are permitted.

Tom Hudson, Zoning Administrator, advised that this was a request for a rezoning on property located on the east side of Sandario Road, near Picture Rocks Road. The applicant was requesting the addition of 3 commercial structures, comprising of approximately 34,000 square feet of retail and services space, to an existing 4,000 square foot convenience store. The applicant was anticipating that the additional space would be used to accommodate business uses such as banking, pharmacy, and postal services to service residents in the Picture Rocks area. He stated that the property met all concurrency criteria, complied with the Comprehensive Plan, and was outside of the Maeveen Marie Behan Conservation Lands System area. The Planning and Zoning Commission recommended denial citing the speculative nature of the rezoning and lack of specificity related to future business uses. With respect to access to the convenience store and the 2.5 acres east of the area that are not part of this rezoning, the Department of Transportation recommended that there only be two access points to the property in order to allow future access control along Sandario Road as the Picture Rocks area develops. Mr. Hudson stated that staff had received three letters opposing the rezoning and two in favor. Staff recommended approval with special and standard conditions,

The Chairman inquired whether anyone wished to be heard.

The following speakers addressed the Board:

1. Mimi Batten
2. Brian Johnson

They offered the following comments:

- A. New commercial development in the Picture Rocks area would negatively impact the natural desert habitat, environment, community, and rural and scenic areas.
- B. More commercial development would increase problems already related to safety, trash, light, noise and other pollutants due to increased traffic from Marana High School students.
- C. They were concerned about the existing, mature Saguaros as well as silt and erosion control.
- D. Although staff reported they had received two favorable letters from the residents, one was from a property owner who does not live in the community.
- E. There was concern about the potential commercial uses of the property.
- F. The rural character of the Picture Rocks area needed to be preserved.
- G. The Comprehensive Plan has a provision that Picture Rocks Community Center will avoid auto-oriented businesses.

The applicant's representative, Kelly Lee from The Planning Center, addressed the Board. She reported that meetings had been conducted with the neighbors who offered suggestions on the types of businesses they would like to see in the area. She stated that approximately 11,000 people in the Picture Rocks area, were in need of commercial services closer to the area. In response to a question from Supervisor Bronson on the proposed commercial uses, Ms. Lee advised that they could not specify use until the zoning was approved; however, market forces and the needs of the community would definitely influence what businesses would ultimately go into the space.

Supervisor Bronson asked staff for clarification on allowable uses for the property and whether the rezoning complied with the Native Plant Protection Ordinance (NPPO) as it related to protection of the Saguaros, the location of parking and accommodating pedestrian traffic.

Mr. Hudson responded that the plan did comply with the NPPO, that the larger Saguaros would be preserved in place, the revised preliminary plan provided for parking to the side and rear of the property, and that there would be a courtyard in the middle of the development to allow for pedestrian traffic. A mitigation plan would also be required with proposed conditions to address the silt and erosion areas by requiring off-site and on-site improvements, and water harvesting would also be required for the development.

Supervisor Bronson asked Ms. Lee if her client would be willing to state that there would be no twenty-four hour, seven days a week business operation. After consulting with her client, Ms. Lee stated that they could not commit to that condition due to the fact that restricting hours would put them at a disadvantage by requiring them to compete with other stores in the area that have no restrictions.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and carried by a 4-0 vote, Supervisor Carroll not present for the vote, to close the public hearing, approve the rezoning request subject to special and standard conditions and including an additional condition that would prevent any twenty-four hour, seven days a week business operation.

**DEVELOPMENT SERVICES: Pima County Code Text Amendment**

18. Co8-09-02, CONCURRENT PLAN AMENDMENT/REZONING PROCESS  
An ordinance of the Board of Supervisors of Pima County, Arizona; relating to zoning; amending the Pima County Zoning Code Chapter 18.89 to add Section 18.89.041 (other plan amendment procedures) and adding a process for a concurrent comprehensive plan amendment and rezoning as Section 18.89.041(c); relocating the current Sections 18.89.040(e) (board-initiated amendments for immediate review) and Section 18.89.040(f) (minor revisions to comprehensive plan) to the new Section 18.89.041 as Sections 18.89.041(a) and 18.89.041(b); by amending Section 18.91.040(c) (requirement of compliance with comprehensive plan) to incorporate the concurrent plan amendment/rezoning process into the rezoning procedures; and amending Section 18.101.030 (Planning and Zoning Commission) to clarify the current responsibilities of the Planning and Zoning Commission. On motion, the Planning and Zoning Commission voted 9-0 (Commissioner Holdridge abstained and Commissioner Membrila was absent) to recommend APPROVAL PURSUANT TO STAFF'S RECOMMENDATION, WITH ONE ADDITION. Staff recommends APPROVAL. (All Districts)

If approved, pass and adopt:

ORDINANCE NO. 2010 - 27

Arlan Colton, Planning Director, provided a staff report and explained how the amendment would help eliminate or minimize the burden small properties owners, neighbors and staff experience when looking at a plan amendment and/or rezoning on a small property. Marc Fink, Senior Planner, added that this amendment would apply to small properties and/or adjacent to similarly planned or zoned property and would allow for the addition of small commercial uses or additional residences. Although the procedure would be less complex, the criteria would remain stringent. He reported that notices on the proposed ordinance amendment, along with fact sheets and links to the web site, had been distributed twice, and letters of support had been received from the Green Valley Coordinating Council, the La Canada/Magee Neighborhood Association and one architect.

On consideration, it was moved by Supervisor Day, seconded Supervisor Bronson and carried by a 4-0 vote, Supervisor Carroll not present for the vote,

to approve and adopt Ordinance No. 2010 – 27, as amended, to include the following addition:

Additional Condition:

1. Addition of a new section stating that the rezoning and plan amendment aspects of the request could be split by the Planning and Zoning Commission and that the rezoning can be continued for up to a total of nine months.

19. **DEVELOPMENT SERVICES: Street Name Changes**

Present

Proposed

Unnamed Easement/Road  
Co14-10-012  
(District 3)

Adobe View Court

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and carried by a 4-0 vote, Supervisor Carroll not present for the vote, to close the public hearing, and approve the street name change.

20. **COUNTY ADMINISTRATOR: Active Employee Medical Insurance Contribution Strategy For Fiscal Year 2010/11. Discussion/Direction/Action.**

The Board of Supervisors' continued the following on 4/13/10:

Chuck Huckelberry, County Administrator, stated that approving a contribution strategy and plan selection was necessary to allow the UnitedHealthcare (United), the current County health insurance provider, to proceed with open enrollment on May 1, 2010, effective July 1, 2010. A number of proposals had been submitted, and they had met with the Meet and Confer Committee to discuss strategies in order to try to reach a consensus on what options should be provided to County employees next year.

The option before the Board was recommended by the Meet and Confer Committee and represented the strategy for next year. This recommendation would help accomplish the goal and help stabilize future costs for plan years 2011, 12 and 13, and hopefully prevent additional costs from being passed on to active employees or the County.

The following speakers addressed the Board:

1. Maya Castillo, SEIU Representative, Pima Chapter President
2. David Mitchell, SEIU, President Emeritus

They provided the following comments:

- A. The process was fraught with difficulties, but it was helpful for the County Administrator to assist with the process.

- B. Concern was expressed about the HDH2 Option which has a zero premium and was very attractive to some employees but could be a serious gamble.
- C. Retiree options should be discussed at the Meet and Confer table next year as they were not allowed to do that this year.
- D. Bargaining teams should be allowed to participate in the process sooner and not be faced with an open enrollment deadline.
- E. The HMO plan was being eliminated, they were able to maintain the same rates on the PPO, and maintain the County's contribution on the high deductible health care plan.
- F. Costs were going up for the employees and the County as well, but this was a step in the right direction to reduce risk and try and keep the fiscal ship righted so that it would not be necessary to face a tidal wave of high costs next year.
- G. The County needed to explore the option of becoming self-insured which could save money, preserve healthcare and prevent being at the mercy of a specific healthcare provider.

On consideration, it was moved by Supervisor Elías that the item be approved with the conditions that the County Administrator be directed to prepare a letter to all retired employees to explain the rationale behind this decision and that Meet and Confer discussions start in November. Supervisor Bronson seconded the motion with the caveat that if the sales tax does not pass on May 18, 2010, those discussions be conducted earlier than November due to the impending transfer of costs for prisoners in excess of \$200M. Supervisor Elías amended his motion to include this provision. No vote was taken at this time.

Mr. Huckelberry responded affirmatively to a question by Supervisor Carroll that this motion means that there would be no further action for the retirees. Supervisor Day stated that she did not feel that it was fair to negotiate with active employees but not the retirees.

Supervisor Carroll made a substitute motion to postpone the action on the strategy for current employees for 30 days and that the County Administrator's directive to deny retiree health insurance between the ages of 55 and 64, be rescinded until the National Healthcare Program could be evaluated to determine if the gap for the retirees could be filled. The motion was seconded by Supervisor Day

Chairman Valadez asked Mr. Huckelberry what the ramifications would be if this action was postponed. Mr. Huckelberry replied that the postponement would result in no open enrollment until the end of the fiscal year. He said that they were already up against deadlines for open enrollment now, particularly for employees who were currently receiving services under the HMO which was not going to be offered again.

Supervisor Carroll amended his motion to provide for a postponement until the next meeting on May 4, 2010, and requested that the insurance provider extend the enrollment period because of the dire situation.

Supervisor Elías requested an open discussion on the Executive Session. On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried unanimously by a 5-0 vote, that the discussion pertaining to this matter in Executive Session become public, and that a waiver of attorney-client privilege be approved with respect to this particular item and the National Health Care Plan (NHCP).

In response to a question by Supervisor Elías as to what remedies were available through the NHCP for the retirees, Chris Straub asked Paula Perrera, Deputy County Attorney, to address the Board.

Paula Perrera briefed the Board on her interpretation of the NHCP - Patient Protection and Affordable Act Program passed in March 2010, directed by the Secretary of the Health and Human Services.

Supervisor Day requested that Paul Zucarelli, Pima County's health insurance benefits representative, speak to the Board.

Mr. Zucarelli provided a summary on his understanding of the NHCP. He advised that when the Secretary of Health and Human Services sets-up rules and guidelines and defines eligibility, only then would it become known whether or not the County plan would qualify. Mr. Zucharelli's position was that Pima County's plan was really an active employee plan with an extension for retirees to participate. Therefore, he did not believe that Pima County retirees would qualify for this program.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and upon a roll call vote, the motion carried 3-2, Supervisors Carroll and Day voting "Nay," to approve the active employee medical insurance contribution strategy plan for FY 2010-2011 with direction to Mr. Huckelberry to provide the retirees with a letter explaining they will no longer be covered under the plan and why the decision was made. In addition, include the Meet and Confer Committee in insurance discussions.

21. **CONTRACTS AND AWARDS: Office of Emergency Management and Homeland Security**

- A. RESOLUTION NO. 2010- 86, of the Pima County Board of Supervisors approving an Intergovernmental Agreement with the Mt. Lemmon Fire District, to define roles and responsibilities for the provision of emergency financial assistance, no cost (01-30-M-142887-0410)

- B. Mt. Lemmon Fire District, to provide for the acquisition and sale of real property located at 13170 N. Oracle Control Road, Tax Parcel No. 205-13-008A, Board of Supervisors Contingency Fund, contract amount \$137,500.00 (22-30-M-142888-0410)

The following individual addressed the Board:

Dennis Consetti, Mount Lemmon Board Member

His comment was:

On behalf of himself and the other Board Members, he wanted to express thanks to the Board, Mr. Huckelberry and staff for all of their help.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Carroll not present for the vote, to adopt Resolution No. 2010-86 and approve the contracts.

**22. CONTRACTS AND AWARDS: Procurement**

- A. AECOM Services, Inc., d.b.a. AECOM Design, Amendment No. 2, to provide architectural and engineering design services for the Pima County Superior Court 8th Floor Relocation and Remodel Project and amend contractual language, 1997 Bond Fund, contract amount \$63,720.00 (15-13-A-141923-0409) Facilities Management
- B. Amendment of Award: Insight Public Sector (Headquarters: Tempe, AZ) BC No. 506763, to provide Cisco network equipment and increase contract in the amount of \$500,000.00. Funding Source: Internal Service Fund. Administering Department: Information Technology.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Carroll not present for the vote, to approve the contract and amendment of award.

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

**A. Pima County Bond Advisory Committee**

1. Reappointments – Term expirations: 4/30/16

Chris Sheafe and Peter Backus (District 1);  
Tom Warne and Rene Gastelum (District 2);  
Larry Hecker (District 3);  
David Lyons (District 4);  
Patty Richardson and Wade McLean (County Administrator)  
Dan Sullivan (Town of Marana)

2. Achim Marriotti (Town of Sahuarita)  
Ratification of Correction to Term Expiration

Terri Hutts - Term expiration: 12/12/12. (District 3)  
Rebecca Manoleas - Term expiration: 5/13/14. (District 4)  
Byron Howard – Term expiration: 11/14/12. (City of Tucson)  
Brian Flagg – Term expiration: 10/13/15. (City of South Tucson)

**B. Parks and Recreation Commission**

Appointment of Peter Chesson to fill the unexpired term of Bill Markell.  
Term expiration: 6/30/12. (District 3)

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Carroll not present for the vote, to approve the appointments.

**24. FRANCHISE/LICENSE/PERMIT: Fireworks Permit**

Stephanie Sanders, Lowes Ventana Canyon Resort, 7000 N. Resort Drive, Tucson, April 24, 2010 at approximately 10:05 p.m.

The Chairman asked if anyone wished to be heard. No one appeared. Supervisor Bronson asked for clarification regarding the Sheriff's Department's recommendation for denial. Lori Godoshian, Clerk of the Board, stated that she believed this was recommended for denial due to the danger of conducting an indoor fireworks display.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Carroll not present for the vote, to deny the request for a fireworks permit.

**25. CALL TO THE PUBLIC**

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

**26. ADJOURNMENT**

The meeting adjourned at 12:25 p.m.