

MINUTES, FLOOD CONTROL DISTRICT BOARD

DECEMBER 18, 2012

The Pima County Flood Control District Board met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, December 18, 2012. 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
 Robin Brigode, Clerk

1. **RIPARIAN HABITAT MITIGATION PLAN**

Staff requests approval of a Riparian Habitat Mitigation Plan for 17845 W. Lickskillet Lane, located within important riparian area with underlying Xeroriparian Class C Habitat. (District 3)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to approve the Riparian Habitat Mitigation Plan.

2. **CONTRACT**

Psomas, Inc., Amendment No. 1, to provide design engineering services for the Pantano Bank Protection and River Park Phase 3: Tanque Verde Rd. to Glenn St. and Phase 4: Glenn St. to Craycroft Rd. and amend contractual language, Flood Control Tax Levy Fund, contract amount \$33,548.88 (CT-FC-13000365)

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

3. **AWARD**

Requisition No. 69401, Sub-award in an amount not to exceed \$175,000.00 to Sonoran Institute, with respect to U.S. Environmental Protection Agency (EPA) Grant No. CD-00T83301 for Wetlands Protection Development – Lower Santa Cruz River. The contract term is forty-four months. Funding Source: EPA Grant Fund. Administering Department: Regional Flood Control District.

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

4. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:01 p.m.



CHAIRMAN

ATTEST:



CLERK

MINUTES, BOARD OF SUPERVISORS' MEETING

DECEMBER 18, 2012

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 Sharon Bronson, Vice Chair
 Ray Carroll, Member
 Ann Day, Member
 Richard Elías, Member
 Robin Brigode, Clerk

1. **INVOCATION**

The invocation was given by Associate Minister Cynthia Henry, Emmanuel Grace Apostolic 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.

... **EXECUTIVE SESSION**

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, that the Board convene to Executive Session at 9:20 a.m.

4. **RECONVENE**

The meeting reconvened at 10:05 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 items listed under Executive Session. No one appeared.

6. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding settlement authority in the mediation of Robson Ranch Quail Creek, L.L.C., v. Pima County, et al., Arizona Court of Appeals Case No. 2CA-CV 2012-0091-S and 2 CA-CV 2012-0156-S (Cons.).

Chris Straub, Chief Civil Deputy County Attorney, stated that this case concerned the County's appeal of a recent decision in which Robson Ranch Quail Creek was awarded a refund of alleged sewer system connection fee overpayments to the County. He explained that Robson cross-appealed certain portions of the Superior Court decision and the appeal and cross-appeal were being mediated in an appellate court mediation program. The County Attorney's Office sought authorization to proceed as discussed in Executive Session.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to accept the County Attorney's recommendation to proceed as discussed in Executive Session.

7. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding Anna Hegedus v. Pima County Sheriff's Department, et al., Pima County Superior Court Case No. C20118240.

Chris Straub, Chief Civil Deputy County Attorney, explained this case concerned a possible settlement in a personal injury case that stemmed from a two-vehicle collision which involved a Sheriff Deputy and Ms. Hegedus. He stated that the defendant had admitted liability for the collision. The County Attorney's Office and Risk Management Department recommended authorization to proceed with settlement negotiations as discussed in Executive Session.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to proceed as discussed in Executive Session and accept the County Attorney's Office and Risk Management Department's recommendation.

8. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding legal issues related to the Marana Wastewater Reclamation Facility, including, but not limited to:

- A. The recent Arizona Supreme Court decision to not hear Marana's appeal.
- B. Status of litigation challenging related legislation.
- C. Potential of a citizen's lawsuit.
- D. Potential Settlement Terms.

Chris Straub, Chief Civil Deputy County Attorney, stated this concerned recent litigation regarding the efforts of the Town of Marana (Town) to take over the North Marana Wastewater Reclamation Facility. He reported that the issues discussed included the recent decision of the Supreme Court denying the Town's petition for review of the decision finding that the Town's 1988 election did not comply with statute; the continuing litigation regarding the constitutionality, or lack thereof, of A.R.S. §9-514.01 (SB 1171); a potential citizen's suit option against the Town as it operated the facility without the correct permits; and potential settlement terms. He explained that the County Attorney's Office and the County Administrator sought authority to proceed with settlement negotiations which would be outlined by the County Administrator.

Chuck Huckelberry, County Administrator, explained the two settlement negotiation options. Option A would allow the Town to operate the Marana Wastewater Reclamation Facility and require the Town to pay the County \$18.2 million. The County would then support a limited management area in North Marana and the County would operate and control the balance of the sewer system and facilities that lie within the incorporated limits of the Town. The Town would quit claim all interests in the collection system in areas other than the Marana limited management area and the County would provide sewer service for the balance of the Town for a period of up to 50 years which would be outlined in an agreement with the Town. Option B would designate Pima County as the regional sewer provider in the area and allow the Town to have beneficial use of the effluent from the Marana Wastewater Reclamation Facility subject to the Town defending the County in any lawsuit regarding the Southern Arizona Water Settlement Act set aside, and that the County would provide needed expansion of the facility to meet all future growth demands in the area. Both options would be tied to the repeal of SB 1171 which allowed the facility to be taken at less than fair market value, and SB 1532 regarding the automatic transfer of permits from Pima County to the Town.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to instruct the County Administrator to formally offer both Option A and Option B to the Town of Marana.

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

CONSENT CALENDAR ITEMS ARE AS FOLLOWS:

1. CONTRACTS AND AWARDS

A. Community Services, Employment and Training

1. U.S. Department of Labor/Employment and Training Administration, Amendment No. 2, to provide employment and training services and extend contract term to 6/30/13, no cost (CTN-CS-13000166)

B. Health Department

2. Rincon Valley Fire District, to provide childhood immunization services, no cost (CTN-HD-13000115)

C. Procurement

3. Desert Archaeology, Inc., Amendment No. 1, to provide for the Paseo de las Iglesias, Santa Cruz River: Ajo to Silverlake Archaeological Data Recovery Project and amend contractual language, 1997 and 2004 Bond Funds, contract amount \$548,140.00 (CT-SUS-13000035) Public Works Administration.
4. Greeley and Hansen, L.L.C., Amendment No. 14, to provide program management services for Regional Optimization Master Plan CIP Implementation, extend contract term to 12/31/16 and amend contractual language, RWRD Obligation Fund, contract amount \$4,000,000.00 (CT-WW-12001214) Regional Wastewater Reclamation.
5. KE&G Construction, Inc., Amendment No. 1, to provide for a Job Order Master Agreement for regional wastewater conveyance and related facilities maintenance, repair, rehabilitation and construction services and extend contract term to 2/28/13, RWRD Obligation Fund, contract amount \$1,000,000.00 (MA-PO-13000002) Regional Wastewater Reclamation.

Awards

6. Amendment of Award: Amendment No. 5, to provide fuel (gasoline, diesel and bio-diesel) and extend contract term to January 31, 2013. No additional funding is required for the extended term. Funding Source: Internal Service Fund. Administering Department: Fleet Services.

<u>Contractor</u>	<u>Contract No.</u>
Western Refining Wholesale (formerly Phoenix Fuel Company)	B503392
Union Distributing Company of Tucson	B503388
Pro Petroleum Incorporated	B503387

7. Award, Solicitation No. 60517 for the establishment of a shared Job Order Master Agreement in the amount of \$15,000,000.00 (initial term of one year, renewable for up to four additional one year periods) with the three top ranking firms for wastewater conveyance system and related facilities maintenance, repair, rehabilitation and construction services. The recommended firms are: Achen-Gardner Construction, Inc. (Headquarters: Chandler, AZ), B&F Contracting, Inc. (Headquarters: Phoenix, AZ), and KE&G Construction, Inc. (Headquarters: Sierra Vista, AZ). Funding Source: RWRD Obligation Fund. Administering Department: Regional Wastewater Reclamation Department.

D. Regional Wastewater Reclamation

8. Town of Oro Valley, to provide water consumption data, RWRD Enterprise Fund, contract amount \$430,000.00/2 year term (CT-WW-13000456)

FINANCE AND RISK MANAGEMENT

2. Duplicate Warrants – For Ratification

Michele Bonady	\$ 155.00
Robert Galvan Salaz	\$ 87.00
Chris J. Kimminau	\$4,191.20
Donald A. Nixon	\$ 140.00
Julie Figueroa	\$ 140.00
Lorraine Simon	\$ 155.00
Lucille A. Schuetze	\$ 140.00
Mary L. David	\$ 155.00

3. RATIFY AND/OR APPROVE

Mintues: November 20, 2012

REGULAR AGENDA/ADDENDUM ITEMS

10. COUNTY ADMINISTRATOR: CLASSIFICATION AND COMPENSATION

- A. The Human Resources Department requests approval to create the following new classification:

Any associated costs incurred with approval of the classification will be borne by the department from within its current budget.

<u>Class Code</u>	<u>Class Title</u>	<u>Grade/Range</u>	<u>EEO Code</u>	<u>FLSA Code</u>
7366	Office of Emergency Management Deputy Director	U3 (\$52,523 - \$112,695)	1	E*

*Exempt, Not Paid Overtime

- B. The Human Resources Department requests approval to create the following four new Position Control Numbers (PCNs). No additional associated costs.

<u>Positions Requested</u>	<u>Classification Code/Title</u>	<u>Salary Grade</u>
2	2469/Human Resources Analyst - Class, Comp, Benefits	46
2	1569/Human Resources Technician III	37

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to approve the new classification and Position Control Numbers.

11. REGIONAL WASTEWATER RECLAMATION

Pursuant to Pima County Code, Title 13.20.045(N), approval of the following wastewater connection fee credits for the period January 1, 2012 to May 14, 2012:

<u>CRA Name</u>	<u>Total Credit Amount</u>
Lennar Corporation	\$ 89,803.50
Mesquite Homes	\$ 15,525.00
Meritage	\$ 59,270.50
Maracay Homes	\$ 56,678.00
A.F. Sterling Home Builders, Ltd.	\$ 35,595.50
DR Horton Homes	\$ 65,921.00
Sombra Homes, Inc.	\$ 26,902.50
Pulte Homes	\$ 58,455.00
Pepper Viner Development Co. II, L.L.C.	\$ 18,254.50
La Frontera Partners, Inc.	\$ 3,823.50
K.B. Home of Tucson	\$ 25,637.50
Food Conspiracy Co-Op	\$ 3,705.50
Dorn Homes, Inc.	\$ 2,632.50
Habitat for Humanity	\$ 3,727.50
Miramonte Arizona, L.L.C.	\$ 33,549.00
Milestone Homes	\$ 8,105.90
Richmond American Homes, Inc.	\$ 95,611.50
Quail Creek/Robson Communities	\$ 28,080.50
Robson Communities	\$ 8,490.00
The District	\$130,567.38
Grand Total Credits	\$770,336.28

Amber Smith, Metropolitan Pima Alliance, and David Godlewski, President of the Southern Arizona Home Builders Association, spoke in support of the connection fee credits.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Carroll and carried by a 4-1 vote, Supervisor Elías voting “Nay,” to approve the wastewater connection fee credits.

12. **TRANSPORTATION**

Pursuant to Pima County Code Section 19.03.070, waiver of development impact fees for the following:

Britt and Cindy Klein request a waiver of the Roadway Development Impact Fee for the construction of a residential dwelling unit on their property located at 5397 E. Sandhill Drive, in the Canada Del Oro Impact Fee Benefit Area. (District 1)

Priscilla Cornelio, Transportation Director, stated that the Board could waive the fee for all development that constituted affordable housing or was within the overriding public interest. She explained that in 1999 the Board had granted the property owners a 75% waiver of the development impact fee due to their remote location and indicated that the applicant’s current request was also due to their remote location. She stated that the applicants travel on County roads to access their property and that staff recommended denial.

Supervisor Elías asked if there were different regulations than when the waiver was granted in 1999 and asked for clarification regarding overriding public interest.

Ms. Cornelio replied there were different regulations and that in the past there had been a provision for an appeal process which was no longer available. She also explained that an example of an overriding public interest would be a non-profit agency that worked with individuals where they had a charitable mission in addition to serving the public.

Britt Klein, property owner, explained that his family had resided in the area for the past 15 years and that they were building their home. He stated that road conditions had not changed since 1999 and indicated that he traveled on approximately 1.8 miles of dirt road maintained by the residents to access his property.

Supervisor Elías inquired about road projects associated with the impact fees collected for the Canada Del Oro (CDO) benefits area.

Ms. Cornelio stated that that included all projects under construction along Magee Road and in the Northwest area.

Supervisor Day stated that the condition of the roads in the Catalina area were terrible and given that the Klein’s were building a residence, she believed half of the impact fee should be waived.

Supervisor Elías commented that he could not support the waiver as Mr. Klein had stated a personal interest, not a public interest.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Carroll and carried by a 3-2 vote, Chairman Valadez and Supervisor Elías voting “Nay,” to waive 50% of the development impact fee.

13. TRANSPORTATION

Pursuant to Pima County Code Section 19.03.070, waiver of development impact fees for the following:

Willow Tanaka and John Woods request a waiver of the Roadway Development Impact Fee for the placement of a residential dwelling unit (travel trailer) on their property located at 23621 W. Dills Best Road, in the Altar Valley Impact Fee Benefit Area. (District 3)

Priscilla Cornelio, Transportation Director, stated that the applicant requested a 50% waiver of the fee and explained that the development did not constitute an overriding public interest and the applicant did not qualify for the affordable housing waiver because their annual income exceeded the 80% of the medium income in Pima County as determined by HUD. She stated that the applicant traveled on both County maintained and privately owned roads to access their property and that staff recommended denial.

John Woods, property owner, stated they used their property for recreational purposes only, they did not reside there and that the trailer was used as protection during monsoon season and to generally get out of the summer sun. He indicated that the Altar Valley road improvements were not near his property and they did not travel them. He stated that the privately owned roads were maintained by the residents of the area.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Carroll and carried by a 4-1 vote, Chairman Valadez voting “Nay,” to waive 50% of the development impact fee.

14. FRANCHISE/LICENSE/PERMIT: FIREWORKS PERMIT

Lonnie Lister, Skyline Country Club, 5200 E. St. Andrews Drive, Tucson, December 31, 2012 at Midnight.

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 and approve the permit.

15. **DEVELOPMENT SERVICES: MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITION**

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

FRC Holdings, L.L.C., represented by Frank Thomson and Associates, L.L.C., requests the following:

- Board of Supervisors approval for four lot splits. Rezoning Condition No. 6 restricts further subdividing or lot splitting without written Board of Supervisors approval.
- A Modification (Substantial Change) of Rezoning Condition No. 16(G) that restricts the height of development east of Interstate 19 to 30 feet and one story.
- Board of Supervisors approval for any building larger than 100,000 square feet east of Interstate 19. Rezoning Condition No. 16(I) limits the size of a building to no more than 100,000 square feet.

The applicant proposes to split approximately 22 acres from the south half of Block 36 of the Canoa Ranch Block Subdivision Plat Map (Book 54 and Page 74) to build a hospital with a helistop and related medical use buildings. The subject property is zoned CB-2© (General Business Zone, Conditional) and is located east of Interstate 19, north of the Esperanza Wash, being a portion of the approximately 1,261 acres original rezoning site located within the San Ignacio de la Canoa Land Grant on both sides of Interstate 19 generally south of the Esperanza Wash. On motion, the Planning and Zoning Commission voted 9-0 (Commissioner Matter was absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS.

(District 4)

16. Development and Design Requirements:

* * *

- 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- except for the hospital and related medical buildings located on the southern portion of Block 36 of the Canoa Ranch Block Subdivision Plat Map (Book 54 and Page 74). Height will be measured as per Section 18.07.050.H (General Regulations and Exceptions) in accordance with Section 18.45.050 (CB-2 General Business Zone) of the Pima County Zoning Code and shall adhere to the depicted and described preliminary site plan as presented at public hearing.

* * *

- I. Off-street parking east of Interstate 19 shall not be massed in aggregates of 400 parking spaces or more unless a 100-foot tree buffer, supplementing any other landscaping requirements, is provided adjacent to the Interstate 19 right-of-way. Design elements including staggered building orientations shall be utilized for both individual and multiple adjacent developments to break up the cumulative totals of parking. This condition is applicable to a single development and site to site developments.

* * *

- K. General adherence to the depicted and described preliminary site plan as presented at public hearing for the southern portion of Block 36 of the Canoa Ranch Block Subdivision Plat Map (Book 54 and Page 74).

Arlan Colton, Planning Director, stated this was a request for modification of the rezoning conditions which constituted a substantial change on property within Canoa Ranch on the eastside of Interstate 19 for use as a hospital. Prior to the Planning and Zoning Commission Hearing, staff had received two written comments in support and twenty-seven comments in opposition of the project. He reported that the Commission had unanimously recommended approval of the modifications with a change to Condition G, to limit the height of the hospital architectural copula feature to no more than 50 feet. He confirmed that staff was supportive of the Commission's recommendation, noted there was a requirement that the property go to an architectural and historical review committee from the original Canoa Ranch rezoning, and stated that if approved, staff and the applicant would meet to discuss the schedule for that committee.

The following speakers addressed the Board:

- Stan Riddle, President of the Green Valley Coordinating Council
- Susan Anderson
- C.L. Ross
- Michelle Metcalf
- Judi Monday
- Kris Dyrud
- Sandie Stone, President of the Springs Homeowner's Association
- Steve Gilbert

They provided the following comments:

- Support was expressed for the approval of the hospital.
- Green Valley and the surrounding neighborhood communities were medically underserved and the area desperately needed a hospital since the closest one was approximately 40 miles away.
- A hospital would be beneficial to the community and would enable treatment during the "golden hour."
- The Springs Neighborhood Homeowners Association had not objected to the hospital but wanted to ensure the hospital would not have a negative impact on the community and neighbors.
- The building height, potential traffic problems like traffic noise and congestion, and damage to the dark sky ordinance due to the helicopter landing were concerns.
- Green Valley Coordinating Council was committed to working with all parties in an effort to successfully resolve issues.
- In an effort to minimize traffic problems, a request was made to finish the bicycle lanes on the frontage road.
- The developer was asked to maximize the amount of open space.
- The Board was asked to add a stipulation that the developer continue to work with the neighbors and community to keep them informed of the process.

Frank Thomson, representing FRC Holdings, Inc., stated they fully intended to continue to work with the Green Valley Coordinating Council's Architectural Planning and Zoning Committee, the Springs Neighborhood Homeowners Association and any additional committee specific to this site that the Board approved throughout the process.

Supervisor Carroll stated that a resolution would be drafted that would assist the community in support of the bike lanes in Green Valley.

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 Co9-01-01, modification (substantial change) of rezoning conditions, subject to standard and special conditions as recommended by the Planning and Zoning Commission and the Green Valley Coordinating Council.

16. DEVELOPMENT SERVICES: MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITION

Co9-91-23, DEVOY - SHANNON ROAD REZONING

Colt J. Barrins, represented by Design Build Forum, L.L.C., requests a modification of the rezoning condition which restricts the use of the property to single family residential and periodic maintenance of miscellaneous mobile equipment to allow single family residential and a window installation company or equivalent, less intense commercial CB-2 (General Business Zone) uses. The CB-2 zoned subject site is approximately .68 acres, and is located on the east side of Shannon Road approximately one-quarter of a mile north of Ruthrauff Road. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Matter, Membrila and Spendiaran were absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 3)

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. Recording a covenant to the effect that there will be no further subdividing or lot splitting without written approval of the Board of Supervisors.
6. Prior to the preparation of the development related covenants and any required dedication, a title report evidencing ownership of the property shall be submitted to the Department of Transportation, Property Management Division.
7. Wastewater Management Conditions:
 - a. If conditions change between now and the time a development plan or tentative plat is submitted, the property owner may be required to augment the existing public sewerage system in order to provide adequate conveyance capacity of this zoning.
- ~~8. Transportation and Flood Control Conditions:
 - a. The property shall be restricted to uses of single family residential and periodic maintenance of miscellaneous mobile equipment.~~
- ~~9. Landscaping to consist of low water use and low pollen producing vegetation.~~

409. Adherence to the sketch plan as presented at the public hearing;
4410. ~~Parking and maintenance of trucks and equipment~~ The operation of a window installation company, or equivalent, or less intense CB-2 uses and a single family residence shall be allowed only within the confines of the required walls and fences.

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

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 approve Co9-91-23, modification (substantial change) of the rezoning conditions, subject to standard and special conditions.

17. **DEVELOPMENT SERVICES: ZONING CODE TEXT AMENDMENT**

Co8-12-07, CONTRACTOR YARD, HOME OCCUPATION, CONDITIONAL USE PERMIT, SUBDIVISION PLAT AND DEVELOPMENT PLAN CODE AMENDMENTS

An ordinance of the Pima County Board of Supervisors relating to Zoning (Title 18); amending the Pima County Code by amending Chapter 18.03 (General Definitions), Section 18.03.020 (Definitions) to define a contractor's yard; amending Chapter 18.09 (General Residential and Rural Provisions), Section 18.09.020 (General Requirements and Exceptions) to provide setback requirements for shade structures within corrals; and Section 18.09.030 (Home Occupations) to expand home occupations; amending Chapter 18.69 (Subdivision Standards) Section 18.69.020 (Definitions) to eliminate the plat requirement for non-residential subdivisions; amending Chapter 18.97 (Conditional Use Procedures) Section 18.97.030 (Procedures and Requirements) by revising the Development Plan requirements. On motion, the Planning and Zoning Commission voted 9-0 (Commissioner Matter was absent) to recommend APPROVAL. Staff recommends APPROVAL. (All Districts)

If approved, pass and adopt:

ORDINANCE NO. 2012 - 71

Without objection, this item was continued to the Board of Supervisors' Meeting of January 22, 2013.

18. **PERSONAL POINT OF PRIVILEGE**

Supervisors Elías and Bronson thanked Supervisor Day and District 1 staff for their hard work on the Zoning Code Text Amendment, Co8-12-07, Contractor Yard, Home Occupation, Conditional Use Permit, Subdivision Plat and Development Plan Code Amendments.

19. **DEVELOPMENT SERVICES: ZONING CODE TEXT AMENDMENT**

Co8-12-08, COMMUNICATION TOWER TEXT AMENDMENT

An ordinance amending the Pima County Code Section 18.07.030(H) (Communication Towers) clarifying the subsection by replacing the term “commercial” with the term “business” in subsections 18.07.030(H)(1)(b) and (H)(2)(c) and modifying and expanding the exceptions from the requirement that a Type III conditional use permit be obtained for all communication towers, clarifying the application procedures and amending the development standards for communication towers in the right of way. On motion, the Planning and Zoning Commission voted 6-1 (Commissioner Holdridge voting NAY, Commissioners Cook, Spendiarian and Poulos were absent) to recommend APPROVAL. Staff recommends APPROVAL. (All Districts)

If approved, pass and adopt:

ORDINANCE NO. 2012 - 72

Tom Drzazgowski, Zoning Inspection Supervisor, stated the proposed changes would be exempt from the Type III conditional use permit process and would allow exceptions to existing communication towers which would encourage co-location. He stated that staff and the Planning and Zoning Commission had recommended approval.

Scott September, Senior Site Acquisition Manager for AT&T Mobility for the Desert Southwest Region, addressed the Board in support of the proposed communication tower text amendments.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing, approve Co8-12-08, Communication Tower Text Amendment, and adopt Ordinance No. 2012 - 72.

20. **DEVELOPMENT SERVICES: REZONING ORDINANCES**

- A. ORDINANCE NO. 2012 - 73, Co9-12-01, Northwest Fire District – Curtis Road Rezoning. Owner: Northwest Fire District. (District 3)
- B. ORDINANCE NO. 2012 - 74, Co9-12-02, Gateway Hacienda, L.L.C. – River Road Rezoning. Owner: Gateway Hacienda, L.L.C. (District 1)
- C. ORDINANCE NO. 2012 - 75, Co9-12-03, Woodhawk Properties, L.L.C. – La Canada Drive Rezoning. Owner: Woodhawk Properties, L.L.C. (District 4)

The Chairman inquired whether anyone wished to be heard.

Derek Roberts, President of APEX Development Services, spoke in support of Ordinance No. 2012 – 75.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearings and adopt Ordinance Nos. 2012 - 73, 74 and 75.

21. **REGIONAL WASTEWATER RECLAMATION: PIMA COUNTY CODE TEXT AMENDMENT**

ORDINANCE NO. 2012 - 76, of the Board of Supervisors of Pima County, Arizona, amending the Pima County Code, Title 13, Chapter 12, Preliminary Sewer Layout Requirements; Title 13, Chapter 16, Design Standards for Public Sewerage Facilities; and Title 13, Chapter 20, Sanitary Sewer Construction, Connections and Fees; changing the County Standard References for Public Sewer Design and Construction and defining applicability dates.

David Godlewski, President of Southern Arizona Home Builders Association (SAHBA), spoke in support of the code text amendment. He indicated there were a few matters to be worked out with the County and requested that implementation be changed from a 6 month to 9 month period.

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 adopt Ordinance No. 2012 - 76 with the condition that staff continued to work with SAHBA regarding the issues raised in their letter dated December 4, 2012, and to extend implementation from 6 to 9 months.

22. **TRANSPORTATION: TRAFFIC RESOLUTION**

RESOLUTION NO. 2012 - 114, of the Board of Supervisors, permitting the temporary closure of Esperanza Avenue, Lomita Avenue and Plaza Street in Ajo, Arizona, for the annual Christmas Parade on Monday, December 24, 2012. 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 Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and adopt Resolution No. 2012 - 114.

23. **TRANSPORTATION: ABANDONMENT OF COUNTY HIGHWAY**

RESOLUTION NO. 2012 - 115, of the Board of Supervisors of Pima County, abandoning a County Highway within the incorporated limits of the City of Tucson for the Tanque Verde Road Improvement Project from Catalina Highway to Houghton Road. (District 4)

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

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and adopt Resolution No. 2012 - 115.

24. **BOARD OF SUPERVISORS: JUSTICE OF THE PEACE, PRECINCT 7**

- A. Acceptance of the resignation of the Honorable Gail Wight, Justice of the Peace, Precinct 7, effective January 1, 2013.

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

- B. Discussion/direction/action regarding a selection process to fill the vacancy of Justice of the Peace, Precinct 7.

Supervisor Carroll outlined the following selection process details:

1. Applicants for the position need to meet the following requirements:
 - 18 years of age or older at the time of appointment
 - Registered to vote in the precinct
 - A resident of the precinct
 - The same political party as the person vacating the office, in this case a Republican
 - Will serve the remainder of the term through 2014
2. Interested parties should file the following with the Office of the Clerk of the Board:
 - Letter of Interest
 - Resume
 - Financial Disclosure Statement
3. The submission deadline will be 5:00 p.m., Friday, December 28, 2012.
4. The Clerk of the Board will advertise the selection process in the Green Valley News and post the information on the Pima County Homepage. Information regarding how to submit public comments will be provided.
5. The League of Women Voters has agreed to conduct a public forum in the Green Valley area to introduce and interview the candidates. The Clerk of the Board will advertise the public forum details when they have been finalized.
6. The Board of Supervisors will make the appointment of the Justice of the Peace, Precinct 7 at their meeting of January 15, 2013.

On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to proceed with the selection process.

25. **BOARD OF SUPERVISORS: DANES IN THE DESERT 2013**

Allocation of \$5,000.00 from the Contingency Fund to the Danish Club of Tucson for support of Danes in the Desert 2013 to honor Danish culture in Southern Arizona. (District 5)

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

26. **COUNTY ADMINISTRATOR**

RESOLUTION NO. 2012 - 116, in support of the Tucson International Airport as a Phase I, Critical Rail Station Location in the Arizona Department of Transportation Passenger Rail Corridor.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to adopt Resolution No. 2012 - 116.

27. **COUNTY ADMINISTRATOR: PIMA COUNTY/TUCSON METRO CHAMBER JOINT BUSINESS OBJECTIVES**

Staff recommends acceptance and endorsement of the Joint Business Objectives.

Chuck Huckelberry, County Administrator, recommended acceptance of the following objectives and stated it represented the continuing efforts to make Pima County an area that would allow businesses to expand:

1. Pima County will develop and maintain a fair system of taxation and fees that encourage all businesses to start, establish, grow and remain in the County.
2. Pima County will ensure a simple, predictable regulatory environment/permitting process that is both efficient and non-cost prohibitive.
3. Pima County will provide prompt, accurate and courteous responses to requests for information and work together to ensure ready access to the information needed to assist businesses.
4. Pima County will operate a one-stop permitting process that will, in the long term, include a centralized Internet website-based application system. All permits should have predictable and well-established timeframes to process County permits, licenses, registrations and approvals to simplify and reduce the filing of forms affecting business.
5. Pima County will provide a forum to appeal a denial or violation through a timely hearing trial or other relevant process.
6. Pima County will employ only knowledgeable inspectors who enforce agency/department rules uniformly and city code when doing so. Inspectors will provide an explanation (if requested) about violation details and instructions for viewing inspection results within a reasonable timeframe.
7. Pima County will accept and deliver customer comments anonymously and without fear of retribution on the performance or conduct of agency employees to a neutral party within the County Administrator's office.
8. Pima County will ensure freedom from unnecessary, restrictive regulations and paperwork that ultimately wastes resources and prevents job creation.
9. Pima County will provide a timely response to an application for a permit, license, registration or approval necessary to operate the business within the established maximum period of time.
10. Pima County will assure courteous and professional treatment by agency employees, including a service satisfaction survey and performance measurement system.
11. The business community acknowledges they are partners in the project approval process and that adherence to target timeframes by the County requires the applicant to do the same by managing projects to ensure timely, complete and accurate submittals and responses to comment letters or information requests.
12. The business community will gather information necessary to understand procedural and technical requirements for projects, including understanding the standards for a project to be considered administratively complete, and assuring that projects that are submitted meet the standard.
13. The business community will contract with consultants, engineers and licensed professionals

- when needed who are knowledgeable and proficient in project-related areas of expertise and ensure their contractors report project statuses objectively.
14. The business community will engage and participate in discussions with County personnel early in the project planning/design phase to identify items that may potentially result in delays and to help avoid or minimize any negative impacts to the schedule.
 15. The business community will consider the need for safe and efficient infrastructure during project planning and design phases. The business community will work with County personnel to identify site layouts that result in the application of less burdensome requirements or more cost-efficient solutions.
 16. The business community will ensure that requests for information and assistance are accurate, well defined and courteous.
 17. The business community will use an escalation process that includes attempting resolution with the reviewer, supervisor and Department Director, if necessary, to resolve issues and accept that when a forum to appeal a denial or violation has made its timely decision, the decision is final and circumvention will not be considered.
 18. The business community will provide specific examples of when they believe their rights have been infringed upon when claiming an infraction.
 19. The business community will partner with the County to lobby the State to reduce mandates and rules that require or promote a rigid bureaucracy.
 20. The business community will publicly support County initiatives (large or small) that may reduce restrictions or promote job creation.

Amber Smith, Metropolitan Pima Alliance, and Michael Varney, Tucson Metropolitan Chamber of Commerce, spoke in support of the Joint Business Objectives.

Supervisor Carroll asked that the Joint Business Objectives be sent to other Chambers in the region such as the Green Valley/Sahuarita Chamber of Commerce, the Vail Chamber of Commerce, Small Business Commission, the GLBT Chamber of Commerce, TREO, and the Green Chamber.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to accept and endorse the Joint Business Objectives.

28. **FINANCE AND RISK MANAGEMENT**

RESOLUTION NO. 2012 - 117, of the Board of Supervisors of Pima County, Arizona, amending Resolution No. 2012-84, to increase the maximum principal amount of Certificates of Participation authorized by Resolution No. 2012-84.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to adopt Resolution No. 2012 - 117.

29. **FINANCE AND RISK MANAGEMENT: BOARD OF SUPERVISORS POLICY**

Staff recommends adoption of Board of Supervisors Policy, No. D22.10, Change in Classification of Owner's Primary Residence.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to adopt Board of Supervisors Policy, No. D22.10, Change in Classification of Owner's Primary Residence.

30. **CONTRACTS**

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

Arizona Department of Economic Security, to provide employment and training services, ADES-WIA Grant Fund, contract amount \$41,993.00 revenue/5 year term (CTN-CS-13000172)

B. **Facilities Management**

City of Tucson, to provide parking services in the El Presidio and Public Works Building garages, contract amount \$240,000.00 revenue (CTN-FM-13000167)

C. **Institutional Health**

Conmed, Inc., Amendment No. 7, to provide correctional health services, extend contract term to 6/30/13 and amend contractual language, no cost (CT-IH-12000397)

D. **Regional Wastewater Reclamation**

Pascua Yaqui Indian Tribe, Amendment No. 1, to provide interim sewer services and extend contract term to 1/31/13, no cost (CTN-WW-13000169)

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

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

A. **Board of Adjustment, District No. 4**

Reappointment of Jack Mann. Term expiration: 12/31/16. (District 4)

B. **Bond Advisory Committee**

Appointment of Michael Lund to replace Thomas Six. Term expiration: 12/31/18. (District 4)

C. **Community Action Agency Board**

Reappointment of Dianna Gonzales. Term expiration: 12/31/16. (District 4)

D. **Fair Horse Racing Commission**

Reappointment of Forrest Metz. Term expiration: 12/31/14. (District 4)

E. Historical Commission

Appointment of Mikki Niemi to replace Gerald Juliani; and reappointment of Albin Littell. Term expirations: 12/31/16. (District 4)

F. Housing Commission

Reappointment of Ray Clarke. Term expiration: 12/31/16. (District 4)

G. Neighborhood Reinvestment Oversight Committee

Reappointment of Corey Knox. Term expiration: 12/31/16. (District 4)

H. Public Safety Retirement Board

Appointment of Lt. Gary Anderson, elected representative, to replace Sgt. Brad Foust. Term expiration: 12/31/16. (Committee recommendation)

I. State Board of Equalization

Appointment of Shaun McClusky to replace Michael Ebert; and reappointment of Greg Geile. Term expirations: 12/31/16. (District 4)

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

32. CALL TO THE PUBLIC

The Chairman inquired whether anyone wished to be heard.

Mikki Niemi addressed the Board regarding the Broadway Boulevard RTA Extension Project and funding from the City of Tucson.

33. ADJOURNMENT

As there was no further business to come before the Board, the meeting was adjourned at 12:01 p.m.


CHAIRMAN

ATTEST:


CLERK